

**FIRST DAY - JANUARY 3, 2001**  
**LEGISLATIVE JOURNAL**  
**NINETY-SEVENTH LEGISLATURE**  
**FIRST SESSION**

**FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
 Wednesday, January 3, 2001

**PRAYER**

The prayer was offered by Rev. Harland Johnson, former Chaplain Coordinator, 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-Seventh Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 3, 2001, and was called to order by President Maurstad.

The roll was called and the following members were present:

Aguilar, Raymond	Erdman, Philip	Price, Marian L.
Baker, Thomas C.	Foley, Mike	Quandahl, Mark
Beutler, Chris	Hartnett, D. Paul	Raikes, Ronald E.
Bourne, Patrick J.	Hilgert, John	Redfield, Pam
Brashear, Kermit	Hudkins, Carol L.	Robak, Jennie
Bromm, Curt	Janssen, Ray	Schimek, DiAnna R.
Brown, Pam	Jensen, Jim	Schrock, Ed
Bruning, Jon C.	Jones, James E.	Smith, Adrian
Burling, Carroll	Kremer, Bob	Stuhr, Elaine
Byars, Dennis M.	Kristensen, Doug	Suttle, Deborah S.
Chambers, Ernie	Kruse, Lowen	Thompson, Nancy
Connealy, Matt	Landis, David M.	Tyson, Gene
Coordsen, George	Maxwell, Chip	Vrtiska, Floyd P.
Cudaback, Jim D.	McDonald, Richard N.	Wehrbein, Roger R.
Cunningham, Douglas D.	Pedersen, Dwite	Wickersham, Bob
Dierks, Merton L.	Pederson, Don	
Engel, L. Patrick	Preister, Don	



DISTRICT/NAME	ELECTED
1 Floyd P. Vrtiska	November 7, 2000
2 Roger R. Wehrbein	November 3, 1998
3 Jon C. Bruning	November 7, 2000
4 Kermit Brashear	November 3, 1998
5 Don Preister	November 7, 2000
6 Pam Brown	November 3, 1998
7 John Hilgert	November 7, 2000
8 Patrick J. Bourne	November 3, 1998
9 Chip Maxwell	November 7, 2000
10 Deborah S. Suttle	November 3, 1998
11 Ernie Chambers	November 7, 2000
12 Pam Redfield	November 3, 1998
13 Lowen Kruse	November 7, 2000
14 Nancy Thompson	November 3, 1998
15 Ray Janssen	November 7, 2000
16 Matt Connealy	November 3, 1998
17 L. Patrick Engel	November 7, 2000
18 Douglas D. Cunningham	November 7, 2000
19 Gene Tyson	November 7, 2000
20 Jim Jensen	November 3, 1998
21 Carol L. Hudkins	November 7, 2000
22 Jennie Robak	November 3, 1998
23 Curt Bromm	November 7, 2000
24 Elaine Stuhr	November 3, 1998
25 Ronald E. Raikes	November 7, 2000
26 Marian L. Price	November 3, 1998
27 DiAnna R. Schimek	November 7, 2000
28 Chris Beutler	November 3, 1998
29 Mike Foley	November 7, 2000
30 Dennis M. Byars	November 3, 1998
31 Mark Quandahl	November 7, 2000
32 George Coordsen	November 3, 1998
33 Carroll Burling	November 7, 2000
34 Bob Kremer	November 3, 1998
35 Raymond Aguilar	November 7, 2000
36 Jim D. Cudaback	November 3, 1998
37 Doug Kristensen	November 7, 2000
38 Ed Schrock	November 3, 1998
39 Dwite Pedersen	November 7, 2000
40 Merton L. Dierks	November 3, 1998
41 Richard N. McDonald	November 7, 2000
42 Don Pederson	November 3, 1998
43 James E. Jones	November 7, 2000
44 Thomas C. Baker	November 3, 1998
45 D. Paul Hartnett	November 7, 2000
46 David M. Landis	November 3, 1998
47 Philip Erdman	November 7, 2000
48 Adrian Smith	November 3, 1998
49 Bob Wickersham	November 7, 2000



**MOTION - Adopt Temporary Rules**

Senator Hudkins moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 3, 2001.

The motion prevailed.

**MOTION - Election of Officers**

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

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Lynne Haas

The motion prevailed.

**MOTION - Election of Speaker**

Senator Byars moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Kristensen placed his name in nomination.

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

The motion prevailed.

Senator Kristensen was duly elected Speaker of the Legislature.

**MOTION - Escort Chief Justice**

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

The motion prevailed.

The Chair appointed Senators Bourne, Erdman, Price, Suttle, and Vrtiska to serve on said Committee.

**OFFICERS' OATH OF OFFICE**

STATE OF NEBRASKA )  
) ss.  
LANCASTER COUNTY )

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

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

Doug Kristensen  
Patrick J. O'Donnell  
Richard K. Brown  
Lynne Haas

The Committee escorted the Chief Justice from the Chamber.

### **MOTION - Chairperson of Committee on Committees**

Senator Hartnett moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Senator Dw. Pedersen placed his name in nomination.

Senator Kristensen moved the nominations be closed and a unanimous vote be cast for Senator Dw. Pedersen.

The motion prevailed.

Senator Dw. Pedersen was duly elected Chairperson of the Committee on Committees.

### **MOTION - Committee on Committees Members**

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

The motion prevailed.

Senators Landis, Schimek, Kremer, and Price were nominated from District 1.

Senators Bourne, Hilgert, Jensen, and Preister were nominated from District 2.

Senators Coordsen, Kristensen, Cudaback, and Dierks were nominated from District 3.

Senator Dw. Pedersen moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Chairperson of Executive Board**

Senator Janssen moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Coordsen placed his name in nomination.

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

The motion prevailed.

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

**MOTION - Vice Chairperson of Executive Board**

Senator Jones moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Cudaback placed his name in nomination.

Senator Coordsen moved the nominations be closed and a unanimous vote be cast for Senator Cudaback.

The motion prevailed.

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

**MOTION - Executive Board Members**

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

The motion prevailed.

Senators Byars and Beutler were nominated from District 1.

Senators Suttle and Chambers were nominated from District 2.

Senators Jones and Engel were nominated from District 3.

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

The motion prevailed.

The Chair declared the nominees duly elected.

### **MOTION - Standing Committee Chairpersons**

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

The motion prevailed.

#### CHAIRPERSON - Agriculture

Senator Dierks placed his name in nomination.

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

The motion prevailed.

Senator Dierks was duly elected Chairperson of the Agriculture Committee.

#### CHAIRPERSON - Appropriations

Senator Wehrbein placed his name in nomination.

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

The motion prevailed.

Senator Wehrbein was duly elected Chairperson of the Appropriations Committee.

#### CHAIRPERSON - Banking, Commerce and Insurance

Senator Landis placed his name in nomination.

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

The motion prevailed.



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

CHAIRPERSON - Business and Labor

Senator Vrtiska placed his name in nomination.

Senator Connealy placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Tyson, Janssen, and Preister as tellers.

Senator Vrtiska	24
Senator Connealy	<u>25</u>
	49

Senator Connealy was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Stuhr placed her name in nomination.

Senator Raikes placed his name in nomination.

Senator Thompson placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Cudaback, Bourne, and Bromm as tellers.

Senator Stuhr	17
Senator Raikes	17
Senator Thompson	<u>15</u>
	49

The Chair announced a second ballot would be cast between Senator Stuhr and Senator Raikes.

The Chair appointed Senators Beutler, Kruse, and D. Pederson as tellers.

Senator Stuhr	19
Senator Raikes	<u>30</u>
	49

Senator Raikes was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Janssen placed his name in nomination.

Senator Coordsen moved the nominations be closed and a unanimous vote be cast for Senator Janssen.

The motion prevailed.

Senator Janssen was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Schimek placed her name in nomination.

Senator Tyson placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Kremer, Dw. Pedersen, and Smith as tellers.

Senator Schimek	30
Senator Tyson	<u>19</u>
	49

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

CHAIRPERSON - Health and Human Services

Senator Jensen placed his name in nomination.

Senator Coordsen moved the nominations be closed and a unanimous vote be cast for Senator Jensen.

The motion prevailed.

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

CHAIRPERSON - Judiciary

Senator Brashear placed his name in nomination.

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

The motion prevailed.

Senator Brashear was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Schrock placed his name in nomination.

Senator Coordsen moved the nominations be closed and a unanimous vote be cast for Senator Schrock.

The motion prevailed.

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

CHAIRPERSON - Nebraska Retirement Systems

Senator Bruning placed his name in nomination.

Senator Stuhr placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Wehrbein, Brashear, and Cunningham as tellers.

Senator Bruning	27
Senator Stuhr	<u>21</u>
	48

Senator Bruning was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Wickersham placed his name in nomination.

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

The motion prevailed.

Senator Wickersham was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Bromm placed his name in nomination.

Senator Coordsen moved the nominations be closed and a unanimous vote

be cast for Senator Bromm.

The motion prevailed.

Senator Bromm was duly elected Chairperson of the Transportation and Telecommunications Committee.

#### CHAIRPERSON - Urban Affairs

Senator Hartnett placed his name in nomination.

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

The motion prevailed.

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

#### **MOTION - Special and Select Committee Chairpersons**

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

The motion prevailed.

#### CHAIRPERSON - Intergovernmental Cooperation

Senator Aguilar placed his name in nomination.

Senator Coordsen moved the nominations be closed and a unanimous vote be cast for Senator Aguilar.

The motion prevailed.

Senator Aguilar was duly elected Chairperson of the Intergovernmental Cooperation Committee.

#### CHAIRPERSON - Rules

Senator Hudkins placed her name in nomination.

Senator Coordsen moved the nominations be closed and a unanimous vote be cast for Senator Hudkins.

The motion prevailed.

Senator Hudkins was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Smith nominated Senator Erdman.

Senator Coordsen moved the nominations be closed and a unanimous vote be cast for Senator Erdman.

The motion prevailed.

Senator Erdman was duly elected Chairperson of the Enrollment and Review Committee.

**MOTION - Election Returns**

Senator Wehrbein moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2000.

The motion prevailed.

The Chair appointed Senators Brown, D. Pederson, and Raikes to serve on said Committee.

The Committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

**REPORT FROM THE SECRETARY OF STATE**

January 3, 2001

Speaker of the Legislature  
Ninety-Seventh Legislature, First Session (Regular) 2001  
State Capitol  
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 7, 2000 for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, and Members of the State Board of Education which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 1998 as submitted to me for delivery to the Honorable Speaker of the Legislature.

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



**CERTIFICATE**

State of Nebraska

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

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of Constitutional Amendments proposed by the Legislature showing the number of votes cast for and against each at the Primary (Special) Election held on May 9, 2000 and Constitutional Amendments proposed by the Legislature and Initiatives Ordered by Petition of the People showing the number of votes cast for and against at the General Election held on November 7, 2000 is also attached.

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

Done at Lincoln this Eighth day of December in the year of our Lord, Two Thousand.

(SEAL) Scott Moore, Secretary of State

**Primary (Special) Election**

No. 1

A constitutional amendment to eliminate an English language requirement for private, denominational, and parochial schools.

For	68,234
Against	226,762

**General Election**

No. 1

A constitutional amendment to change the method of nominating and electing the Lieutenant Governor.

For	322,554
Against	299,849

No. 2

A constitutional amendment to state that the language in the Constitution shall be construed to be gender neutral and to direct the Secretary of State to

revise and reprint the Constitution to implement such construction.

For	257,932
Against	344,052

No. 3 Part A

A constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.

For	225,690
Against	365,793

No. 3 Part B

A constitutional amendment to identify the powers of initiative and referendum and to remove obsolete language.

For	388,402
Against	169,580

No. 3 Part C

A constitutional amendment to change filing requirements for initiative petitions.

For	212,383
Against	356,144

No. 4

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	316,008
Against	245,782

No. 5

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	449,656
Against	126,364

Initiative ordered by the Petition of the People Number 415: Shall the



Nebraska Constitution be amended to provide that no person shall be eligible to serve as a member of the Nebraska Legislature for four years after the expiration of two consecutive legislative terms?

For	355,030
Against	280,985

Initiative ordered by the Petition of the People Number 416: Shall the Nebraska Constitution be amended to provide that only marriage between a man and a woman shall be valid or recognized in Nebraska?

For	477,571
Against	203,667

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

The motion prevailed.

The Secretary of State was escorted from the Chamber.

#### **MOTION - Inaugural Ceremonies**

Senator Schimek moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 4, 2001, at 1:45 p.m.

The motion prevailed.

#### **ANNOUNCEMENT**

Senator Dw. Pedersen announced the Committee on Committees will meet at 3:00 p.m. in Room 1510.

#### **ADJOURNMENT**

At 12:10 p.m., on a motion by Senator Erdman, the Legislature adjourned until 10:00 a.m., Thursday, January 4, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SECOND DAY - JANUARY 4, 2001**  
**LEGISLATIVE JOURNAL**  
**NINETY-SEVENTH LEGISLATURE**  
**FIRST SESSION**  
**SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 4, 2001

**PRAYER**

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

**ROLL CALL**

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

The roll was called and all members were present except Senator McDonald who was excused; and Senators Beutler and Landis 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 4, 2001.

The motion prevailed.

**MESSAGES FROM THE GOVERNOR**

December 18, 2000

Mr. Scott Moore  
Secretary of State  
State Capitol Building - Room 2300  
Lincoln, Nebraska 68509

Dear Scott:

In response to your letter of resignation dated December 15, 2000, I hereby accept your resignation as Secretary of State effective December 18, 2000 at 5:00 pm.

On behalf of the citizens of Nebraska, I want to thank you for your many years of public service and wish you great success in your future endeavors.

Sincerely,  
(Signed) Mike Johanns  
Governor

cjc  
cc: Pat O'Donnell, Clerk of the Legislature

December 18, 2000

Mr. John Gale  
2217 Beverly Blvd.  
North Platte NE 69101

Dear John:

In response to the resignation of Scott Moore as Secretary of State and pursuant to Article IV Section 11 of the Nebraska Constitution, I hereby appoint you as Secretary of State effective December 18, 2000 at 5:01 pm.

Your willingness to serve the citizens of Nebraska in this important position is sincerely appreciated. I know you will do a great job.

Sincerely,  
(Signed) Mike Johanns  
Governor

cjc  
cc: Pat O'Donnell, Clerk of the Legislature

May 9, 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 State Emergency Response Commission:

APPOINTEE:

Oliver Stanley, 16318 Spring Cr, Omaha NE 68130

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

May 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 individuals have been appointed as members of the Coordinating Commission for Post-Secondary Education:

APPOINTEES:

Mary Lauritzen, 1097 Hwy 9, West Point NE 68788  
Phil Pankonin, 609 Sandhill Rd, Louisville NE 68037

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

May 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 Dry Bean Commission:

APPOINTEE:

Stephen Snyder, 205 W Charles Rd, Morrill NE 69358

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

May 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 individuals have been appointed as members of the Nebraska Healthcare Council:

APPOINTEES:

Daniel Worthing, 2703 Fontenelle Blvd, Omaha NE 68104  
Janice Thayer, 2307 Stagecoach Rd, Grand Island NE 68801  
Phil Hart, 409 W R, McCook NE 69001

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

May 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 State Emergency Response Commission:

APPOINTEE:

Darrell Eastin, 2115 Hoyt, Beatrice NE 68310

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

June 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 Arts Council:

APPOINTEE:  
Donna Woods, 128 N 13 #1007, Lincoln NE 68508

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

June 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 Commission for the Blind & Visually Impaired:

APPOINTEES:  
William Orester, Jr., 5416 S 31 St Ct, Lincoln NE 68516  
Barbara Walker, 2224 S 35, Lincoln NE 68506

Robert Burns, Jr., 15356 Page St, Omaha NE 68154  
Maya Samms, 900 Farnam #116, Omaha NE 68102  
Dorothy Westin-Yockey, 3801 G, South Sioux City NE 68776

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

June 26, 2000

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

Dear Mr. President, Speaker Kristensen and Senators:

Napoleon Agonor's name was not submitted in accordance with statute on April 3, 2000. Inasmuch as the legislature confirmed him, I wish to withdraw the appointment at this time. After receiving recommendations from Senator George Coordsen, Chairman of the Executive Board of the Legislative Council, a new name will be submitted for consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

MJ/vfp

July 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 Accountability & Disclosure Commission:

**APPOINTEE:**  
Napoleon P. Agonor, 11232 Erskine St, Omaha NE 68164



The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

August 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 Dry Bean Commission:

APPOINTEES:

Rodney Loose, 170478 County Rd, Mitchell NE 69357  
Jack Revelle, 3722 Rd 34, Gering NE 69341

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

August 18, 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 Rural Health Advisory Commission:

APPOINTEE:

Larry Eichelberger, 1346 H, Geneva NE 68361

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

August 18, 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 Child Abuse Prevention Fund Board:

APPOINTEE:

Michael C. Arnold, 1405 Cherry Tree Ln, Papillion NE 68133

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

August 18, 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 Ethanol Board:

APPOINTEE:

Charles J. "Tod" Broderson, 2405 W 11, Hastings NE 68901

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns

Governor

vfp/  
Attachment

August 18, 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 Climate Assessment Response Committee:

APPOINTEE:

Donald Wilhite, 5815 Woodstock Ave, Lincoln NE 68512

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

August 18, 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 Crime Victims Reparation Committee:

APPOINTEES:

Charles Brewster, 1711 W 41<sup>st</sup> St, Kearney NE 68847

\*William Brueggemann, 809 1<sup>st</sup> Ave, Plattsmouth NE 68048

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

August 18, 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 State Board of Parole:

APPOINTEE:  
Robert L. Boozer, 1258 S 163<sup>rd</sup> Ave, Omaha NE 68130

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

August 23, 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 Nebraska Arts Council:

APPOINTEES:  
Nancy Schwertley, 1214 Fieldcrest Dr, Norfolk NE 68701  
Janet Korell, 602 Norris Ave, McCook NE 69001  
Fred Simon, 442 S 82, Omaha NE 68144  
\*Terry Ferguson, 6435 Prairie Ave, Omaha NE 68132  
\*Louise Bahr, 2717 S August, Grand Island NE 68801

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

August 23, 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:  
Warren Arganbright, P O Box 67, Valentine NE 69201

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

August 23, 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 Director of Finance & Support, HHSS:

APPOINTEE:  
Stephen B. Curtiss, P O Box 95026, Lincoln NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns

Governor

vfp/  
Attachment

September 21, 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 Board of Emergency Medical Services:

## APPOINTEES:

Val Snyder, 25 Toluca La, Gering NE 69341  
Michael Miriovsky, 5120 Deerwood Cr, Lincoln NE 68516  
\*Doak Doolittle, 1135 McMillan St, Holdrege NE 68949

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governorvfp/  
Attachment  
\*Reappointment

September 21, 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 Electrical Board:

## APPOINTEES:

Sterling Johnson, 1809 6<sup>th</sup> St, Columbus NE 68601  
Ted Stutheit, 10840 Cromwell Dr, Lincoln NE 68516

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

September 21, 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 State Personnel Board:

APPOINTEE:

Brian Tessman, 1715 Boyce, Hastings NE 68901

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

September 21, 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 Board of Health:

APPOINTEES:

\*Andrea Nelson, 2430 S Canterbury La, Lincoln NE 68512

\*Gary Bieganski, 513 Elizabeth La, McCook NE 69001

\*Steve Wooden, 1145 South F, Broken Bow NE 68822

\*Charles Ihle, 21 Red Fox La, Kearney NE 68847

Robert Sandstrom, 13619 Arbor St, Omaha NE 68144

Leslie Spry, 7520 N Hampton, Lincoln NE 68506

Linda Heiden, 74384 438 Rd, Bertrand NE 68927

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

October 23, 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:  
Alice L. Dalton, 7075 Iowa St, Omaha NE 68152

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

October 23, 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 Educational Lands & Funds:

APPOINTEE:  
Charles A. Ward, P O Box 426, Valentine NE 69201



The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

October 23, 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 Emergency Response Commission:

APPOINTEES:

- \*Harlan Schafer, 1413 7<sup>th</sup> St, Aurora NE 68818
- \*Keith Mueller, Box 141, Spalding NE 68665
- \*Steven Danon, 17609 Renfro St, Omaha NE 68135

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointments

October 23, 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 Rural Health Advisory Commission:

APPOINTEES:

\*Michael Sitorius, 8115 Jackson, Omaha NE 68114

\*Marcia Freer, 1424 Ivy, Crete NE 68333

\*Donald Frey, 22412 Schram Rd, Gretna NE 68028

\*Todd Stuckey, 5315 S 53, Lincoln NE 68516

\*Janet Fletcher, R R 1 Box 8J, O'Neill NE 68763

William Welch, 1025 6<sup>th</sup> St, Fairbury NE 68352

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/

Attachment

\*Reappointments

November 8, 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 Military Director:

APPOINTEE:

Roger Lempke, 2501 N 74, Lincoln NE 68507

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/

Attachment

November 27, 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:

Joel Cerny, 2411 Road 45, Linwood NE 68036

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

December 10, 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 Investment Council:

APPOINTEE:

Kenneth Green, 220283 E 42 St, Scottsbluff NE 69361

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

December 10, 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 Climate Assessment Response Committee:

APPOINTEE:

John Erickson, 1308 Washington, Lincoln NE 68502  
Roger Lempke, 2501 N 74, Lincoln NE 68507

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

December 10, 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 Ethanol Board:

APPOINTEE:  
Mark McColley, 13505 B Street, Omaha NE 68144

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

December 10, 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 Board of Trustees of the Nebraska State Colleges:

APPOINTEES:

Larry Teahon, 930 Morehead St, Chadron NE 69337  
Richard Halbert, 2204 Stone St, Falls City NE 68355

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

January 2, 2001

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 Boiler Safety Code Advisory Board:

APPOINTEES:

\*Allan Spary, 1619 Zola Ct, Grand Island NE 68803  
\*James Marvin, 1258 S 164, Omaha NE 68130  
Dale Starr, 1017 I, Fairbury NE 68352  
Martin Kasl, 5320 Madalyn Rd, Lincoln NE 68516

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

January 2, 2001

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:

\*Julia Moeller, 1003 N Burlington, Hastings NE 68901

Chief Justice William Hastings, 1544 S 58, Lincoln NE 68506

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

January 2, 2001

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:

Dan Hakel, 760 E Willow St, West Point NE 68788

Earl Rudolph, 15423 S 99, Papillion NE 68046

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

January 2, 2001

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 Game & Parks Commission:

APPOINTEE:

James Stuart, Jr., 2425 Ridge Rd, Lincoln NE 68512

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

**ATTORNEY GENERAL'S OPINIONS**

Opinion #00025

DATE: May 10, 2000  
SUBJECT: LB 1029; Pre-emption by OSHA Standards  
REQUESTED BY: Senator Jim Jensen  
Nebraska State Legislature  
WRITTEN BY: Don Stenberg, Attorney General  
Lynn A. Melson, Assistant Attorney General

You have requested an opinion from this office regarding LB 1029 and the possible pre-emption of the bill's provisions by the Occupational Safety and Health Act (OSH Act or Act) and standard promulgated thereunder. LB 1029 is a bill which would require the Department of Health and Human Services Regulation and Licensure to appoint an advisory committee for health worker safety, to adopt regulations concerning "the use of work practices and technologies that minimize the risk of needle-stick injury to health care workers," and to maintain a list of medical devices that comply with the requirements of the regulations. The bill would also require certain licensed institutions and facilities to adopt work practices and technologies in compliance with the regulations, to develop a written exposure control plan

and to maintain a "needle-stick injury log." You note that state laws which regulate occupational safety and health may be pre-empted to the extent a federal standard has been promulgated and you ask whether the requirements of LB 1029 would be pre-empted by OSHA standards. Our response to your request is set forth below.

The stated purpose of the Occupational Safety and Health Act of 1970 is to assure, so far as possible, every worker safe and healthful working conditions. 29 U.S.C. § 651 *et seq.* The Secretary of Labor is authorized to promulgate mandatory occupational safety and health standards. 29 U.S.C. § 655. The Secretary did, in fact, promulgate a rule on occupational exposure to bloodborne pathogens in 1991. 29 C.F.R. § 1910.1030. The rule is designed to protect health care workers from viruses, including those causing Hepatitis B and AIDS, that can be transmitted in the blood of patients.

The OSH Act specifically addresses state jurisdiction over occupational safety or health issues. 29 U.S.C. § 667 provides that (a) "[N]othing . . . shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 655 of this title" and (b) a "State which, at any time, desires to assume responsibility for development enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated . . . shall submit a State plan for the development of such standards and their enforcement." The Secretary must formally approve any State plan which is submitted. While a number of states regulate workplace safety under plans approved by the Secretary of Labor, to our knowledge, no Nebraska plans have been submitted or approved as provided for in 29 U.S.C. § 667.

The pre-emptive effect of the OSH Act, and the regulations promulgated thereunder, has been considered in numerous cases involving a variety of state and local statutes, regulations, or ordinances. In the 1992 *Gade* decision, the United States Supreme Court addressed federal pre-emption of state law pursuant to the OSH Act and it is this opinion which answers your questions most fully. *Gade v. National Solid Waste Management Ass'n*, 112 S. Ct. 2374 (1992). In *Gade*, a trade association brought a declaratory judgment action to enjoin a state agency from enforcing the Illinois licensing acts concerning the training of workers who handle hazardous wastes. The Court found that federal standards had been promulgated with regard to the health and safety protection of employees engaged in hazardous waste operations and that the Illinois licensing acts were, thus, pre-empted by the OSH Act to the extent they established occupational safety and health standards for training those who work with hazardous waste. The Court found that the Act "as a whole evidences Congress' intent to avoid subjecting workers and employers to duplicative regulation; a State may develop an occupational safety and health program tailored to its own needs, but only if it is willing completely to displace the applicable federal regulations." *Id.* at 2384. Further, state laws regulating the same issue as federal laws are not permitted "even if they merely supplement the federal standard." *Id.* at 2384. As the



Court further explained, even nonconflicting state laws are pre-empted if a federal standard is in place because "[T]o allow a State selectively to 'supplement' certain federal regulations with ostensibly nonconflicting standards would be inconsistent with this federal scheme of establishing uniform federal standards, on the one hand, and encouraging States to assume full responsibility for development and enforcement of their own OSH programs, on the other." *Id.* at 2385. "The OHS Act does not foreclose a State from enacting its own laws to advance the goal of worker safety, but it does restrict the ways in which it can do so. If a State wishes to regulate an issue of worker safety for which a federal standard is in effect, its only option is to obtain the prior approval of the Secretary of Labor, as described in section 18 of the Act." *Id.* at 2386.

The OSH Act defines an "occupational safety and health standard" as a "standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment." 29 U.S.C. § 652 (8). The federal rule on exposure to bloodborne pathogens includes engineering controls, work practice controls, requirements for personal protective equipment, requirements for housekeeping, reporting requirements, and provisions for medical care. The work practice controls include standards of care in handling contaminated sharp instruments, such as needles, and the requirements for housekeeping include the disposal of contaminated waste. 29 C.F.R. § 1910.1030.

To the extent LB 1029 requires the Department of Health and Human Services Regulation and Licensure to adopt rules and regulations requiring the use of work practices and technologies to minimize the risk of needle-stick injury to health care workers, including regulations as to training, use of technology, use of work practices and recording of information concerning exposure to needle-stick injuries, the regulations to be promulgated appear to cover the same subject matter as the federal standard which is in effect. In our view, to the extent that the state regulations cover the same subject matter, the regulations to be promulgated by the state agency would be pre-empted by existing federal standards and would, therefore, be found unenforceable. This would be true even if the State regulations were more stringent than the federal standards or intended to supplement the federal standards.

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

cc: Patrick J. O'Donnell  
Clerk of the Legislature  
09-41-11.op

Opinion #00029

DATE: June 1, 2000

SUBJECT: Constitutionality of LB 1432 - "Agricultural Suppliers Lease Protection Act"

REQUESTED BY: John A. Hilgert, Nebraska State Senator

WRITTEN BY: Don Stenberg, Attorney General  
William R. Barger, Assistant Attorney General

We have received your request for an opinion on several questions. Your questions center on the constitutionality of LB 1432, termed the "Agricultural Suppliers Lease Protection Act" (hereinafter "the Act"). As of April 11, 2000, an interim study of LB 1432's impact is being conducted, pursuant to LR 498. Your six questions focus on whether LB 1432's requirements upon the parties holding railroad lands are constitutional. You ask whether the requirements of the Act constitute a taking of private property, impair the obligation of contracts, or are inconsistent with Nebraska's constitutional equal protection requirements and special legislation requirements. Lastly, you inquire whether LB 1432 imposes burdens upon interstate commerce or otherwise conflicts with the Constitution of the State of Nebraska. We will examine each of these contentions in order.

As background, LB 1432 intends to maintain reasonable access to rail service for continued agricultural prosperity, hence it protects agribusiness leaseholders' investments in improvements adjacent to railroad tracks by requiring a lease dispute resolution system. LB 1432 § 2. An "agricultural tenant" is any grain warehouse, chemical distributor, or other agricultural input provider with improvements on railroad land. LB 1432 § 3. Railroad land means land owned by a railroad upon which a leasing tenant occupies improvements. LB 1432 § 3(4). The Act requires the parties with interests in railroad land to negotiate controversies on lease terms, to provide notice of lease changes, to submit to the Department of Agriculture's administrative review any unresolved controversy, and to split the costs of such administrative resolution. LB 1432 § 4. Additionally, railroad land holders must give the agricultural tenant a right of first refusal upon a new lease, and the holder must negotiate with the tenant whether compensation is required for fixtures left there. The parties' inability to agree upon a value results in the value being determined by the Department of Agriculture (hereinafter "the Department"). LB 1432 § 5. A former tenant must be reimbursed for the fair market value (hereinafter "FMV") of any improvements left upon railroad land, after the landlord terminates the lease without cause to terminate. LB 1432 § 5(1). Leases already entered into are not effected by this Act, unless they are materially modified after enactment of LB 1432. LB 1432 § 6.

**I. TAKING OF PRIVATE PROPERTY**

Your first question asks whether LB 1432 constitutes a taking of private property. Government actions may not take property without due process of law under U.S. Const. Amendments. 5 & 14, nor without compensating the former owners for the taking and damages therefrom under Neb. Const. art. 1, § 21. *Nebraska Public Service Com'n v. Nebraska Public Power Dist.*, 590 N.W.2d 840, 848, 256 Neb. 479, 489 (1999); *Whitehead Oil Co. v. City of Lincoln*, 515 N.W.2d 401, 408, 245 Neb. 680, 689, 690 (1994). These requirements apply when the government improperly exercises its police power through land-use regulations or zoning. *Id.* Additionally, a taking can result from a regulatory scheme or a permanent physical occupation of property. *Bargmann v. State, Dept. of Roads*, 600 N.W.2d 797, 804-805, 257 Neb. 766, 774-775 (1999).

Do the requirements upon tenants and holders of railroad land under LB 1432 effect a taking? LB 1432's effects upon "agricultural tenants", as defined in LB 1432 § 3(1), are not likely to be challenged by tenants as a land-use regulation or other form of taking, since LB 1432 would work to reduce any losses the tenant might be susceptible to in transactions with a holder of railroad land. Any challenge of LB 1432 as taking property rights would likely be from a holder of railroad land. The State is not engaging in eminent domain under LB 1432. The possibility of a physical occupation by the State is eliminated, so only a regulatory taking is possible under LB 1432.

Does LB 1432, by regulating the contractual relationship between the tenant and holder of railroad land, take or otherwise damage property rights of the holder of railroad land? Under LB 1432 § 4, the parties may voluntarily resolve lease controversies, and if unable to resolve their differences, the parties will have the Department resolve them administratively. This includes determining the FMV of the parties' property. Further, LB 1432 § 5 requires compensation to a tenant from a holder for any property value of improvements lost by the tenant, if the lease was terminated without cause by the holder. The FMV is again determined by the Department. These Department resolutions have the procedural safeguards of the Administrative Procedures Act built in, with the right to judicial review. LB 1432 § 4(3). These requirements upon holders of railroad land are the sections most likely to be challenged as a taking.

Since a holder of railroad land is most likely to challenge LB 1432, then the holder must show that the effect of LB 1432 upon the values of property located on railroad land rises to a taking under the U.S. Constitution, or damages the holder of the land under the Nebraska Constitution. Inverse condemnation by the State is what the holder must show. "Inverse condemnation is a shorthand description for a landowner suit to recover just compensation for a governmental taking of the landowner's property without the benefit of condemnation proceedings." *Strom v. City of Oakland*, 538 N.W.2d 311, 316 255 Neb. 210, 217 (1998) (citations omitted). But prior to determining if the Act's requirements cause a taking, the court must determine if the holder has any property right that can be taken. A determination of the

holder's personal or real property rights is precedent to reach the takings question.

Estates in land are real property which may be subject to a government taking, while personal property is not subject to a taking. Therefore, the question becomes, is the lease contract between a holder and lessee an estate in land which is real property, or a contract, which is personal property? Personal property is defined as "any movable or intangible thing that is subject to ownership and not classified as real estate." *BLACK'S LAW DICTIONARY* 1233 (7<sup>th</sup> ed. 1999). Real estate is defined to include all lands, tenements, hereditaments and chattels real for conveyancing purposes. Neb. Rev. Stat. §76-201. In that context, the Nebraska Supreme Court has provided guidance in determining whether a lease is an estate in land, subject to a taking, or a contract, which is not subject to a taking:

The question as to whether or not a leasehold for a term of ninety-nine years is real estate is discussed at length . . . and while it is true that for purposes of conveyancing a lease of more than one year is termed real estate and may be referred to as real estate in a highly technical sense, still it cannot be said that a lease for more than one year is real estate in the common acceptance of the term . . . . Therefore, the 99-year leasehold is not real estate, but personal property under Nebraska law . . . .

*In re Estate of Smatlan*, 501, N.W.2d 718, 721, 722, 1 Neb. App. 295, 300 (1992)(citations omitted). See also, *Ballantyne Co. v. City of Omaha*, 113 N.W.2d 486, 494, 173 Neb. 229, 242 (1962) (Stating removal and relocation expenses are not included in condemnation awards for a leasehold); *Phillips Petroleum Co. v. City of Omaha*, 106 N.W.2d 727, 171 Neb. 457 (1960) (Ruling contract rights in an unexercised option to purchase real estate are not compensable in a condemnation action, since a contract is not an estate in land). Since LB 1432 focuses upon contractual equities, and not on real estate conveyancing requirements, it is unlikely the lease requirements of LB 1432 would effect an estate in land. A court would likely find leases under LB 1432 are personal property, and not subject to a takings claim. It should be noted, LB 1432 § 4(1) refers to lessees, licensees, and owners in the same context. We believe that the court would treat lessees, licensees and owners similarly. A holder could not claim a taking with any of these contracts.

Even if a holder were able to convince a court that leases are an estate in land, and subject to a takings challenge, then the holder must prove the Act's requirements upon the real property rise to a taking. LB 1432 § 5(1) requires that a former agricultural tenant be reimbursed for the FMV of any improvements left upon railroad land, after the holder terminated the lease without cause to terminate. A holder could claim that this section of the Act is an inverse condemnation of railroad land, and that the holder of such land be paid for a denial of its use of its land and for damages to its property. *Whitehead Oil Co.*, 515 N.W.2d at 408, 245 Neb. at 689, 690. The litigating holder of railroad land must show that the Act's reimbursement requirement to former tenants is a taking. Specifically, the holder must prove the Act's "land-

use regulation" in § 5(1) denies the holder economically viable use of its land, and the Act fails to substantially advance any legitimate state interest. "Land-use regulation does not effect a taking if it 'substantially advances legitimate state interests and does not deny an owner economically viable use of his land.'" *Whitehead Oil Co.*, 515 N.W.2d at 408, 245 Neb. at 689, quoting *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 834, 107 S.Ct. 3141, 3147, 65 L. Ed. 2d 106 (1980). "[L]and-use regulations which substantially advance legitimate state interests do not effect a taking merely because the regulation caused a diminution in property value alone." *Strom v. City of Oakland*, 538 N.W.2d at 318, 255 Neb. at 220. The court has described some of the factors used to determine if a regulation rises to a taking, such as the extent to which the regulation has interfered with distinctive investment-backed expectations. *Whitehead Oil Co.*, 515 N.W.2d at 408, 245 Neb. at 689, 690. The court further states:

A taking may more readily be found when the interference can be characterized as a physical invasion by government than when interference arises from some public program adjusting the benefits and burdens of economic life to promote the common good.

*Whitehead Oil*, 515 N.W.2d at 408, 245 Neb. at 689, quoting *Penn Central Transp. Co. v. New York City*, 438 U.S. 104, 98 S.Ct. 2646, 57 L. Ed. 2d 631 (1978)(citations omitted).

The state's interest in promoting investment by agricultural tenants and maintaining access to rail service by reimbursing agricultural tenants for their lost investment in fixtures left on railroad land are legitimate state interests, which help override any takings claim the holder might make. LB 1432 § 2. Such a result would be consistent with the equitable principle that a landlord should not be enriched by property the tenant cannot practicably remove from the land upon lease termination. It's unlikely the holder could prove LB 1432's requirements rise to a taking under the U.S. Constitution.

The holder may still attempt to claim damages from the "land-use regulation" of LB 1432 under Neb. Const. art. 1, §21. While actual damages have been granted under the Nebraska Constitution when eminent domain diminishes the value of private property, the Nebraska Supreme Court refuses to give damages to parties who cannot prove a regulatory taking under the U.S. or Nebraska Constitutions. As the Court notes:

Notwithstanding the difference between the federal and state constitutions, this court has analyzed the state constitutional issue of whether there has been a regulatory taking or damage for a public use by treating federal constitutional case law and our state constitutional case law as coterminous.

*Strom*, 538 N.W.2d at 316, 255 Neb. at 216. Since this is a regulatory takings claim, and not a claim of physical invasion of property, the holder of railroad land probably couldn't collect damages under the Nebraska Constitution without showing a taking under the U.S. Constitution.

In sum, the parties most likely to challenge the Act as a taking are holders of railroad land. Since the Act generally applies to contractual rights between holders of railroad land and licensees, owners and lease tenants, it effects only personal property, and would be exempt from a takings challenge. If the Act's effect upon leases were construed to be an estate in land, it is still likely the Act would withstand a Constitutional challenge claiming taking of property by government regulation. The Act's legitimate state interests would likely outweigh any harms to property values, plus the Act does not deprive the holder of economically viable use of the holder's land.

## II. IMPAIRMENT OF THE RIGHT OF CONTRACT

Your second question focuses upon the impairment of the parties' contract by the requirements of LB 1432. There are two avenues of challenging the validity of a statute as impairing the right to contract. "Article I, § 10 of the [U.S.] Constitution provides: 'No State shall . . . pass any . . . Law impairing the Obligation of Contracts.'" *General Motors Corp. v. Romein*, 112 S. Ct. 1105, 1109, 503 U.S. 181, \_\_\_ L. Ed. 2 \_\_\_ (1999)(citations omitted). The Nebraska Supreme Court has stated " . . . Article I, § 16, Constitution of Nebraska forbids and makes ineffective any 'law impairing the obligation of contract' ". *State Bd. of Educational Lands and Funds v. Haberman*, 214 N.W.2d 266, 268, 191 Neb. 127, 129 (1974). In both cases the effect is that the "legislature is powerless to pass law impairing the obligation of contracts". *State ex rel. City Water Co. v. City of Kearney*, 68 N.W. 533, 49 Neb. 325 (1896).

LB 1432, as stated, places requirements upon the agricultural tenant and holder of railroad land. LB 1432 §§ 4 & 5. These requirements include the possible resolution of controversies between the parties by the Department, the reimbursement of expenses to the Department for its costs in forming a resolution, the right of first refusal by the current tenant upon lease expiration, and the compensation of former agricultural tenants for the fair market value of abandoned fixtures upon railroad land. LB 1432 §§ 4(3), 4(4) & 5(1). These requirements would affect every new contract entered into by agricultural tenants and holders of railroad land. LB 1432 § 6. LB 1432 would not effect contracts which were being executed at the bill's enactment, except as described below. This avoids most potential impairment problems, as " . . . [a] statute may not operate retroactively where it would impair the obligation of a contract or interfere with a vested right." *State Bd. of Educational Lands and Funds v. Haberman*, 214 N.W.2d 266, 268, 191 Neb. 127, 139 (1974).

The only potential problem that may arise would be with the application of LB 1432 § 6 to existing contracts which are being modified. In particular, the act states it applies to " . . . any renewal or extension of such lease on any different terms or conditions or any material modifications of any such lease effected on or after the effective date of this act." LB 1432 § 6. This requirement applies to executory leases, and might be challenged by holders of railroad land as retroactive application of the Act. A modified lease would have different terms and conditions from the original, as would a renewed

lease. Both require the parties mutual assent to be executed. "Mutual assent by the parties is required to modify a contract that substantially changes the liabilities of the parties." *Solar Motors, Inc. v. First Nat. Bank of Chadron*, 545 N.W.2d 714, 721, 149 Neb. 758, 768 (1996). However, this would not be a "new" lease contract under the Act, since no new consideration is necessary. "[A] written executory contract may be modified by the parties thereto at any time after its execution and before a breach has occurred, without any new consideration . . ." *Rees v. Huffman*, 384 N.W.2d 631, 635, 222 Neb. 493, 498 (1986). A modified lease must be sufficiently different from the original lease to show the Act is not being applied to it retroactively.

In a modified lease, the parties would be presumed to know the law when bargaining for modification, including the requirements of LB 1432. However, a party could still challenge LB 1432 for impairing the modified contract. A litigant would have the burden of showing the statute impairs the modified lease. In contract impairment analysis "[g]enerally, we first ask whether the change in state law has 'operated as a substantial impairment of a contractual relationship.'" *General Motors Corp. v. Romein*, 112 S. Ct. at 1109, 503 U.S. at 186. In particular, the plaintiff must satisfy three elements, that ". . . there is a contractual relationship, whether a change in law impairs that contractual relationship, and whether the impairment is substantial." *Id.* It would be difficult for a litigant to show all three components. For instance, it is not clear how either party would be harmed by having disputes settled by the Department, after the parties themselves had an opportunity to negotiate a resolution. Nor would it appear harmful to require any potential tenant to pay fair market value for a railroad land lease. A court would base its impairment analysis upon relevant factors, including ". . . whether the impairment disrupts the parties' settled expectations, and whether the parties reasonably relied on the impaired right . . ." *Koster v. City of Davenport, Iowa*, 183 F.3d 762, 767 (8<sup>th</sup> Cir. 1999)(citations omitted). LB 1432 § 5(1) requires that any agricultural tenant which has its lease terminated without cause be reimbursed by the holder of railroad land for the FMV of fixtures on the land. This section is most susceptible to an impairment challenge. But the litigant must convince a court the holder of railroad land based his contract upon an expectation that the holder would retain valuable fixtures, if the tenant's lease was terminated early, for reasons other than contractual breach, and the tenant would not be compensated for the value of these fixtures. Such a result would be inequitable. Courts have stated ". . . [P]rivate contract rights must yield to the public welfare, where the latter is appropriately declared and defined, and the two conflict, has been often decided by this court." *Placek v. Edstrom*, 37 N.W.2d 203, 208, 151 Neb. 225, 233 (1949), quoting *Union Dry Goods Co. v. Georgia Public Service Corp.*, 248 U.S. 372, 39 S.Ct. 117, 118, 63 L. Ed. 309. The stated interest of protecting an agricultural tenant's investments on railroad land would further the goals of promoting investment and prosperity in agriculture. LB 1432 § 2. The Act's provisions don't clearly cause an impairment of contracts, and would likely survive such a challenge.

### III. EQUAL PROTECTION

Your third question is whether LB 1432 is inconsistent with Nebraska's Constitutional Equal Protection Requirements. Until recently, Nebraska has not had the same language in its Constitution as is contained in the United States Constitution Article 14. Neb. Const. art. I, § 3 contains the requirement that: "No person shall be deprived of life, liberty or property, without due process of law, nor be denied equal protection of the laws." This change came from Amendment One being approved by voters in 1998. See *Amendment One: The Nebraska Equal Protection Clause*, 32 Creighton Law Review 611, 612 (1998). Prior to the passage of the amendment to the Nebraska Constitution, other sections acted to provide equal protection rights. *Kuchar v. Krings*, 540 N.W.2d 582, 586, 248 Neb. 995, 1000 (1995) (using the federal Equal Protection Clause and Neb. Const. art. III, § 18 in the same equal protection analysis.) Prior to the amendments passage, the court has stated "The Nebraska Constitution and U.S. Constitution have identical requirements for equal protection challenges." *DeCoste v. City of Wahoo*, 583 N.W.2d 595, 601, 255 Neb. 266, 274 (1998). Since the amendments passage, the court has not taken an opportunity to determine if the test has changed for equal protection under the Nebraska Constitution. See *State v. Reeves*, 258 Neb. 511, 520, 604 N.W.2d 151, 156 (2000). Hence, the analysis here is the same for both the U.S. and State Constitutions.

Does LB 1432, by requiring holders of railroad land to submit to lease reviews, and provide payment to tenants in certain early lease terminations, violate these holder's rights to equal protection of the law? A litigating holder of railroad land has the burden of showing the unconstitutionality of LB 1432. *Pick v. Nelson*, 528 N.W.2d 309, 318, 247 Neb. 487, 498 (1995). To show a violation of equal protection, holders of railroad land must be treated differently from similarly situated persons. *DeCoste*, 583 N.W.2d at 601, 255 Neb. at 274. LB 1432 applies its requirements to holders of railroad land with agricultural tenants upon the land. LB 1432 §§ 3, 4 & 5. It does not apply to tenants who are not "agricultural tenants". LB 1432 § 3(1). Holders of railroad land with agricultural tenants are treated differently than their counterparts without agricultural tenants, causing a classification to occur. Once dissimilar treatment has occurred, the inquiry shifts to consider whether the ordinance at issue can survive judicial scrutiny. *DeCoste*, 583 N.W.2d at 601, 255 Neb. at 275. Holders of railroad land with agricultural tenants are not members of a suspect class, nor is there a fundamental right implicated herein. Since this Act implicates only economic factors, and not a suspect class nor fundamental right, then the court will ask only "whether a rational relationship exists between a legitimate interest and the means selected . . . to accomplish that end." *Id.*

LB 1432 must have a rational relationship to some legitimate interest for it to avoid violating the equal protection clause. This act creates a dissimilarity between holders of railroad land contracts with agricultural tenants and non-agricultural tenants. The act's objective in imposing additional requirements upon contracts with agricultural tenants is to further prosperity of agriculture in Nebraska and to maintain its access to rail service. LB 1432 § 2. Further, the Act finds agribusiness leaseholders at a disadvantage in lease negotiations



because of their dependency upon rail access next to their businesses structures and improvements. *Id.* The Act's stated purpose is to establish a system for fair resolution of lease disputes between parties, and to guard against unreasonable lease renewal terms and unjust lease terminations. The Act's effect would require negotiation in lease terms between holders of railroad land and their agricultural tenants, followed by an administrative resolution upon written notice, if negotiations fail. LB 1432 § 4. The holders would have to offer a right of first refusal upon any lease to the former agricultural tenant, and reimburse the former agricultural tenant if a lease is terminated early without cause. LB 1432 § 5. These actions would appear to fulfill the stated purposes of the Act. Further, the Legislature could rationally determine Nebraska's dependence upon agriculture, and the need for agricultural tenants, justifies requirements that protect the tenants' investments in fixtures upon railroad land. "The Equal Protection Clause does not require the Legislature to eliminate all evils in order to legislate against some." *Schindler v. Department of Motor Vehicles*, 593 N.W.2d 295, 298, 256 Neb. 782, 786 (1999). The rational relationship between the objectives of the Act and its methods means the Act would likely survive a challenge of its constitutionality on equal protection grounds.

#### IV. SPECIAL LEGISLATION

Your fourth question in your request is whether LB 1432 is inconsistent with Nebraska's Special Legislation Requirements. Our State Constitution has limitations upon special legislation in Neb. Const. art. III, § 18, which include a prohibition on local or special laws which ". . . grant to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever." This section was interpreted to include the same protections as the federal equal protection clause. U.S.C.A. Const. art. 14. "The Nebraska Constitution and the U.S. Constitution have identical requirements from equal protection challenges." *Pick v. Nelson*, 528 N.W.2d 309, 318, 247 Neb. 487, 498 (1995) citing *Robotham v. State*, 488 N.W.2d 533, 539, 241 Neb. 379, 385. *Robotham* described the test under Neb. Const. art. III, § 18: "In an equal protection challenge Neb. Const. art. III, § 18 'classifications that do not involve a suspect class or fundamental right are tested for rational basis' ". *Id.* The recent enactment of the amended Neb. Const. art. I, § 3 now contains an explicit "equal protection clause" which mirrors the United States Constitution.

With the above in mind, the analysis of LB 1432's constitutionality under the Nebraska Constitution's Special Legislation clause would use the same tests as the above equal protection analysis. The state Supreme Court has reiterated this fact. In *DeCoste v. City of Wahoo*, the court again stated: "The Nebraska Constitution and the U.S. Constitution have identical requirements from equal protection challenges." *DeCoste*, 583 N.W.2d at 601, 255 Neb. at 274. In August 1998, after the amendments to Neb. Const. art. I, § 3 had passed, *DeCoste* was decided. The same conclusion as was reached above must be reached here. LB 1432 would likely survive a constitutional challenge on special legislation grounds.

## V. INTERSTATE COMMERCE CLAUSE

Your fifth question asks whether LB 1432 would impose a burden upon interstate commerce. The dormant commerce clause is a portion of U.S. Const. art. I, § 8, cl. 3 which prevents state and local governments from impeding the free flow of goods from one state to another. *Houlton Citizens' Coalition v. Town of Houlton*, 175 F.3d 178, 184 (1<sup>st</sup> Cir. 1999). "In evaluating whether a challenged state regulation impermissibly infringes upon interstate commerce, a court must first determine whether the regulation even affects interstate commerce." *United Waste Systems of Iowa, Inc. v. Wilson*, 189 F.3d 762, 765 (8<sup>th</sup> Cir. 1999). If LB 1432 discriminated upon interstate commerce directly, then it would be ". . . per se invalid, save in a narrow class of cases in which the state can demonstrate, under rigorous scrutiny, that it has no other means to advance a legitimate local interest." *Id* at 767. Since LB 1432 does not distinguish between Nebraska tenants or lessors and out-of-state tenants or lessors, it is not explicitly discriminatory. Its impact is likely incidental.

Next, it must be determined if LB 1432 has an indirect impact upon interstate commerce. The test that is used in this case states:

"[W]here the statute regulates evenhandedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits... "

*CenTra, Inc. v. Chandler Ins. Co., Ltd.*, 540 N.W.2d 318, 332, 248 Neb. 844, 864 (1995), citing *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142, 90 S.Ct. 844, 847, 25 L. Ed. 174 (1970).

LB 1432's objectives, stated above, indicate a desire to maintain agricultural access to rail service, by alleviating agricultural tenant's disadvantage in lease negotiations, which arises from their dependency upon rail access next to their businesses' structures and improvements. LB 1432 § 1. These benefits must outweigh the burden upon interstate commerce. LB 1432 affects entities which hold parcels of land in Nebraska. Its regulations effect the transactions between the landlord and tenant upon those parcels. The lease contracts and licenses upon that land, and the possible reimbursement of former tenants, are both requirements particular to Nebraska realty and improvements on that realty. The only effects upon out-of-state entities would be for contractual acts on their Nebraska real estate. By regulating acts tied directly to Nebraska realty, it is difficult to imagine a law with less impact upon interstate commerce which could effect the same objectives. Courts recognize the difficulty in creating a law that has no interstate impact. "Because even 'local' activities displace the movement of goods, services, funds and people, almost every state and local law-indeed almost every private transaction-affects interstate commerce." *National Paint & Coatings v. City of Chicago*, 45 F.2d 1124, 1131 (7<sup>th</sup> Cir. 1995). The slight burdens LB 1432 would have on out-of-state

landlords and tenants must outweigh the benefits it provides to show a violation of the commerce clause.

LB 1432 does not effect items which might move out-of-state, such as vehicles or trains. The holders of railroad land will not have their tracks or trains regulated by this Act in any way. The tenants upon railroad land interest in fixtures, by its very nature, is exclusively local. It is possible the out-of-state holders of railroad land would argue that monetary costs in reimbursing former tenants causes them to raise costs of rent to future tenants, turning away some future out-of-state tenants, and limiting the holder's income. This contention has been rejected in several other cases, however. In *United Waste Systems*, the 8<sup>th</sup> Circuit court rejected arguments that a law could cause possible loss of future business, resulting in fewer purchases of interstate goods, and was an unreasonable burden upon interstate commerce. *United Waste Systems of Iowa, Inc.* at 766-767. In *Houlton Citizens' Coalition*, the 1<sup>st</sup> Circuit court found a city's ordinance which awarded an exclusive waste contract to any bidder not unduly burdensome upon interstate commerce, regardless of the contract going to an in-state or out-of-state party. The out-of-state party's claim of potentially lost business was rejected. *Houlton Citizens' Coalition v. Town of Houlton*, 175 F.3d at 188-189. The U.S. Supreme Court found that Kansas regulations upon local producers of natural gas from a Kansas gas field, although connected to federally regulated interstate gas pipelines, were valid, being within Kansas' correlative rights to control producers of Kansas' natural gas. *Northwest Pipeline v. Kansas Corp. Comm.*, 489 U.S. 493, 524, 109 S.Ct. 1262, 103 L. Ed. 2d 509 (1989). The court's allowance of a local regulation on Kansas gas producers in an interstate system, as opposed to a prohibited regulation of interstate purchasers in the same gas system, is analogous to LB 1432's regulation upon owners and tenants of Nebraska railroad land, rather than regulation of transportation of products from these owners and tenants. *Id.* The putative benefits of maintaining access for agricultural goods by protecting the investments of agricultural tenants would outweigh the slight burdens upon out-of-state holders of railroad land in contract requirements. The Act should survive a commerce clause challenge.

## VI. OTHER CONSTITUTIONAL ISSUES

Your last question inquires into whether any other aspects of LB 1432 conflict with the Nebraska Constitution. There are two possible areas of concern that appear.

The first area of concern is whether LB 1432 is effected by federal preemption of laws effecting railroad transportation. State law is preempted if it conflicts with federal law, by virtue of the U.S. Constitution. U.S. Const. art. VI, cl. 2. From our review of the Surface Transportation Board's jurisdiction, which regulates railroad tracks, it appears that LB 1432 does not clearly effect the federal statutory scheme. 49 U.S.C.A. § 10501. LB 1432 is likely not preempted by federal law.

The second possible area of concern is the meaning of some terms in LB 1432. It could be argued that it is not apparent what the term "agricultural tenant" encompasses. LB 1432 §3(1). The limitation in §3 (1) upon "the sale or distribution of . . . other products used or useful in the production of agricultural crops and livestock . . ." is quite broad.

When a legislative enactment is challenged on vagueness grounds, the issue is whether the two requirements of procedural due process are met: (1) adequate notice to citizens and (2) adequate standards to prevent arbitrary enforcement. In other words, due process requires that an enactment supply (1) a person of ordinary intelligence a reasonable opportunity to know what is prohibited and (2) explicit standards for those who apply it."

*Ponderosa Ridge LLC v. Banner County*, 554 N.W.2d 151, 159, 250 Neb. 944, 955 (1996). It is possible that sales of products "used or useful" in agriculture could include oil, fuel, lumber, concrete, vehicles and numerous other items. LB 1432 §3(1). Further legislative definition or administrative interpretation by the Department of Agriculture may be desirable.

## CONCLUSION

LB 1432 requires that holders of railroad land perform certain contractual duties with their licensees, fixture owners and tenants upon railroad land, if those parties fit the description of an "agricultural tenant". These duties include possible submittal of controversies upon leases between the holder of railroad land and the agricultural tenant to the Nebraska Department of Agriculture for resolution. Agricultural tenants are to have right of first refusal upon new leases, and holders of railroad land may have to reimburse prior tenants for the value of fixtures left upon railroad land after early termination of a lease, if terminated without cause by the land holder.

These restrictions are likely not a constitutional taking, since the requirements focus upon contract rights, not estates in land. Even if construed to effect estates in land, not just contract rights, the Act's land use regulation would still not rise to a taking. The adjustment of contractual rights between landlords and tenants by the Act does not amount to a physical invasion by the State, the latter being a taking. Second, LB 1432 would effect new transactions between railroad land holders and agricultural tenants, and not apply to former contracts, unless they are modified. If contracts are modified, a litigant alleging that the Act impairs the contract would have difficulty showing they were harmed by mandatory lease negotiations after their own voluntary negotiations failed. Further, it would be difficult to show harm when land holders were required to pay former tenants the FMV of fixtures retained. Third, the mentioned requirements upon holders of railroad land would be a dissimilar treatment from railroad land holders without agricultural tenants, requiring an equal protection analysis. However, it is very likely the legitimate objectives of LB 1432 bear a rational relationship to the requirements upon holders of railroad land. The same analysis applies both for equal protection and special legislation requirements. A violation of the interstate commerce

clause requirements appears unlikely, since LB 1432's perceived benefits would likely outweigh any burden upon interstate commerce it might have. Its effect on interstate commerce is slight and negligible. Preemption of LB 1432 by federal statute is unlikely.

Sincerely,  
DON STENBERG  
Attorney General  
(Signed) William R. Barger  
Assistant Attorney General

pc: Patrick J. O'Donnell  
Clerk of the Legislature  
14-186-11

Opinion #00031

DATE: July 14, 2000

SUBJECT: Constitutionality of various requirements of the federal Workforce Investment Act of 1998, Public Law 105-220 (Aug. 7, 1998), 29 U.S.C. § 2801, et seq. under the Nebraska Constitution.

REQUESTED BY: Fernando Lecuona, III  
Nebraska Commissioner of Labor

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

You have been designated by the Governor as the Workforce Development Liaison for implementation of the federal Workforce Investment Act of 1998, Public Law 105-220 (Aug. 7, 1998), 29 U.S.C. § 2801, et seq. (the "WIA"), in Nebraska. The WIA deals generally with the distribution of federal funds for youth and adult employment and training activities in the various states. You have now posed a number of questions to us concerning the constitutionality of requirements of the WIA under provisions of the Nebraska Constitution. Our responses to your questions are set out below.

**FEDERAL STATUTES**

We will first set out several portions of the two sections of the WIA which are the subject of your opinion request to us.

29 U.S.C. § 2821 or Subtitle B, Chapter 1, § 111 of the WIA provides, in pertinent part:

(a) **In general**

The Governor of a State shall establish a State workforce investment board to assist in the development of the State plan described in section 2822 of this title and to carry out the other functions described in subsection (d).

**(b) Membership**

**(1) In general**

The State Board shall include -

- (A) the Governor;
- (B) 2 members of each chamber of the State legislature, appointed by the appropriate presiding officers of each such chamber; and
- (C) representatives appointed by the Governor, who are -
  - (i) representatives of business in the State, who -
    - (I) are owners of businesses, chief executives or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority, including members of local boards described in section 2832(b)(2)(A)(I) of this title;
    - (II) represent businesses with employment opportunities that reflect the employment opportunities of the State; and
    - (III) are appointed from among individuals nominated by State business organizations and business trade associations;
  - \* \* \* \* \*
  - (iii) representatives of labor organizations, who have been nominated by State labor federations;
  - (iv) representatives of individuals and organizations that have experience with respect to youth activities;
  - \* \* \* \* \*

29 U.S.C. § 2822, or Subtitle B, Chapter 1, § 112 of the Act provides, in pertinent part:

**(a) In general**

For a State to be eligible to receive an allotment under section 2852 or 2862 of this title, or to receive financial assistance under the Wagner-Peyser Act (29 U.S.C.A. § 49 ET SEQ.), the Governor of the State shall

submit to the Secretary for consideration by the Secretary, a single State plan (referred to in this chapter as the "State Plan") that outlines a 5-year strategy for the statewide workforce investment system of the state and that meets the requirements of section 2821 of this title and this section.

### STATE CONSTITUTIONAL PROVISIONS

Your opinion request also involves the following portions of the Nebraska Constitution.

Art. II, § 1 of the Nebraska Constitution provides:

The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

Art. III, § 9 of the Nebraska Constitution provides:

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.

Art. IV, § 10 of the Nebraska Constitution provides, as is pertinent:

The Governor shall appoint with the approval of a majority of the Legislature, all persons whose offices are established by the Constitution, or which may be created by law, and whose appointment is not otherwise by law or herein provided for; and no such person shall be appointed or elected by the Legislature.

### ANALYSIS

You have posed seven separate questions regarding the WIA to us. We will consider each of those questions in the order in which you presented them to us.

**Question No. 1. "Are members of the Nebraska Legislature prohibited by Article II, § 1; Article III, § 9; or Article IV, § 10 of the Constitution of the State of Nebraska from serving in their capacity as a member of the Nebraska Legislature and as a board member of a SWIB [State Workforce Investment Board] which performs the duties set forth in Public Law 1-5-220, Subtitle B, Chapter 1, §§ 111 and 112?"**

Your first question to us references three provisions of the Nebraska Constitution. We will discuss each constitutional provision separately.

A. Art. II, § 1 - Distribution of Governmental Powers

Art. II, § 1 of the Nebraska Constitution is the State's distribution of powers clause. Its purpose is to establish the permanent framework of our system of government, to assign to the three departments of government--the legislative, executive and judicial--their respective powers and duties, and to establish certain fixed principles upon which our government is to be conducted. *State ex rel. Stenberg v. Murphy*, 247 Neb. 358, 527 N.W.2d 185 (1995). In its institutional aspect, it prohibits one branch of government from encroaching on the duties and prerogatives of the others, or from improperly delegating its own duties and prerogatives. *State ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991). In its personnel or individual aspect, it prevents certain persons from serving in two branches of government concurrently. *Id.* In the *Conway* case, the Nebraska Supreme Court set out the following rule with respect to the individual aspect of art. II, § 1:

. . . article II prohibits one who exercises the power of one branch - that is, an officer in the broader sense of the word - from being a member - that is, either an officer or an employee - of another branch.

238 Neb. at 782, 472 N.W. 2d at 412.

We believe there is at least some initial question as to whether art. II, § 1 even applies to service on a state workforce investment board (SWIB), if it is a board created solely under federal statute. Under art. II, § 1, the powers of *state government* are divided into three distinct departments. *State v. Bainbridge*, 249 Neb. 260, 543 N.W.2d 154 (1996); *State v. Jones*, 248 Neb. 117, 532 N.W.2d 293 (1995); *State v. Phillips*, 246 Neb. 610, 521 N.W.2d 913 (1994). However, in the absence of any Nebraska law creating a SWIB, a SWIB in Nebraska is arguably a federal agency created under the requirements of federal statutes to assist in implementation of the WIA. Under such an analysis, it appears possible to argue that service on a federally created SWIB does not involve any individual in service in the Executive branch of *state government* in Nebraska. At the present time, there are no Nebraska statutes which create a SWIB. However, the Governor signed Executive Order No. 99-04 on December 6, 1999. That executive order creates a SWIB in Nebraska, and its provisions generally track those of the federal statutes cited above, except that members of the Legislature are not presently included as members of the Nebraska SWIB. We assume that your initial question pertaining to art. II, § 1 is directed to us to determine, in part, if members of the Legislature can serve on a Nebraska SWIB created under both federal and state law. Therefore, we will continue with our analysis of your question under art. II, § 1. Subsequent references to the SWIB refer both to the SWIB required by federal statute and the SWIB contemplated by Executive Order No. 99-04.



Members of the Nebraska Legislature are obviously officers of the Legislative department of state government. As a result, under the *Conway* formulation of the requirements of art. II, § 1 set out above, they can be neither an officer nor an employee of another department of state government. We do not believe that members of the Legislature would be employees of state government as a result of membership on the SWIB. Consequently, we must determine if members of the SWIB would be officers of state government, as that term is legally defined, by their service on that board.

The Nebraska Supreme Court has indicated that an office is "a public station or employment, conferred by the appointment of government; and embraces the ideas of tenure, duration, emolument and duties." *State ex rel. O'Connor v. Tusa*, 130 Neb. 528, 535-536, 265 N.W.2d 534, 528 (1936). With respect to the authority of public officers, the Court stated in the *Conway* case. "[i]t may be said that the almost universal rule is that, in order to indicate office, the duties must partake in some degree of the sovereign powers of the state." 238 Neb. at 771, 772, 472 N.W.2d at 407. As a result, a public office is "a governmental position, the duties of which invest the incumbent with some aspect of the sovereign power." *Id.*

In the present instance, the federal statutes at issue and Executive Order No. 99-04 create a SWIB with specified duties. However, there is no term of office for membership on the SWIB, and members will not be paid for their service. More importantly, it appears to us that the duties of the SWIB are simply to advise the Governor in the creation of the State Plan required under the WIA. Under 29 U.S.C. § 2821 (d), the SWIB is to "assist" the Governor in development of the State Plan which the Governor, and not the SWIB, must submit to the federal Secretary of Labor. Also, under 29 U.S.C. § 2822 (b)(1) the State Plan must show how the Governor "collaborated" with the SWIB in development of the plan. Under Executive Order No. 99-04, the Nebraska SWIB will also "assist" the Governor in development of Nebraska's State Plan, and "make recommendations" as to the use of various federal funds. Since the duties of the SWIB are advisory only, we do not believe that members of the SWIB exercise sovereign powers of the Executive Department of state government, and as a result, members of the SWIB are not officers in the Executive Department of state government. For that reason, we believe that members of the Legislature may permissibly serve on the SWIB under art. II, § 1 of the Nebraska Constitution.<sup>1</sup> We have reached similar conclusions with respect to other advisory bodies which included members of multiple branches of state government. Op. Att'y Gen. No. 99012 (March 17, 1999) (Child Support Commission created to make recommendations to the Legislature and Supreme Court could include members from multiple branches of government); Op. Att'y Gen. No. 93008

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<sup>1</sup> We emphasize here that our conclusion is based upon our understanding that the duties of the SWIB are advisory only. Any attempt to give the SWIB independent powers with respect to the WIA could create constitutional difficulties.

(February 17, 1993) (Functional teams created to make recommendations under the State Government Assessment System could include members from all branches of state government); Op. Att'y Gen. No. 92076 (May 29, 1992) (advisory nature of Youth Services Planning Commission allowed members of the Judicial department to sit on body making recommendations to Legislature and Governor); Op. Att'y Gen. No. 92073 (May 22, 1992) (Advisory Nature of Judicial Resources Commission allowed judges to sit on body making recommendations to the Legislature).

B. Article III, § 9 - Multiple Office Holding by Members of the Legislature

Art. III, § 9 of the Nebraska Constitution prohibits members of the Nebraska Legislature from simultaneously holding office under authority of the United States or other lucrative office under authority of this state while serving in the Legislature. It also prohibits members of the Legislature from receiving any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session. As discussed at length above, we do not believe that members of a Nebraska SWIB would be "officers" of the state or the United States as that term is legally defined, and therefore, we do not believe that members of a Nebraska SWIB would hold an "office." For that reason, members of the Nebraska Legislature could serve on the SWIB under the provisions of art. III, § 9.

C. Article IV, § 10 -- Governor's Appointment Power

Article IV, § 10 of the Nebraska Constitution provides that the Governor shall make appointments of persons whose offices are created by law, and no such person shall be appointed or elected by the Legislature. Therefore, that constitutional provision prohibits legislative appointments of officers whose offices are created by law. *Wittler v. Baumgartner*, 180 Neb. 446, 144 N.W.2d 62 (1966). In the present instance, the presiding officer of the Legislature would make appointments of legislative members of the SWIB under the requirements of the WIA, and this would seem to implicate art. IV, § 10. However, for the reasons set out above, we believe that persons who serve on a Nebraska SWIB would not be officers under law. As a result, members of the Legislature could be appointed to the SWIB in the manner prescribed by the WIA without contravening art. IV, § 10 of the Nebraska Constitution.

**Question No. 2. "Would the answer to question #1 change if the members of the Nebraska Legislature serving on the SWIB are non-voting members of the board?"**

Our answers to Question No. 1 are based upon the advisory nature of the SWIB, and upon the notion that members of the SWIB would not be federal or state "officers" by reason of their service on that board. As a result, whether members of the Nebraska Legislature were voting or non-voting members of the SWIB would not change those conclusions.

**Question No. 3 "The United States Department of Labor has suggested that if members of the Nebraska Legislature are constitutionally prohibited from serving on the Nebraska SWIB, they would consider the appointment of employees of the Legislature as an acceptable alternative to appointment of members of the Legislature. . . . If the appointment of members of the Legislature is impermissible under either Article II, § 1; Article III, § 9; or Article IV, § 10 of the Constitution of the State of Nebraska, would the appointment of employees of the Legislature in lieu of members of the Legislature be constitutionally permissible under Article II, § 1; Article III, § 9; or Article IV, § 10 of the Constitution of the State of Nebraska?"**

Since we have concluded that members of the Nebraska Legislature may constitutionally serve on a Nebraska SWIB, there is no need for us to reach this question.

**Question No. 4. "The WIA contemplates appointments of members of "two chambers of the State Legislature" to the SWIB. Nebraska has adopted a Unicameral system and does not have a second chamber of the its (sic) state Legislature. If members of the Nebraska Legislature can serve as members of Nebraska's SWIB, is the proper number of appointees two or four?"**

At the outset, we would suggest that this question is more properly addressed to federal officials since the actual statutes at issue are federal statutes, and the apparent purpose of Nebraska's participation in WIA programs is to obtain federal funds. Consequently, it seems to us that federal officials and their counsel should be the final arbiters of what the federal government will require for membership on a state SWIB in order for that state to participate in the federal program. Nevertheless, the starting point in the interpretation of federal statutes is always the plain language of the statute itself, and that is where statutory interpretation begins. *United States v. Hanousek*, 176 F.3d 1116 (9<sup>th</sup> Cir. 1999); *Planned Parenthood of Mid-Missouri and Eastern Kansas, Inc. v. Demsey*, 167 F.3d 458 (8<sup>th</sup> Cir. 1999). 29 U.S.C. § 2821 (b)(1) provides that a SWIB shall include "2 members of *each* chamber of the State legislature" (emphasis added). It seems to us that the use of the word "each" in that statute necessarily requires that "every" chamber or "any" chamber of a state legislature will receive two appointees to a SWIB. *See* BLACK'S LAW DICTIONARY 455 (5<sup>th</sup> ed. 1979). Since Nebraska has only one chamber of the Legislature in its unicameral system, two members of the Nebraska Legislature should be appointed to the Nebraska SWIB.

**Question No. 5. "Does the appointment of members of the State Legislature to the SWIB under § 111(b)(1)(B) by a presiding officer or officers of the Legislature conflict with Article IV, § 10, of the Nebraska Constitution?"**

Again, art. IV, § 10 of the Nebraska Constitution prohibits legislative appointments, and the Nebraska Legislature may not appoint or elect any person whose office is established by the Constitution or created by law. However, as discussed at length above, members of a SWIB are not, in our view, "officers" as that term is legally defined, and we do not believe that members of a SWIB hold "offices." Therefore, it does not appear to us that art. IV, § 10 prohibits the appointments at issue, because the Legislature, in making appointments of its members to a SWIB, will not appoint a person to an "office" established under law.

**Question No. 6. "Does the limitation of the field of potential appointees to representatives nominated by certain groups under § 111 (b)(1)(C)(i) and § 111 (b)(1)(C)(iii) of the WIA conflict with Article IV, § 10, of the Nebraska Constitution?"**

In *Wittler v. Baumgartner*, 180 Neb. 446, 144 N.W.2d 62 (1966), the Nebraska Supreme Court held that a statute providing that the Board of Directors for a public electric corporation would be selected from members residing in nine regions violated art. IV, § 10 of the Nebraska Constitution when five of those regions contained only one person qualified to receive the appointment. The court reasoned that a statute which limited the appointment of officials by the Governor to a certain unnamed individual or to a limited few constituted an indirect legislative appointment and an encroachment by the Legislature upon the appointment powers of the Governor in contravention of art. IV § 10. The portions of the federal statutes referenced in your final question require the Governor to appoint SWIB members who are representatives of business in this State from nominations by state business organizations, and SWIB members who are representatives of labor organizations from nominations by state labor federations. We assume that your final question grows out of those statutory limits on the nomination process, and constitutional concerns implicated by the *Baumgartner* decision.

We do not believe generally that the statutory provisions at issue so limit the Governor's appointment options as to clearly violate the *Baumgartner* rule. However, more importantly, that issue is resolved by our discussion above. We do not believe that members of a SWIB are "officers" as that term is legally defined, and therefore, we do not believe that members of a SWIB hold "offices." Since art. IV, § 10 is limited by its own terms to appointments of persons to "offices," that section does not apply to the appointments to the SWIB which are issue.

**Question No. 7. "Do the requirements of § 111 (b)(1)(B), § 111(b)(1)(C)(i) and § 111 (b)(1)(C)(iii) of the WIA in any way preempt any provisions of the Nebraska Constitution?"**

Article VI, Paragraph 2 of the United States Constitution, the Supremacy Clause, dictates that state law, including a state's constitution, is superceded or preempted to the extent that it conflicts with federal law. *In re Application of Burlington Northern Railroad Co.*, 249 Neb. 821, 545 N.W.2d 749 (1996). Federal law which conflicts with state law controls over state law, including a state's constitution. *Mapco v. State Board of Equalization*, 238 Neb. 565, 471 N.W.2d 734 (1991). For the reasons discussed above, we do not believe that the requirements of the WIA conflict with the Nebraska Constitution. Consequently, we need not reach your final question concerning federal preemption.

Sincerely yours,  
Don Stenberg  
Attorney General  
(Signed) Dale A. Comer  
Assistant Attorney General

05-190-10.16

Opinion #00038

DATE: November 9, 2000

SUBJECT: Medical Oxygen

REQUESTED BY: Senator Jim Jensen, Chair  
Health and Human Services Committee  
Nebraska State Legislature

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

OPINION REQUEST:

You requested our opinion on the following questions:

- Question 1. Is a prescription or medical order required prior to dispensing or administering medical oxygen?
- Question 2. Is someone who dispenses medical oxygen engaged in the "practice of pharmacy?"

Your opinion request also refers to LB 797 and Health and Human Services Committee amendments, which were indefinitely postponed at the end of the 2000 legislative session. Your request mentions the committee amendments permitted the establishment of "delegated dispensing agreements, purportedly to allow for the dispensing of medical oxygen by someone other than a pharmacist pursuant to such agreement."

CONCLUSIONS:

Answer to Question 1. A prescription or medical order is required prior to dispensing or administering medical oxygen to the ultimate patient user in nonemergency situations under federal Food and Drug Administration rules and policy guidelines.

Answer to Question 2. Generally, one who "dispenses" medical oxygen is engaged in the "practice of pharmacy" with the understanding that "dispensing" contemplates the person is filling a medical order or prescription for medical oxygen for a patient.

### ANALYSIS:

"Medical oxygen" is not defined by Nebraska statute. Neb. Rev. Stat. § 71-1,142(25) (Cum. Supp. 2000) of the pharmacy practice statutes of Nebraska's Uniform Licensing Law defines a "prescription drug" to mean:

. . . (a) a drug which under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements: (i) Caution: Federal law prohibits the dispensing without prescription; or (ii) Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian or (b) a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by medical practitioners only. (Emphasis added.)

Thus, Section 71-1,142(25) requires reference to the federal drug regulation framework and federal law to determine if "medical oxygen" is a prescription drug for purposes of Nebraska's pharmacy statutes.

In 1972, the Food and Drug Administration ("FDA") published a proposed policy statement on oxygen (hereafter "Proposed Statement of Policy"). 37 FR 5504 (February 29, 1972). The Proposed Statement of Policy addressed labeling requirements for compressed oxygen containers with distinctions for oxygen used for environmental, industrial, aircraft, medical, and medical emergency purposes. The Proposed Statement of Policy noted developments in the use of oxygen containers which prompted the FDA "to clarify labeling of devices intended to deliver oxygen for drug use." The Proposed Statement of Policy stated that the FDA had long "expressed the opinion that in light of the general use of medicinal gases such articles should be regarded as prescription drugs and, therefore, should be labeled with the prescription legend." The FDA's 1972 Proposed Statement of Policy was never adopted.

In 1986, the Compressed Gas Association submitted Citizens Petition #87P-0167/CP1 to the FDA requesting a final agency policy ruling on the status, distribution, and labeling of emergency oxygen. Eventually, the FDA Deputy Commissioner for Policy issued a policy statement in September, 1996, which stated in part as follows:

Although it later withdrew this proposal, FDA still considers the 1972 Proposed Statement of Policy, as modified herein, to be its policy with respect . . . to the status of medical oxygen. Accordingly, FDA's policy continues to be . . . labeling as set forth in the 1972 Proposed Statement of Policy (including the warning statement), with the indications for use as follows:

For emergency use only when administered by properly trained personnel for oxygen deficiency and resuscitation. For all other medical applications, Caution: Federal law prohibits dispensing without prescription. (Emphasis added. See, previously emphasized language of Neb. Rev. Stat. § 71-1,142(25) defining a prescription drug.)

The next FDA action of significance was a 1994 FDA proposed rule published in the Federal Register. The proposed rule included the following statement:

Questions have also been raised about the applicability of PDMA [Prescription Drug Marketing Act of 1987] to the drug oxygen, U.S.P. (U.S. Pharmacopeia). FDA advises that oxygen, U.S.P., is a prescription drug subject to section 503(b) of the act [Federal Food, Drug, and Cosmetic Act], and, therefore, within the scope of PDMA and these proposed regulations. 59 FR 11842 at 11844 (March 14, 1994).

More than five years later, on December 3, 1999, FDA issued its final rule which states, in part, as follows:

In the March 1994 proposal (59 FR 11842 at 11844), the agency clarified that oxygen, USP (United States Pharmacopeia), is a prescription drug subject to section 503(b) of the act and, therefore, within the scope of PDMA [Prescription Drug Marketing Act of 1987] and the proposed regulations. Since the publication of the March 1994 proposal, questions have been raised about the applicability of PDMA to medical gases generally.

FDA advises that all medical gases (i.e., oxygen, USP; . . . and medical air, USP) are prescription drugs within the scope of PDMA and the State licensing guideline final rule. [Emphasis added. Final rule applicable to wholesale distributors of medical gases, including medical oxygen, with exception "for those entities that exclusively distribute medical gases to patients under a valid prescription."]

Nebraska's statutory method of incorporating the federal system's prescription drug classification for Nebraska's pharmacy practice laws results in the conclusion that medical oxygen is a prescription drug requiring a prescription or medical order prior to dispensing or administering to the ultimate patient user, in nonemergency situations, under FDA rules and policy guidelines.

Your second question, whether someone is "practicing pharmacy" by "dispensing" medical oxygen, involves a review of applicable pharmacy practice statutes and exceptions.

The "practice of pharmacy" is defined by Neb. Rev. Stat. § 71-1,142(2) to include "the . . . dispensing . . . of drugs . . ." "Drugs" are defined by Neb. Rev. Stat. § 71-1,142(19) to include "prescription drugs." Thus, the general answer to your second question is that a person who "dispenses" medical oxygen is practicing pharmacy. However, further explanation is needed because of the statutory terms of art applicable to pharmacy and because of the statutory exceptions to the practice of pharmacy.

The words "dispense or dispensing" are defined by Neb. Rev. Stat. § 71-1,142(11) to mean "the preparation and delivery of a drug . . . pursuant to a lawful order of a medical practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the drug or device." One who "dispenses" medical oxygen is necessarily doing so pursuant to a medical order or prescription for use by or on a particular patient.

It is important to mention that the word "dispense" is not synonymous with "distribute" or "administration." Neb. Rev. Stat. § 71-1,142(12) defines "distribute" to be "delivery of a drug . . . other than by administering or dispensing." Neb. Rev. Stat. § 71-1,142(2) defines "administration" to be "direct application of a drug . . . by injection, inhalation, ingestion, or other means to the body of a patient."

You are referred to Neb. Rev. Stat. § 71-1,143, which contains exceptions to the practice of pharmacy, including exceptions for medical practitioners, advanced practice registered nurses, and others engaged in conduct as further defined by the statute. Pharmacy technicians also may perform tasks involving the practice of pharmacy under statutory guidelines set out by Neb. Rev. Sec. § 71-1,147.33.

The final subject of your opinion request refers to the concept of pharmacy "delegated dispensing agreements" provided for by the Health and Human Services Committee amendments to LB 797. The pharmacist's role in the medication-use process is primarily that of a dispenser of medication to a patient pursuant to medical orders or a prescription. Nebraska has enacted more recent requirements for patient counseling and drug therapy review prior to dispensing. Neb. Rev. Stat. § 71-1,147.35.

The "delegated dispensing agreement" provisions of the HHS Committee amendments to LB 797 are broadly drafted to allow others to "perform certain dispensing functions authorized by the pharmacist or pharmacists." Section 106 of AM 2173 to LB 797. Section 159 of the HHS Committee amendments exempts from the practice of pharmacy "persons authorized to dispense drugs or devices pursuant to a delegated dispensing agreement." The concept of delegated dispensing agreements woven into the HHS Committee amendments are clearly broader than allowing only dispensing of medical oxygen by



someone other than a pharmacist. Whether the legislature desires to grant pharmacists such broad delegation dispensing authority and adopt such a broad approach to address a limited issue is a legislative policy matter.

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

31-1452-13

Opinion #00042

DATE: December 1, 2000

SUBJECT: Federal Rural Economic Development Loan And Grant Program; Constitutionality Of The Use Of Zero-interest Loans By Public Power Districts For Rural Economic Development Under Art. XIII, § 3 Of The Nebraska Constitution.

REQUESTED BY: Senator Jim Jones  
Nebraska State Legislature

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

The federal "cushion of credit payments program," set out at 7 U.S.C. § 940c and 7 CFR, Subpart B, §§ 1703.10 through 1703.68, is a federal program whereby Rural Electrification Act borrowers can obtain federal loans and grants for rural economic development purposes. In your opinion request letter, you describe the program as follows:

The substance of the federal statutory and regulatory provisions are that "cushion of credit" funds may be used for rural economic development and job creation projects; that the funds are to be made available to Rural Utilities Service (RUS) borrowers as defined, and that in regard to zero interest loans, reasonable repayment terms should be established. Under this Rural Economic Development Loan and Grant (REDLG) program, federal funds could be loaned to an eligible RUS borrower like a public power district which would make a "pass-through" loan to another entity that will own or undertake a private development project using the proceeds of the loan. One of the requirements of the REDGL program is that the RUS borrower is required to obtain a letter of credit from a financial institution satisfactory to RUS to honor a draft drawn on the RUS borrower, should such borrower fail to

pay on the loan obtained from RUS.

(Citations omitted).

Neb. Rev. Stat. § 70-625 (Cum. Supp. 1998) allows the board of directors of a public power district in Nebraska to apply for and use funds available from federal agencies for grants or loans to promote economic development and job creation projects in rural areas under the rules and regulations of the federal agency from which the funds are received. In addition, Neb. Rev. Stat. § 70-625.01 (Cum. Supp. 1998) contains a number of findings by the Legislature including: 1. rural areas in the state are experiencing declines in economic activity and outmigration of residents, 2. rural economic development efforts can increase the productivity of economic resources and quality of life of rural residents, 3. funds may be available from federal agencies for economic development and job creation projects, 4. public power districts operating in rural areas are uniquely situated to know and understand the need to promote economic development and job creation projects in their service areas, and 5. it is the public policy of this state to allow public power districts to promote economic development and job creation projects in rural areas through programs administered by federal agencies such as the Rural Economic Development Loan and Grant program.

Sections 70-625 and 70-625.01 clearly authorize public power districts in Nebraska to participate in the cushion of credit and Rural Economic Development Loan and Grant programs. However, officials with the United States Department of Agriculture (USDA) have apparently taken the position that Nebraska's public power districts are disqualified from the use of federal funds for zero-interest loans under those programs on the basis of art. XIII, § 3 of the Nebraska Constitution which prohibits lending the credit of the state and the use of public funds for a private purpose.<sup>1</sup> You indicate that you have been advised that the position of the USDA may confuse the extension of the credit of the state with the use of funds provided by the state. You also indicate that you have been advised that it is for the Legislature to determine in the first instance what is and what is not a public purpose. Therefore, you have posed two questions to us to enable you to determine whether it is necessary for you to introduce corrective legislation or a proposed constitutional amendment during the next session of the Legislature. We will consider each of your questions in turn.

## ANALYSIS

### **Question No. 1. If the USDA is correct in their interpretation of our constitution with regard to the**

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<sup>1</sup> The Rural Utilities Service (RUS), the agency which administers the cushion of credit and Rural Economic Development Loan and Grant programs, is an agency of the United States Department of Agriculture.

**way the REDLG program is currently structured, but would agree to provide the cushion of credit funds to a power district, with the power district agreeing to repay its own loan but not guaranteeing the performance of the ultimate recipient of the loan funds, would such arrangement violate Article XIII, Section 3 without an amendment to such constitutional provision?**

Art. XIII, § 3 of the Nebraska Constitution provides that "[t]he credit of the state shall never be given or loaned in aid of any individual, association, or corporation . . . ." The purpose of that section is to prevent the state or any of its political subdivisions from extending the state's credit to private enterprise. *Callan v. Balka*, 248 Neb. 469, 536 N.W.2d 47 (1995). "It is designed to prohibit the state from acting as a surety or guarantor of the debt of another." *Haman v. Marsh*, 237 Neb. 699, 718, 467 N.W.2d 836, 850 (1991). It applies to the State and all of its political subdivisions. *State ex rel. Beck v. City of York*, 164 Neb. 223, 82 N.W.2d 269 (1957).

The Nebraska Supreme Court has established a three-part test for determining whether an expenditure violates art. XIII, § 3 of the Nebraska Constitution. To establish a violation of that constitutional provision, it must be shown that (1) the credit of the state (2) is given or loaned (3) in aid of any individual, association, or corporation. *Callan*, 248 Neb. at 476, 536 N.W.2d at 51; *Haman*, 237 Neb. at 719, 467 N.W.2d at 850. In that context, there is a distinction between the loaning of state funds and the loaning of the state's credit. The loan of state funds places the state in the position of a creditor, and the loan of state's credit places the state in the position of debtor. *Callan*, 248 Neb. at 476, 536 N.W.2d at 51; *Haman*, 237 Neb. at 719, 720, 467 N.W.2d at 850. In addition, the prohibition against the pledge of the state's credit does not hinge upon whether the expenditure at issue achieves a "public purpose" when the pledge benefits a private individual, association or corporation. *Haman*, 237 Neb. at 722, 467 N.W.2d at 852. Instead, the key focus of art. XIII, § 3 is whether the state stands as a creditor through the expenditure of its funds, or as a debtor by the extension of credit in the interest of private parties. *Callan*, 248 Neb. at 479, 536 N.W.2d at 53; *Haman*, 237 Neb. at 722, 718, 467 N.W.2d at 852. (1991).

In the present instance, we understand that the focus of your inquiry is the REDLG "pass-through" loan program, whereby the Rural Utilities Service of USDA (RUS) would make a zero-interest loan to a public power district in Nebraska for rural economic development purposes. That power district would then, in turn, make a zero-interest loan of the funds from RUS to another entity that would ultimately own or undertake a private development project using the proceeds of the loan. Under such a scenario, RUS could require the public power district, as borrower, to provide it with an irrevocable letter of credit or other guarantee satisfactory to RUS that the loan would be repaid. 7 CFR, Subpart B, § 1703.29 (d). With respect to

your first question to us, you wish to know, in essence, if removing the letter of credit requirement or other guarantee by the power district from the zero-interest loan process would cure any potential problems with that process under art. XIII, § 3. For the reasons discussed below, we do not believe that removing the letter of credit requirement would bring about the cure which you seek.

As noted above, the initial element of the test for a proposal under art. XIII, § 3 requires a determination as to whether the proposal involves lending the credit of the state. In regard to that determination, the key issue is whether the state or the governmental subdivision involved stands as a creditor in the process through the expenditure of its funds, or as a debtor in the process by the extension of credit in the interest of private parties. One aspect of the REDLG pass-through loan program would involve a loan from a public power district to another entity that would ultimately own or undertake a private development project using the proceeds of that loan. The power district would stand as a creditor in that transaction, since it would loan funds to the private entity. As a result, that portion of the program does not appear to involve lending the credit of the state.

On the other hand, the pass-through loan program, as outlined in your initial question, requires the public power district to borrow funds from RUS in order to loan those funds to the private entity. That loan from RUS to the power district would necessitate a letter of agreement and any additional legal documentation from the power district which RUS deemed appropriate, including loan agreements, promissory notes, security instruments, certifications or legal opinions. 7 CFR, Subpart B, § 1703.59 (a). In addition, the repayment terms of the loan from RUS to the public power district would have to equal the terms of the loan from the power district to the private borrower, and the power district would be required to make payments on the zero-interest loan in accordance with the legal documents executed by the power district. 7 CFR, Subpart B, §§ 1703.29 (a) and 1703.61 (a). Presumably, the power district would also have to pay back its zero interest loan to RUS even if the private pass-through borrower defaulted in its duty to make payments to the power district.<sup>2</sup>

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<sup>2</sup> 7 CFR, Subpart B, § 1703.29 (c) does provide that ". . . the borrower [power district] will be required to repay the RUS zero-interest loan in full *at such time as a pass-through-loan has been fully repaid to the borrower*" (emphasis added), and that provision could be read obviate the public power district's obligation to pay back its loan until the power district was repaid by the private borrower. However, § 1703.29 (c) appears to go more to the time for repayment of a pass-through loan than to the power district's ultimate obligation to pay, and we assume, in light of additional CFR provisions for promissory notes and other security instruments from power districts participating in pass-through loans, that § 1703.29 (c) does not evidence any intent from RUS to totally forgive a power district of its obligation to repay a zero-interest loan in the event that a private pass-through borrower defaults.

It appears to us that the second aspect of the pass-through loan program, where the public power district borrows money from RUS and then must repay that loan, implicates the credit of the state. In that latter situation, the power district stands as a debtor through the extension of its credit, rather than as a creditor through the loan of public funds. Consequently, the pass-through loan portion of the REDLG program meets the first element of an unconstitutional extension of credit under art. XIII, § 3.

Our conclusion with respect to the initial element of the test for constitutionality under art. XIII, § 3 is supported by the circumstances and holding in *State ex rel. Beck v. City of York*, 164 Neb. 223, 82 N.W.2d 269 (1957). The proposal at issue in that case under art. XIII, § 3 involved an agreement whereby the City Council of York, Nebraska, entered into a contract with a private cold storage and packing company to purchase certain industrial buildings by issuing revenue bonds. After purchase of the industrial buildings, the city agreed to lease them back to the private company, and the revenue bonds were to be payable out of revenues derived from the lease. As a result, as is the case in the present instance, the city proposed to go into debt and then use the proceeds from the revenue bonds creating that debt in aid of a private corporation. In addition, the city proposed the use of revenues generated from the private corporation as a means to pay off its debt under the revenue bonds. The Nebraska Supreme Court held that the proposal by the City of York violated art. XIII, § 3, and stated:

It is true that the revenue bonds are not a general liability of the city and they are not subject to payment through the exercise of the taxing power. But they do cast burdens upon the city with reference to their issuance and payment. The city and its officers are charged with the duty of fixing and collecting the rentals from which the revenue bonds are to be paid. . . . The issuance of the bonds in the name of the city for the payment of the cost of the project evidences the fact that the credit of the city has been extended. The city is the payer of the bonds and it is primarily liable for their payment. The bonds become the obligations of the city. The fact that the means of payment is limited does not make it any less so. A failure of payment is a default by the city. The constitutional prohibition does not infer that the credit of the state or its political subdivisions may be given or loaned except when a general liability exists. The prohibition clearly provides that the credit of the State may not be given or loaned to an individual, association, or corporation under any circumstances. When the State or a political subdivision thereof becomes a payer of a revenue bond or any other evidence of indebtedness which is to be used in the accomplishment of a private as

distinguished from a public purpose, the credit of the State has been given or loaned contrary to Article XIII, section 3, of the Constitution. . . . The use of the city as the payer of the bonds is intended to give respectability to them because of the general acceptability of cities as a source of bond issues in financial markets. It is a loan of the credit of the city within the meaning of the constitutional prohibition.

164 Neb at 226, 227, 82 N.W.2d at 271, 272.

The second element of the test for the constitutionality of a proposal under art. XIII, § 3 involves a determination as to whether the state's credit has been "given or loaned" in connection with that proposal. In that regard, the state's credit has been "given or loaned" unless the state has received valuable consideration for the extension of its credit. *Haman*, 237 Neb. at 722, 467 N.W.2d at 851. In the present instance, we are not aware of any valuable consideration which would be paid by a private entity to a public power district for a pass-through loan under the REDLG program.<sup>3</sup> Indeed, a power district may not charge interest for the use of the proceeds of a zero-interest loan provided to a private entity under the terms of the REDLG program. 7 CFR, Subpart B, § 1703.21 (a). As a result, it appears to us the pass-through loan portion of the REDLG program involves giving or loaning the credit of the state.

Finally, art. XIII, § 13 of the Nebraska Constitution prohibits giving or loaning the credit of the state "in aid of any individual, association, or corporation." From your opinion request letter, we understand that the "pass-through" loan process by a public power district in Nebraska under the REDLG program would involve the district's loan of the funds which it received from RUS to "another entity that will own or undertake a private development project using the proceeds of the loan." We believe that such a loan would clearly be "in aid of any individual, association or corporation" under the terms of art. XIII, § 13, and therefore meets the final element of the test for unconstitutionality set out above.

For the reasons discussed in the preceding paragraphs, it is our view that a zero-interest loan for economic development under the REDLG pass-through loan program would involve a violation of art. XIII, § 3 of the Nebraska Constitution, even if the public power district participating in the loan program did not provide an irrevocable letter of credit or other specific

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<sup>3</sup> The federal regulations do allow public power districts to charge loan servicing charges, legal fees and the costs of an irrevocable letter of credit in connection with a zero-interest loan under the REDLG program. 7 CFR, Subpart B, § 1703.21 (a). However, those charges appear to involve recovery of the costs associated with the loan process rather than separate consideration for making the loan.

guarantee to RUS. Moreover, that result would hold true even if the expenditure at issue achieved a "public purpose." *Haman*, 237 Neb. at 722, 467 N.W.2d at 852. Therefore, we believe an amendment to art. XIII, § 3 of the Nebraska Constitution is necessary, should you wish to make such zero-interest loans permissible under applicable state law.

**Question No. 2. Would further legislative declaration of the public purpose of such loans in addition to the findings and statements in sec. 70-625.01 assist in allowing such funds to be made available through public power districts?**

As discussed above, we believe that a zero-interest loan by a public power district to a private entity under the REDLG pass-through loan program would involve an impermissible extension of the credit of the state under art. XIII, § 3 of the Nebraska Constitution. Under those circumstances, it does not matter if the loan to the private entity achieved a public purpose. As stated in the *Haman* case:

*The prohibition against the pledge of the state's credit does not hinge on whether the legislation achieves a "public purpose," when the pledge benefits a private individual, association, or corporation.* The key is whether the state stands as a creditor through the expenditure of public funds or as a debtor by the extension of the state's credit to private corporations, associations, or individuals. The state is not empowered to become a surety or guarantor of another's debts.

237 Neb. at 722, 467 N.W.2d at 852 (emphasis added) (citations omitted). Nevertheless, assuming for purposes of discussion that the zero-interest loan program at issue did pass muster under art. XIII, § 3, it would still have to be acceptable under the closely related principle of law that public funds cannot be expended for private purposes. *Haman*, 237 Neb. at 721, 722, 467 N.W.2d at 851. With respect to that determination, there is no hard and fast rule for ascertaining whether a proposed expenditure of public funds is for a public purpose. The Nebraska Supreme Court has indicated that "[a] public purpose has for its objective the promotion of the public health, safety, morals, security, prosperity, contentment, and the general welfare of all the inhabitants." *Platte Valley Public Power & Irrigation District v. County of Lincoln*, 144 Neb. 584, 589, 14 N.W.2d 202, 205 (1944). The court has also indicated that it is for the Legislature to determine in the first instance what is and what is not a public purpose. *State ex rel. Douglas v. Thone*, 204 Neb. 836, 286 N.W.2d 249 (1979). Since the Legislature's findings regarding the public purpose for an expenditure of public funds are, therefore, of significance, further legislative declaration regarding the public purpose for zero-interest loans under the REDLG program in addition to the findings and statements in § 70-625.01 might well assist in establishing a public purpose for those loans. However, that additional legislative

declaration of public purpose will not cure the problems with those loans under art. XIII, § 3.

Sincerely yours,  
 DON STENBERG  
 Attorney General  
 (Signed) Dale A. Comer  
 Assistant Attorney General

05-247-10.17

## REPORTS

The following reports were received by the Legislature:

### **Administrative Services, Dept. of**

Risk Management/State Claims Board 1998-1999 Tort-Miscellaneous,  
 Contract-Identification  
 Statewide Technology Plan  
 Risk Management/State Claims Board 1999-2000 Tort-Miscellaneous,  
 Contract-Identification  
 Biennium Progress Report of the Nebraska Information Technology  
 Commission  
 Biennium Recommendations on Technology Investments of the Nebraska  
 Information Technology Commission  
 Nebraska Information Technology Commission - Project Status  
 Summary  
 Annual Budgetary Report  
 Comprehensive Annual Financial Report

### **Agriculture, Department of**

Beginning Farmer Program - Annual Report

### **Arts Council, Nebraska**

Nebraska Arts and Humanities Cash Fund Report

### **Auditor of Public Accounts**

NE Department of Administrative Services-Information Management  
 Services Division  
 NE Department of Economic Development  
 NE Board of Engineers and Architects  
 NE Department of Environmental Quality  
 NE Department of Environmental Quality - Attestation Examination  
 NE Game and Parks Commission  
 NE Health and Human Services System - Nursing Facilities  
 Intergovernmental Transfers  
 NE Investment Council  
 NE Workers' Compensation Court  
 NE Brand Committee  
 NE Dairy Industry Development Board  
 NE Department of Environmental Quality - Drinking Water State  
 Revolving Fund  
 NE Health & Human Services System - Beatrice State Developmental  
 Center  
 NE State Electrical Division  
 NE Department of Aeronautics



- NE Health & Human Services System - Medicaid Program
- NE Department of Environmental Quality - Clean Water State Revolving Fund
- NE Department of Revenue Motor Fuel Tax Enforcement and Collection Division
- NE State Board of Public Accountancy
- NE Secretary of State
- NE State Patrol
- NE Commission on Law Enforcement and Criminal Justice
- NE Department of Revenue - Cigarette Tax Receipts
- NE Department of Revenue - Charitable Gaming Investigation - Petty Cash Fund
- NE Accountability and Disclosure Commission
- NE Grain Sorghum Development, Utilization and Marketing Board
- NE Corn Development, Utilization and Marketing Board
- NE Motor Vehicle Industry Licensing Board
- Dairy Industry Development Board, Nebraska**
- Annual Report
- Education, Dept. of**
- Nebraska School Finance Review Committee Resolutions
- Energy Office, Nebraska**
- Annual Report for Fiscal Year 1998-1999
- 1999 Annual Report with Energy Statistics Update
- Quarterly Report - Municipal Natural Gas Regulation Revolving Loan Fund for the period of April 1, 2000 through June 30, 2000
- Municipal Natural Gas Regulation Revolving Loan Fund for the quarter ending September 30, 2000
- Environmental Quality, Dept. of**
- Wastewater Treatment Facilities Construction Loan Fund Small Town Grants Program 523
- Annual Report
- Ethanol Board, Nebraska**
- Ethanol Producer Incentive Cash Fund
- Ethanol Production Incentive Cash Fund Summary Activity through 6/30/00
- Ethanol Production Incentive Cash Fund Summary
- Health And Human Services System, Nebraska**
- Office of the System Advocate - Three Year Data Analysis 1997-1999
- Office of the System Advocate - Overview of Contacts for 1999
- Office of the System Advocate - Quarterly Report January - March 2000
- Governor's Task Force on the Department of Correctional Service's Medical System Final Report
- April-June 2000 Quarterly Report - Office of the System Advocate
- July - September 2000 Quarterly Report
- Year 2000 Report on LB 808 on Cost Sharing in Medicaid Program
- Report on the "Community Service Program Employable General Assistance Recipients"
- Highway Commission, Nebraska State**
- Quarterly Report ending March 31, 2000

Quarterly Report ending June 30, 2000

**Insurance, Department of**

1999 Annual Report of the Interstate Insurance Receivership Commission  
2000 Report on the Task Force to Explore Health Insurance Opportunities

**Investment Council, Nebraska**

Report on Educational Endowment Funds - Year Ended June 30, 1999

**Investment Finance Authority, Nebraska (NIFA)**

1999 Series A-1, A-2, B-1, B-2, C-1, C-2, D-1 and D-2 Community Development Loan Notes (City of Lincoln Program-1999)  
Series 1996 Nebraska Investment Finance Authority State Revolving Fund Revenue Bond  
1999 Series G.O.-7 Nebraska Investment Finance Authority General Obligation Bonds  
2000 Series C & D Single Family Housing Revenue Bonds  
2000 Series G.O.-10 General Obligation Bonds  
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 E and General Obligation Bonds Series 1999 G.O.-8  
Single Family Housing Revenue Bonds Series 2000 AB and General Obligation Bonds Series 1999 G.O.-9  
1996 Series Nebraska Investment Finance Authority State Revolving Fund Revenue Bond  
1999 Series G.O.-7 Nebraska Investment Finance Authority General Obligations Bonds  
Series 2000 A Drinking Water State Revolving Fund Revenue Bonds  
1999 Series A-1, A-2, B-1, B-2, C-1, D-1, D-2, Community Development Loan Notes (City of Lincoln Program-1999)  
Clean Water State Revolving Fund Revenue Bonds  
Drinking Water State Revolving Fund Revenue Bonds  
Single Family Housing Revenue Bonds Series 1998 CDE&F and General Obligation Bonds Series 1998 G.O.-3  
Single Family Housing Revenue Bonds Series 2000 AB and General Obligation Bonds Series 2000 G.O.-9  
Single Family Housing Revenue Bonds Series 2000 CD and General Obligation Bonds Series G.O.-10  
NIFA Quarterly Report 1999 Series A-1, A-2, B-1, B-s, C-1, D-1 and D-2 Community Development of Loan Notes  
Series 2000 NIFA Clean Water State Revolving Fund Revenue Bonds  
Series 2000A Drinking Water State Revolving Fund Revenue Bonds  
Notice of Single Family Housing Bonds (consisting of one or more Series of Bonds)  
2000 Series E, F & G Single Family Housing Revenue Bonds  
2000 Series G.O.-11 General Obligation Bonds

**Labor, Department of**

Nebraska Labor Area Summary  
Nebraska Meatpacking Industry Workers Bill of Rights -Progress Report

- Law Enforcement & Criminal Justice, Nebraska Commission on**  
Office of Probation Administration's 1998-1999 Biennial Report
- Legislative Fiscal Office**  
State Government Cash and Revolving Funds  
General Fund Net Receipts of FY beginning July 1, 2000
- Legislative Program Evaluation Committee**  
Legislative Program Evaluation Committee Annual Report to the  
Legislature, FY1999-2000  
Department of Correctional Services, Inmate Welfare Fund  
Final Committee Report
- Liquor Control Commission, Nebraska**  
Keg Registration Act
- Motor Vehicles, Department of**  
1999 Annual Report  
1999 Traffic Accident Facts Annual Report
- Natural Resources, Department of**  
Annual Report and Plan of Work for the NE State Water Planning Review  
Process  
2000 Biennial Report on the Nebraska Resources Development Fund
- Nebraska Children's Health Insurance Program**  
Kids Connection Study Committee Report (LB 1063, 1998)
- Nebraska GIS Steering Committee**  
Building a Spatial Data Structure for Nebraska
- Patrol, Nebraska State**  
Drug Control - Cash Fund Report
- Postsecondary Education, Coordinating Commission for**  
Wayne State College Power Plant revenue bond proposal
- Public Counsel/Ombudsman, Office of the**  
Nebraska Public Counsel 1999 Annual Report
- Public Service Commission, Nebraska**  
2000 Annual Report on Telecommunications
- Retirement Systems, Public Employees**  
NE Public Employees Retirement Systems - School Retirement System  
FY Ending 6/30/00  
NE Public Employees Retirement Systems - Judges' Retirement System  
FY Ending 6/30/00  
NE Public Employees Retirement Systems - State Patrol Retirement  
System FY Ending 6/30/00
- Revenue, Dept. of**  
Report of Examination of State of Nebraska Auditor of Public Accounts  
State and Local Government in Nebraska: Part VI The Nebraska of the  
Future  
Nebraska Lottery 2000 Annual Report and Reference Guide
- Roads, Department of**  
Minutes of the Board of Public Roads Classifications and Standards,  
March  
Minutes of the Board of Public Roads Classifications and Standards, April  
Minutes of the Board of Public Roads Classifications and Standards, May  
Thirtieth Annual Report of the Board of Examiners for County Highway

and City Street Superintendents for the period January 1, 1999 to December 31, 1999  
 Minutes of the Board of Public Roads Classification and Standards, June  
 Minutes of the Board of Public Roads Classifications and Standards, July  
 Minutes of the Board of Public Roads Classifications and Standards, August  
 Nebraska State Highway Commission for the period ending September 30, 2000, Quarterly Report  
 Minutes of the Board of Public Roads Classifications and Standards, September  
 Minutes of the Board of Public Roads Classifications and Standards, October  
 State Highway Needs Assessment Report  
 Recreation Roads One-Year and Five-Year Programs  
**Teacher Salary Task Force**  
 Final Report  
**Treasurer, State**  
 Biennial Report, FY 1999-2000  
**University of Nebraska-Lincoln**  
 Nebraska Research Initiative, 1999-2000  
**Workers' Compensation Court**  
 Annual Report, FY 2000

### COMMUNICATIONS

Pursuant to Section 84-104.05, the Legislature received a Proclamation from Governor Mike Johanns proclaiming January 5, 2001, as George W. Norris Day.

### COMMITTEE ON COMMITTEES PRELIMINARY REPORT

Senator Dw. Pedersen offered the following Committee on Committees report:

	Agriculture - Dierks (C)		
Burling	Chambers	Cunningham	McDonald
Schimek	Schrock	Vrtiska	
	Appropriations - Wehrbein (C)		
Beutler	Cudaback	Engel	Foley
Hilgert	Kruse	Pederson, D.	Thompson
	Banking, Commerce and Insurance - Landis (C)		
Aguilar	Bourne	Bruning	Jensen
Kremer	Smith	Tyson	
	Business and Labor - Connealy (C)		
Chambers	Dierks	Hartnett	Preister
Schimek	Vrtiska		

	Education - Raikes (C)		
Brashear	Coordsen	Maxwell	Price
Stuhr	Suttle	Wickersham	
	General Affairs - Janssen (C)		
Burling	Cunningham	Erdman	McDonald
Quandahl	Redfield	Schrock	
	Government, Military and Veterans Affairs - Schimek (C)		
Aguilar	Brown	Burling	McDonald
Quandahl	Smith	Vrtiska	
	Health and Human Services - Jensen (C)		
Byars	Cunningham	Erdman	Maxwell
Price	Suttle		
	Judiciary - Brashear (C)		
Baker	Bourne	Chambers	Connealy
Pedersen, Dw.	Robak	Tyson	
	Natural Resources - Schrock (C)		
Bromm	Bruning	Hudkins	Jones
Kremer	Preister	Stuhr	
	Nebraska Retirement Systems - Bruning (C)		
Bourne	Erdman	Stuhr	Wehrbein
Wickersham			
	Revenue - Wickersham (C)		
Coordsen	Dierks	Hartnett	Janssen
Landis	Raikes	Redfield	
	Transportation and Telecommunications - Bromm (C)		
Baker	Brown	Byars	Hudkins
Jones	Pedersen, Dw.	Robak	
	Urban Affairs - Hartnett (C)		
Connealy	Erdman	Janssen	Preister
Quandahl	Redfield		
	Committee on Committees - Dw. Pedersen (C)		
Bourne	Coordsen	Cudaback	Dierks
Hilgert	Jensen	Kremer	Kristensen
Landis	Preister	Price	Schimek
	Enrollment and Review - Erdman (C)		

	Reference - Coordsen (C)		
Beutler	Byars	Chambers	Cudaback
Engel	Kristensen	Jones	Suttle
Wehrbein			
	Rules - Hudkins (C)		
Beutler	Bromm	Pedersen, Dw.	Thompson
Kristensen			
	Executive Board - Coordsen (C)		
Beutler	Byars	Chambers	Cudaback
Engel	Kristensen	Jones	Suttle
Wehrbein			
	Intergovernmental Cooperation - Aguilar (C)		
Brown	Foley	Maxwell	McDonald
Kristensen	Lt. Gov. Maurstad		

### ANNOUNCEMENTS

Senator Dw. Pedersen announced the Committee on Committees elected Senator Preister as Vice Chairperson.

Senator Hudkins announced the Rules Committee elected Senator Thompson as Vice Chairperson.

Senator Wickersham announced the Revenue Committee will hold an executive session Thursday, January 4, 2001, at 10:30 a.m., in Room 2022.

Senator Jensen announced the Health and Human Services Committee will hold an executive session Thursday, January 4, 2001, at 11:00 a.m., in Room 2022.

Senator Wickersham announced the Revenue Committee will hold a public hearing to consider changes to the base limitation rate as required by Section 77-3446. The hearing is scheduled for Thursday, January 11, 2001, upon adjournment, in Room 1524 of the State Capitol.

### MOTION - Escort Committees

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

The motion prevailed.

### BILLS ON FIRST READING

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

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

A BILL FOR AN ACT relating to public health and welfare; to repeal provisions which terminated on July 1, 1998; and to outright repeal sections 71-7502, 71-7502.01, 71-7514, 71-7516, 71-7517, 71-7518.01 to 71-7518.09, 71-7521, and 71-7529, Reissue Revised Statutes of Nebraska.

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

A BILL FOR AN ACT relating to the Nebraska Commission on Human Genetic Technologies; to repeal provisions governing the commission which ceased to exist on January 1, 1999; and to outright repeal sections 71-8101 to 71-8107, Revised Statutes Supplement, 2000.

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

A BILL FOR AN ACT relating to financial emergencies; to amend section 81-8,239.02, Reissue Revised Statutes of Nebraska, and section 81-8,239.01, Revised Statutes Supplement, 2000; to repeal a section that terminated on June 30, 1998; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-8,239.10, Reissue Revised Statutes of Nebraska.

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

A BILL FOR AN ACT relating to insurance; to amend section 44-7504, Revised Statutes Supplement, 2000; to harmonize a provision adopted in Laws 2000, LB 1119, with Laws 2000, LB 1221; and to repeal the original section.

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

A BILL FOR AN ACT relating to the Vietnam Veterans Education Loan Act of 1973; to repeal provisions that are no longer needed; and to outright repeal sections 80-801 to 80-806, Reissue Revised Statutes of Nebraska.

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

A BILL FOR AN ACT relating to the juvenile justice task force; to repeal provisions governing the task force which was to complete its work by December 1, 1998; and to outright repeal sections 43-2801 to 43-2804, Reissue Revised Statutes of Nebraska.

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

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1402 to 76-1409, 76-1411, 76-1414, 76-1415, 76-1417, 76-1419, 76-1420, 76-1425, 76-1428, 76-1431, 76-1436, and 76-1448, Reissue Revised Statutes of Nebraska, and section 76-1416, Revised Statutes Supplement, 2000; to change internal references; and to repeal the original sections.

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

A BILL FOR AN ACT relating to county government; to amend section 23-350, Reissue Revised Statutes of Nebraska; to correct an error in statute citation dating from adoption of the criminal code; and to repeal the original section.

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

A BILL FOR AN ACT relating to the Small Claims Court; to amend section 25-2802, Revised Statutes Supplement, 2000; to state the jurisdictional limit set by the Supreme Court; and to repeal the original section.

**LEGISLATIVE BILL 10.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to Nebraska veterans homes; to amend sections 83-107.01 and 83-108, Reissue Revised Statutes of Nebraska, and sections 80-314, 80-316, 80-319, 80-320, 80-322, and 81-1108.15, Revised Statutes Supplement, 2000; to transfer veterans homes to the Department of Veterans' Affairs; to eliminate the Veterans Coordinating Committee; to exempt the Nebraska veterans homes from state building 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, 2000; and to declare an emergency.

**LEGISLATIVE BILL 11.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Reissue Revised Statutes of Nebraska; to change provisions relating to the employment of minors as servers and sellers of alcoholic liquor as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 12.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to correctional facilities; to amend section 83-181, Reissue Revised Statutes of Nebraska; to provide requirements for dispensing medications; and to repeal the original section.



**LEGISLATIVE BILL 13.** 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 14.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1403, Revised Statutes Supplement, 2000; to require certain proceedings to be open to the public; and to repeal the original section.

**LEGISLATIVE BILL 15.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-178, Reissue Revised Statutes of Nebraska; to provide access to records for inmates and the Public Counsel as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 16.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Attorney General; to amend section 32-507, Reissue Revised Statutes of Nebraska, and section 32-609, Revised Statutes Supplement, 2000; to provide for the election of the Attorney General on a nonpartisan basis; and to repeal the original sections.

**LEGISLATIVE BILL 17.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to redistricting; to amend sections 14-201.03, 32-553, and 32-555, Reissue Revised Statutes of Nebraska; to authorize the city council of a city of the metropolitan class to redraw its own district boundaries as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 18.** 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, 29-1822, 29-2005, 29-2006, 29-2020, 29-2282, 29-2407, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, and 55-480, Reissue Revised Statutes of Nebraska, and sections 27-803, 28-105, 28-201, 29-3931, and 83-4,143, Revised Statutes Supplement, 2000; 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 29-2521.01, 29-2521.03 to 29-2522,

29-2524 to 29-2524.02, 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, 29-2521.02, 29-2523, and 29-2525, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 19.** 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, 81-1356, and 85-9,175, Reissue Revised Statutes of Nebraska, and sections 20-139 and 25-2602.01, Revised Statutes Supplement, 2000; to rename an act; to define a term; to prohibit 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 20.** 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 21.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to public health and welfare; to require application for and implementation of a federal medicaid option as prescribed.

**LEGISLATIVE BILL 22.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 20-150 to 20-154, 20-156, 48-1102, and 55-424, Reissue Revised Statutes of Nebraska, and sections 20-159, 25-2407, 71-4720.01, 71-4727, 71-4728, and 71-4732, Revised Statutes Supplement, 2000; to provide for the licensure and regulation 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 23.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska; to change the number of juvenile court judges; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 24.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to health and human services; to create and provide duties for the Nebraska Immunization Registry Task Force; and to declare an emergency.

**LEGISLATIVE BILL 25.** Introduced by Suttle, 10; Aguilar, 35; Smith, 48.

A BILL FOR AN ACT relating to podiatry; to amend section 71-173, Reissue Revised Statutes of Nebraska, and section 71-101, Revised Statutes Supplement, 2000; to redefine terms; to provide requirements for certain surgeries as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 26.** 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; to provide and change penalties; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 27.** 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 magistrate 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 28.** Introduced by Redfield, 12; Jones, 43.

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, 2000; to change an exemption amount subject to inheritance tax; to create a fund; to provide funding to counties; to eliminate an obsolete provision; 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 29.** Introduced by Redfield, 12; Schimek, 27.

A BILL FOR AN ACT relating to labor; to amend section 48-838, Reissue Revised Statutes of Nebraska; to change collective bargaining representation provisions; and to repeal the original section.

**LEGISLATIVE BILL 30.** Introduced by Redfield, 12; Byars, 30; Schimek, 27.

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 31.** Introduced by Redfield, 12.

A BILL FOR AN ACT relating to handicapped or disabled persons; to amend sections 18-1739 to 18-1741, Reissue Revised Statutes of Nebraska; to eliminate a fee; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 32.** Introduced by Redfield, 12.

A BILL FOR AN ACT relating to state agencies; to proscribe use of employee social security numbers as prescribed; and to provide an operative date.

**LEGISLATIVE BILL 33.** Introduced by Redfield, 12.

A BILL FOR AN ACT relating to teachers and school administrators; to amend section 79-813, Reissue Revised Statutes of Nebraska; to change provisions relating to certification by reciprocity; and to repeal the original section.

**LEGISLATIVE BILL 34.** Introduced by Thompson, 14; Bromm, 23.

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, 2000; to change provisions relating to organ and tissue donation language on applications; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 35.** Introduced by Thompson, 14.

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 housing, renovations, and site improvements; and to declare an emergency.

**LEGISLATIVE BILL 36.** Introduced by Thompson, 14; Chambers, 11.

A BILL FOR AN ACT relating to schools; to amend section 79-602, Revised Statutes Supplement, 2000; to change provisions relating to inspection of pupil transportation vehicles; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 37.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to eminent domain; to amend section 19-709, Reissue Revised Statutes of Nebraska; to change provisions relating to powers of cities of the first and second classes and villages; and to repeal the original section.

**LEGISLATIVE BILL 38.** Introduced by Thompson, 14; Bromm, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-905, 43-3321, 60-462, 60-463, 60-476.01, 60-476.02, 60-479, 60-496, 60-497, 60-497.01, 60-4,100, 60-4,102, 60-4,103, 60-4,106, 60-4,108, 60-4,109, 60-4,112, 60-4,117, 60-4,125, 60-4,130.03, 60-4,141.01, 60-4,169, 60-4,185, 60-505.02, 60-557, 60-605, 60-6,198, 60-6,205, 60-6,206, 60-6,207, 60-6,209, 60-6,211.05, 60-6,211.07, 60-6,216 to 60-6,218, and 83-1,127.02, Reissue Revised Statutes of Nebraska, and sections 28-306, 60-301, 60-486, 60-487, 60-491, 60-497.03, 60-499, 60-4,114, 60-4,118, 60-4,120.02, 60-4,171, 60-601, 60-6,196, and 60-6,197, Revised Statutes Supplement, 2000; to change provisions relating to revocation, suspension, impoundment, cancellation, and reinstatement of motor vehicle registration certificates, operators' licenses, and operating privileges; to define and redefine terms; to provide and change penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 39.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 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 60-301, 60-311, 60-601, and 60-3004, Revised Statutes Supplement, 2000; to authorize and regulate low-speed vehicles as prescribed; to define a term; to provide a penalty; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 40.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to crimes and punishments; to state findings; to prohibit distribution of certain thermometers; and to provide a penalty.

**LEGISLATIVE BILL 41.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to telecommunications; to amend sections 70-704 and 70-1409, Reissue Revised Statutes of Nebraska, and section 70-625 Revised Statutes Supplement, 2000; to authorize the leasing of excess fiber optic capacity by public owners; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 42.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-605, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 2000; to define terms; to provide for a rebuttable presumption of negligence for use of a mobile telephone as prescribed; to harmonize

provisions; and to repeal the original sections.

**LEGISLATIVE BILL 43.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-605 and 60-699, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 2000; to include certain information about mobile telephones in accident reports; to define a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 44.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to alternative fuels; to amend section 66-688, Reissue Revised Statutes of Nebraska; to change an application fee; and to repeal the original section.

**LEGISLATIVE BILL 45.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to Tax Equalization and Review Commission; to amend section 77-5016, Revised Statutes Supplement, 2000; to change and eliminate procedures relating to appeals heard by the commission; to repeal the original section; and to outright repeal section 77-1511, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 46.** 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 47.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168, Reissue Revised Statutes of Nebraska; to change provisions relating to sale on credit; and to repeal the original section.

**LEGISLATIVE BILL 48.** 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.

**LEGISLATIVE BILL 49.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 9-342, 9-519, 9-611, and 9-706, Uniform Commercial Code; to change provisions relating to secured transactions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 50.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 8-319, 8-330, 8-820.01, 44-1703, 45-114, 45-115, 45-117, 45-119, 45-120, 45-122 to 45-124, 45-126 to 45-129, 45-131 to 45-136, 45-138 to 45-140, 45-142 to 45-145, 45-148 to 45-150, 45-153 to 45-155, 45-156 to 45-158, 45-173 to 45-183, 45-185 to 45-188, 45-194 to 45-196, 45-198 to 45-1,103, 45-1,110, and 45-1,116, Reissue Revised Statutes of Nebraska, and sections 45-101.04, 45-116, 45-118, 45-121, 45-130, 45-137, and 45-184, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to installment loans; to adopt the Nebraska Installment Loan Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 45-146, 45-147, 45-188.01, and 45-197, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 51.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-103, 44-3,151, 44-3903, 44-4005.02 to 44-4005.05, 44-4421, 44-5228, 44-5232, 44-5503, and 44-5802, Reissue Revised Statutes of Nebraska, and sections 44-150, 44-1525, 44-4001, 44-4005.01, and 44-4046, Revised Statutes Supplement, 2000; to change, provide, and eliminate provisions relating to insurance producer licensing; to harmonize provisions; to provide duties for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 44-4002 to 44-4005, 44-4006 to 44-4009, 44-4011, 44-4012, 44-4014, 44-4016 to 44-4018, 44-4020, 44-4022 to 44-4027, 44-4029 to 44-4040, 44-4042 to 44-4045, and 44-5513, Reissue Revised Statutes of Nebraska, and sections 44-4010, 44-4013, 44-4015, 44-4019, 44-4028, and 44-4041, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 52.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to financial arrangements; to amend sections 8-1101 and 8-1110, Reissue Revised Statutes of Nebraska; to adopt the Viatical Settlements Act; to regulate viatical settlement contracts and exempt viatical settlement contracts from securities regulation; and to repeal the original sections.

**LEGISLATIVE BILL 53.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to finance; to amend sections 8-208, 8-1001 to 8-1004, 8-1006 to 8-1008, 8-1010, 8-1012, 8-1014, 8-1015, 8-1101, 8-1108.01, 8-1109.02, 8-1110, 8-1735, 21-17,103, 45-190, 45-191.02, 45-191.04, 45-191.09, 45-902, 45-906, 45-910, 45-922, 45-923, 59-1722, 59-1725.01, 59-1733, and 69-2117, Reissue Revised Statutes of Nebraska, and sections 8-143.01, 8-1,140, 8-355, 8-1103, 21-17,115, and 45-717, Revised Statutes Supplement, 2000; to change provisions relating to banks and banking, trust companies, securities, loan brokers, delayed deposit licensing, seller-assisted marketing plans, hearing procedures for the

Department of Banking and Finance, and fees; to revise powers of bank subsidiary corporations, state-chartered banks, building and loan associations, and credit unions; to rename the Nebraska Sale of Checks Act the Nebraska Sale of Checks and Funds Transmission Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 54.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to liens; to amend sections 52-202, 52-502, 52-503, 52-901, 52-904, 52-1201, and 52-1204, Reissue Revised Statutes of Nebraska, sections 52-203, 52-204, 52-501, 52-504, 52-701, 52-702, 52-902, 52-903, 52-905, 52-1101 to 52-1104, 52-1202, 52-1203, 52-1205, 52-1407, 52-1409, 54-201, 54-208, and 54-209, Revised Statutes Supplement, 2000, and sections 9-102, 9-519, and 9-530, Uniform Commercial Code; to change provisions relating to filing, recording, and enforcement; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 55.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to financial arrangements; to amend section 9-109, Uniform Commercial Code; to adopt the Structured Settlements Transfers Protection Act; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 56.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to trusts and estates; to amend section 12-1107, Revised Statutes Supplement, 2000; to adopt the Uniform Principal and Income Act; 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 57.** Introduced by Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 33-126.05 and 77-2701, Revised Statutes Supplement, 2000; to exempt copies of public records from sales and use taxation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 58.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to insurance; to amend section 44-501.02, Reissue Revised Statutes of Nebraska; to change provisions relating to valued policies; and to repeal the original section.

**LEGISLATIVE BILL 59.** Introduced by Coordsen, 32.



A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5016, Revised Statutes Supplement, 2000; to change appeal provisions; to harmonize provisions; to repeal the original section; and to outright repeal section 77-1511, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 60.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3510 and 77-3512, Revised Statutes Supplement, 2000; to change an application date; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 61.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202.05, Revised Statutes Supplement, 2000; to change appeal procedures; and to repeal the original section.

**LEGISLATIVE BILL 62.** Introduced by Bruning, 3.

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 as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 63.** Introduced by Bruning, 3; Redfield, 12.

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 64.** 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 65.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-302, Revised Statutes Supplement, 2000; to eliminate a grace period for a registration and licensing violation; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 66.** 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 67.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to elections; to create a task force; to provide for a study of the election process; to provide a termination date; and to declare an emergency.

**LEGISLATIVE BILL 68.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the Nebraska Time-Share Act; to amend sections 76-1701 to 76-1703, 76-1708, 76-1711, 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 redefine terms; to provide for a list of time-share estate and use owners; 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 69.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to rules of evidence; to amend sections 27-1101 and 29-1927, Reissue Revised Statutes of Nebraska; to change provisions relating to applicability of the rules and to alibi evidence; and to repeal the original sections.

**LEGISLATIVE BILL 70.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-305.09 and 60-320, Reissue Revised Statutes of Nebraska, and sections 60-308 and 60-311, Revised Statutes Supplement, 2000; to provide for five-year issuance of license plates; to change provisions relating to record keeping; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 71.** 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 72.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to labor; to amend section 48-212, Reissue Revised Statutes of Nebraska; to change lunch period requirements; and to repeal the original section.

**LEGISLATIVE BILL 73.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1201, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2000; to prohibit blowguns in the passenger compartment of a motor vehicle; and to repeal the original sections.

**LEGISLATIVE BILL 74.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2828, Reissue Revised Statutes of Nebraska; to change the statute of limitations for malpractice or professional negligence actions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 75.** Introduced by Connealy, 16.

A BILL FOR AN ACT relating to motor fuel; to provide intent regarding fuel containing renewable fuel content; to provide duties for retailers of motor fuel and the Department of Revenue; to eliminate a provision relating to reformulated gasoline; to provide an operative date; and to outright repeal section 66-1225, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 76.** Introduced by Brashear, 4; Brown, 6; Bruning, 3; Wickersham, 49.

A BILL FOR AN ACT relating to campaign contributions; to amend sections 32-1603, 32-1608, 49-1446, 49-14,122, 49-14,129, and 49-14,140, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1403, 49-1446.05, 49-1447, 49-1455, 49-1463.01, 49-14,123, and 49-14,124 to 49-14,126, Revised Statutes Supplement, 2000; to prohibit the acceptance of certain campaign contributions; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1601, 32-1602, 32-1604, 32-1605 to 32-1607, 32-1608.01 to 32-1614, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and section 32-1604.01, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 77.** Introduced by Brashear, 4; Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 10-703.01, 18-2521, 19-3002, 19-3005, 19-3006, 19-3011, 32-224, 32-234, 32-908, 32-909, 32-911, 32-919, 32-933, 32-941, 32-943, 32-950, 32-1001, 32-1009, 32-1010, 32-1013, 32-1019, 32-1020, 32-1535, and 32-1545, Reissue Revised Statutes of Nebraska, and sections 32-238 and 32-1027, Revised Statutes Supplement, 2000; to change the hours during which the polls are open; to change restrictions on the release of election results; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 78.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Redevelopment Act; to amend section 58-501, Reissue Revised Statutes of Nebraska; to eliminate a limitation on applications; to harmonize provisions; to repeal the original section; and to outright repeal section 58-533, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 79.** 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, 2000; to change provisions relating to offenses against animals; and to repeal the original sections.

**LEGISLATIVE BILL 80.** 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 81.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to judges; to amend section 29-2248, Reissue Revised Statutes of Nebraska; to change provisions relating to duties of the Nebraska District Court Judges Association; and to repeal the original section.

**LEGISLATIVE BILL 82.** 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 83.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2709, Reissue Revised Statutes of Nebraska; to change provisions relating to certain uncollectible costs; and to repeal the original section.

**LEGISLATIVE BILL 84.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to county court; to amend section 24-517, Revised Statutes Supplement, 2000; to change jurisdictional provisions; and to repeal the original section.

**LEGISLATIVE BILL 85.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend section

25-1210, Reissue Revised Statutes of Nebraska; to change provisions relating to witnesses; and to repeal the original section.

**LEGISLATIVE BILL 86.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-201, Revised Statutes Supplement, 2000; to provide penalties for criminal attempt; and to repeal the original section.

**LEGISLATIVE BILL 87.** 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 88.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to inheritance tax; to limit access to certain court records and information as prescribed; to provide for confidentiality; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 89.** Introduced by Wickersham, 49; Bromm, 23.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-1401, Reissue Revised Statutes of Nebraska, and section 86-1405, Revised Statutes Supplement, 2000; 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 90.** Introduced by Wickersham, 49; Bromm, 23.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend sections 18-2701 to 18-2703, 18-2705, and 18-2709, Reissue Revised Statutes of Nebraska; to authorize qualifying businesses to obtain funding for certain telecommunications services; to change and provide definitions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 91.** Introduced by Wickersham, 49; Bromm, 23; Coordsen, 32; Erdman, 47; Kremer, 34.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4108, Reissue Revised Statutes of Nebraska, and section 77-4103, Revised Statutes Supplement, 2000; to extend benefits to certain cooperatives; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 92.** Introduced by Cudaback, 36; Baker, 44;

Erdman, 47; Jones, 43; Schrock, 38.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Supplement, 2000; to provide an additional district court judgeship; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 93.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-1302, Revised Statutes Supplement, 2000; to change provisions relating to a committee report; and to repeal the original section.

**LEGISLATIVE BILL 94.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to schools; to amend section 79-237, Reissue Revised Statutes of Nebraska; to change provisions relating to the option enrollment program; and to repeal the original section.

**LEGISLATIVE BILL 95.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,211.08, Revised Statutes Supplement, 2000; to change provisions relating to consumption of alcoholic beverages and open containers as prescribed; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 96.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state government; to amend sections 81-1317 and 81-1317.01, Reissue Revised Statutes of Nebraska, and section 81-153, Revised Statutes Supplement, 2000; to authorize certain out-of-state purchases and interfund borrowing; to eliminate a provision relating to interfund borrowing; to change provisions relating to employment; to provide operative dates; to repeal the original sections; to outright repeal section 81-1108.05, Revised Statutes Supplement, 2000; and to declare an emergency.

**LEGISLATIVE BILL 97.** Introduced by Schimek, 27; Aguilar, 35; Beutler, 28; Connealy, 16; Dierks, 40; Hilgert, 7; Wickersham, 49.

A BILL FOR AN ACT relating to the Unmarked Human Burial Sites and Skeletal Remains Protection Act; to amend section 12-1208, Reissue Revised Statutes of Nebraska; to provide reburial duties for the Commission on Indian Affairs as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 98.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-420, Reissue Revised Statutes of Nebraska; to change provisions relating to

hunting and fishing permits for veterans; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 99.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to construction liens; to amend sections 52-131, 52-135, and 52-136, Reissue Revised Statutes of Nebraska; to require notice of recording to a contracting owner by a claimant; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 100.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend section 77-4901, Revised Statutes Supplement, 2000; to eliminate a limitation on project applications; to harmonize provisions; to repeal the original section; and to outright repeal section 77-4935, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 101.** Introduced by Hartnett, 45; Preister, 5.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend section 14-2104, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the board of directors; and to repeal the original section.

**LEGISLATIVE BILL 102.** Introduced by Bromm, 23; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,114, Reissue Revised Statutes of Nebraska; to provide a size, weight, and load exemption for authorized emergency vehicles as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 103.** Introduced by Bromm, 23; Bruning, 3; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend sections 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Supplement, 2000; to change reimbursement provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 104.** Introduced by Bromm, 23; Wickersham, 49.

A BILL FOR AN ACT relating to certain cities and villages; to eliminate court action bond requirements as prescribed.

**LEGISLATIVE BILL 105.** Introduced by Bromm, 23.

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 106.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-483, Revised Statutes Supplement, 2000; to change powers and duties of the Director of Motor Vehicles; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 107.** 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 108.** Introduced by Bromm, 23.

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 109.** Introduced by Bruning, 3; Bourne, 8; Wickersham, 49.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-708, Revised Statutes Supplement, 2000; to change provisions relating to retirement age and benefits; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 110.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to lawyers; to establish a fund for client protection; to provide for payment of claims; and to establish trust fund requirements and audits.

**LEGISLATIVE BILL 111.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-407, 37-413, 37-414, 37-455, and 37-1227, Reissue Revised Statutes of Nebraska, and sections 37-409, 37-415, 37-426, 37-427, and 37-431, Revised Statutes Supplement, 2000; to change provisions relating to firearm and bow hunter education, limited deer permits, and fees; to provide for a lifetime habitat stamp; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 112.** Introduced by Baker, 44; 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 for persons committed to the Department of Correctional Services; and to repeal the original section.

**LEGISLATIVE BILL 113.** Introduced by Brown, 6; Brashear, 4; Kristensen, 37.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend section 28-438, Reissue Revised Statutes of Nebraska, and sections 28-405 and 28-416, Revised Statutes Supplement, 2000; to require labeling for food and dietary supplements; to provide requirements for sales of crystalline iodine; to prohibit certain sales of ephedrine, pseudoephedrine, and phenylpropanolamine; to create a fund and provide duties; to require registration of manufacturers and wholesale distributors; to change controlled substance schedules; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 114.** Introduced by Quandahl, 31.

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

**LEGISLATIVE BILL 115.** Introduced by Quandahl, 31; Aguilar, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2000; to provide a tax credit for donations to public schools; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 116.** Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to landlord and tenant; to amend sections 76-1401 to 76-1409, 76-1411, 76-1414, 76-1415, 76-1417, 76-1419, 76-1420, 76-1425, 76-1428, 76-1431, 76-1436, and 76-1448, Reissue Revised Statutes of Nebraska, and section 76-1416, Revised Statutes Supplement, 2000; to change provisions relating to termination of rental agreements; to provide powers and duties; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 117.** Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2352 and 30-24.101, Reissue Revised Statutes of Nebraska; to change provisions relating to renunciation of succession and the right of retainer; and to repeal the original sections.

**LEGISLATIVE BILL 118.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1837, Reissue Revised Statutes of Nebraska; to change provisions relating to county treasurer's tax deeds; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 119.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend section 77-4935, Revised Statutes Supplement, 2000; to change a termination date for applications; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 120.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-1343, 77-1360.01, 77-5023, and 79-1016, Revised Statutes Supplement, 2000; to change provisions relating to valuation of agricultural and horticultural land; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 121.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3446 and 79-1025, Revised Statutes Supplement, 2000; to change the base limitation applicable to school districts and other political subdivisions; to change the basic allowable growth rate for school districts; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 122.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Revised Statutes Supplement, 2000; to change provisions relating to references to the code; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 123.** Introduced by Wickersham, 49; Connealy, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Supplement, 2000; to provide a sales and use tax exemption for certain political subdivisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 124.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1704.01, Revised Statutes Supplement, 2000; to change information on and duties related to tax statements; and to repeal the original section.

**LEGISLATIVE BILL 125.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to elections; to amend section 32-1525, Reissue Revised Statutes of Nebraska; to change restrictions on exit polls and other interviews with voters on election day; and to repeal the original section.

**LEGISLATIVE BILL 126.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 13-2041, 81-1505, 81-1521.21, and 85-15,162.01, Reissue Revised Statutes of Nebraska; to eliminate certain notice and hearing requirements as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 127.** 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, 10-128, 10-132, 10-140, 10-201.01, 10-410, 10-707, 10-716.01, 13-1103, 14-1717, 17-968, 18-1805, 23-389, 23-3561, 23-3563, 23-35,116, 31-342, 31-531, 31-759, 39-841, 39-1632, 39-2207, 46-1,106, and 85-1522, Reissue Revised Statutes of Nebraska, and sections 10-126, 14-1806, 46-270, and 77-2387, Revised Statutes Supplement, 2000; 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; to outright repeal sections 10-108, 10-109, 10-118, 10-118.01, 10-121, 10-201, 10-202, 18-2132, 23-3562, 23-3564, 31-341, and 31-446, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 128.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2042, Revised Statutes Supplement, 2000; to change provisions relating to the Solid Waste Management Cash Fund; and to repeal the original section.

**LEGISLATIVE BILL 129.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend section 46-685, Reissue Revised Statutes of Nebraska, and sections 2-1588, 2-1594, and 46-233, Revised Statutes Supplement, 2000; to change provisions relating to the Nebraska Resources Development Fund, applications for the diversion of water, and appeals under the Industrial Ground Water Regulatory Act; and to repeal the original sections.

**LEGISLATIVE BILL 130.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-316, 37-418, 37-624, and 60-646, Reissue Revised Statutes of Nebraska, and sections 37-543, 37-560, and 37-613, Revised Statutes Supplement,

2000; to change provisions relating to private wildlife management permits, the unlawful taking of wildlife and fish, property damage by certain animals, and the credentialing of certain federal officers; to provide powers and duties; to redefine a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 131.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 37-1212, 37-1218, and 37-1256, Reissue Revised Statutes of Nebraska, and sections 37-1228 and 37-1241.03, Revised Statutes Supplement, 2000; to change provisions relating to registrations, certificates of number, personal watercraft, and accident reports; to eliminate a duty relating to motorboat registration lists; to provide and change powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal section 37-1218.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 132.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-438 and 37-440, Revised Statutes Supplement, 2000; to change provisions relating to entry permits; to authorize a fee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 133.** 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 section 46-1201, Reissue Revised Statutes of Nebraska; to exempt natural resources district employees from certain certification requirements; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 134.** Introduced by Schrock, 38; Bromm, 23; Bruning, 3; Hudkins, 21; Jones, 43; Kremer, 34; Stuhr, 24.

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 135.** Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bromm, 23; Bruning, 3; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 46-656.26 and 46-656.27, Reissue Revised Statutes of Nebraska, and sections 46-656.07 and 46-656.25, Revised Statutes Supplement, 2000; to redefine a term; to change ground water management control and allocation provisions; and to repeal the original sections.

**LEGISLATIVE BILL 136.** Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bromm, 23; Bruning, 3; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3252, 2-3253, and 2-3254.04, Reissue Revised Statutes of Nebraska, and section 2-3254, Revised Statutes Supplement, 2000; to provide for altering improvement project area boundaries; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 137.** Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bromm, 23; Bruning, 3; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

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 138.** 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 acknowledgments; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 139.** Introduced by Janssen, 15; Baker, 44; Cunningham, 18; Tyson, 19.

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, 2000; 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 140.** Introduced by Robak, 22; Burling, 33; Connealy, 16; Cunningham, 18; Dierks, 40; Hilgert, 7; Hudkins, 21; Janssen, 15; Dw. Pedersen, 39; Price, 26; Schimek, 27; Schrock, 38; Smith, 48; Stuhr, 24.

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

#### ANNOUNCEMENTS

Senator Wickersham announced the Revenue Committee elected Senator Coordsen as Vice Chairperson.

Senator Connealy announced the Business and Labor Committee elected

Senator Vrtiska as Vice Chairperson.

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

### RECESS

At 11:59 a.m., on a motion by Senator Dierks, 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 Senator McDonald who was excused; and Senators Beutler, Bromm, Chambers, Landis, and Robak who were excused until they arrive.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 141.** Introduced by Schrock, 38; Baker, 44; Bruning, 3; Burling, 33; Cudaback, 36; Cunningham, 18; Erdman, 47; Foley, 29; Janssen, 15; Kruse, 13; Price, 26; Smith, 48; Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-2716, 85-1801, 85-1804, and 85-1807, Revised Statutes Supplement, 2000; to change income tax adjustments; to provide for legislative appropriations; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 142.** Introduced by Schimek, 27; Aguilar, 35; Brown, 6; Cudaback, 36; Kremer, 34; Quandahl, 31; Wickersham, 49.

A BILL FOR AN ACT relating to local government; to amend sections 10-131, 10-133, 10-142, 13-2202, 23-2323.03, 32-567, 77-2711, and 77-4106, Reissue Revised Statutes of Nebraska, and sections 10-127, 13-503, 13-2401, 23-2301, 23-2306, 23-2331, 74-1305, 77-2704.31, 77-3442, 77-3443, and 77-4105, Revised Statutes Supplement, 2000; 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 143.** Introduced by Schimek, 27; Beutler, 28; Bruning, 3; Janssen, 15; Jones, 43; Quandahl, 31; 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 144.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2000; to delete obsolete language; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 145.** Introduced by Robak, 22; Beutler, 28; Byars, 30; Price, 26; Schimek, 27; Suttle, 10; 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 146.** Introduced by Kremer, 34.

A BILL FOR AN ACT relating to installment sales; to amend sections 45-335, 45-338, and 45-341, Reissue Revised Statutes of Nebraska; to authorize an increase in origination fees as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 147.** Introduced by Vrtiska, 1; Janssen, 15.

A BILL FOR AN ACT relating to license plates; to provide for Shriner's license plates.

**LEGISLATIVE BILL 148.** Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-108, 60-117, 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, and sections 18-1736, 18-1737, 60-301, 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, 2000; 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 149.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-160, Reissue Revised Statutes of Nebraska; to change provisions relating to tax rates; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 150.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-318, Reissue Revised Statutes of Nebraska, and section 28-405, Revised Statutes Supplement, 2000; to change provisions relating to sexual assault and controlled substances schedules; and to repeal the original sections.

**LEGISLATIVE BILL 151.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Community-Based Neurobehavioral Action Plan Act; to amend sections 79-11,146 and 79-11,149, Revised Statutes Supplement, 2000; to change provisions relating to a report and termination of the act; and to repeal the original sections.

**LEGISLATIVE BILL 152.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health and human services; to amend sections 81-655, 81-657, and 81-659, Reissue Revised Statutes of Nebraska, and section 81-658, Revised Statutes Supplement, 2000; to change brain injury registry provisions; to eliminate a termination date; to repeal the original sections; to outright repeal section 81-662, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 153.** Introduced by Hilgert, 7.

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 154.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to correctional services; to adopt the Nebraska Correctional Health Care Services Act.

**LEGISLATIVE BILL 155.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-322 and 28-322.01, Revised Statutes Supplement, 2000; to change provisions relating to sexual abuse of an inmate or parolee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 156.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1315, Revised Statutes Supplement, 2000; to change a publication requirement relating to assessment rolls; and to repeal the original section.



**LEGISLATIVE BILL 157.** Introduced by Cudaback, 36; Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-112, Reissue Revised Statutes of Nebraska, and section 60-110, Revised Statutes Supplement, 2000; to change provisions relating to certificates of title; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 158.** Introduced by Robak, 22; Dw. Pedersen, 39; 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 159.** 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, 2000; 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 160.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.10, Reissue Revised Statutes of Nebraska, and sections 60-301 and 60-311.11, Revised Statutes Supplement, 2000; to provide for the issuance of message plates for utility trailers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 161.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-922 and 13-926, Reissue Revised Statutes of Nebraska; to change amounts recoverable as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 162.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to real estate appraisers; to amend sections 76-2204, 76-2207, 76-2216, 76-2217.01, 76-2215, 76-2218, 76-2220, 76-2222, 76-2223, 76-2225, 76-2226, 76-2227 to 76-2229, 76-2233.02, 76-2237 to 76-2246, 76-2247.01, 76-2248, 76-2249, and 76-2250, Reissue Revised Statutes of Nebraska, and sections 76-2201, 76-2203, 76-2221, 76-2229.01, 76-2230, 76-2231.01, 76-2232 to 76-2233.01, and 76-2236, Revised Statutes Supplement, 2000; to change credentialing and regulation provisions; to eliminate obsolete and duplicative provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections

76-2229.02, 76-2234, and 76-2235, Reissue Revised Statutes of Nebraska, and section 76-2234.01, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 163.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to state prisoners; to amend sections 47-119, 47-119.01, and 47-121, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to reimbursement for the care of state prisoners; to provide for audits; and to repeal the original sections.

**LEGISLATIVE BILL 164.** Introduced by Robak, 22; Schimek, 27; Thompson, 14.

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 165.** Introduced by Kristensen, 37; Beutler, 28; Bromm, 23.

A BILL FOR AN ACT relating to the Telemarketing and Prize Promotions Act; to amend section 86-2008, Reissue Revised Statutes of Nebraska; to prohibit certain acts by solicitors, sponsors, or sellers; and to repeal the original section.

**LEGISLATIVE BILL 166.** Introduced by Hudkins, 21; Aguilar, 35; Cudaback, 36; Dierks, 40; Jensen, 20; Jones, 43; Kruse, 13; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to alcohol; to amend sections 37-1254.01 and 60-4,182, Reissue Revised Statutes of Nebraska, and sections 37-1254.02 and 60-6,196, Revised Statutes Supplement, 2000; to reduce the alcohol concentration limits allowed while operating a motorboat or motor vehicle; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 167.** Introduced by Jones, 43; Byars, 30; Dierks, 40; Hudkins, 21; Redfield, 12.

A BILL FOR AN ACT relating to alcohol; to amend section 60-4,182, Reissue Revised Statutes of Nebraska, and section 60-6,196, Revised Statutes Supplement, 2000; to reduce the alcohol concentration limits allowed while operating a motor vehicle; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 168.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to motor fuels; to amend sections 66-4,124,

66-4,125, and 66-4,129, Reissue Revised Statutes of Nebraska, and sections 66-486, 66-487, 66-488, 66-4,128, 66-675, 66-676, 66-678, and 66-6,110, Revised Statutes Supplement, 2000; to eliminate the permit process and change claim procedures for tax credit gasoline as prescribed; to eliminate wholesaler's license for the taxation of motor and diesel fuels; to change licensing authority relating to motor fuel taxes; to change reporting requirements relating to the taxation of motor, diesel, and compressed fuels; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 66-4,122 and 66-4,123, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 169.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,188, 77-27,188.02, 77-27,192, and 77-27,196.01, Revised Statutes Supplement, 2000; to authorize managed compliance agreements for holders of certain direct payment permits; to eliminate a recapture provision and require minimum investment and employment increases under the Employment Expansion and Investment Incentive Act; to harmonize provisions; to provide applicability; and to repeal the original sections.

**LEGISLATIVE BILL 170.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1501, 77-1510, 77-5004, 77-5007, 77-5013, 77-5023, and 77-5026, Revised Statutes Supplement, 2000; to change provisions relating to property tax valuation; to change appellate procedures for appeals to the Tax Equalization and Review Commission; to change qualifications for members of the Tax Equalization and Review Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 171.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-101, 77-1327, 77-1342, 77-1343, 77-1344, 77-1347, 77-1363, 77-5023, 77-5024, and 79-1016, Revised Statutes Supplement, 2000; to define a term; to change powers and duties of the Property Tax Administrator; to change provisions relating to valuation of certain agricultural and horticultural land; to eliminate a provision dealing with taxation of irrigation works; to harmonize provisions; to repeal the original sections; and to outright repeal section 46-267, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 172.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Hartnett, 45; Janssen, 15; Raikes, 25.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2701, Revised Statutes Supplement, 2000; to adopt the Uniform Sales and Use Tax Administration Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 173.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Janssen, 15; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-4243, 3-147, 3-206, 3-511, 3-621, 3-714, 13-824, 14-1721, 15-844, 18-2480, 51-218, 58-268, 58-324, and 58-430, Reissue Revised Statutes of Nebraska, and sections 13-2546 and 51-809, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to tax exemptions for public property; to harmonize provisions; to repeal the original sections; and to outright repeal sections 3-606, 18-1506, and 46-267, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 174.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to corporations; to amend sections 21-303, 21-319, and 21-328, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to occupation taxes and provide for a corporate income tax; to eliminate a definition; to harmonize provisions; to repeal the original sections; and to outright repeal sections 21-306 and 21-329, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 175.** Introduced by Hudkins, 21; Cunningham, 18; Wehrbein, 2.

A BILL FOR AN ACT relating to wineries; to amend section 53-304, Revised Statutes Supplement, 2000; to change provisions relating to required payments; and to repeal the original section.

**LEGISLATIVE BILL 176.** 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 district projects; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 177.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-2109, 14-2114, 18-410, 77-2342 to 77-2344, 77-2346, and 77-2349, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to county treasurers serving as ex officio treasurers; to harmonize provisions; to repeal the original sections; and to outright repeal sections 14-2140, 77-2347, and 77-2348, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 178.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-320, 60-320.01, and 60-321, Reissue Revised Statutes of Nebraska, and sections 60-302, 60-1901, and 60-1902, Revised Statutes Supplement, 2000; to change provisions relating to In Transit decals as prescribed; to provide duties; and to repeal the original sections.

**LEGISLATIVE BILL 179.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-408, Reissue Revised Statutes of Nebraska; to change membership of the zoning board of appeals; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 180.** Introduced by Hilgert, 7; Connealy, 16.

A BILL FOR AN ACT relating to labor; to amend sections 48-302.01, 48-310, 48-731, 48-733, 48-2111, and 48-2114, Reissue Revised Statutes of Nebraska, and sections 48-303 and 48-446, Revised Statutes Supplement, 2000; to change provisions relating to child employment certificates, worker safety programs, and the Boiler Inspection Act contractor registration; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 181.** Introduced by Jones, 43; Dierks, 40; Erdman, 47; Schrock, 38.

A BILL FOR AN ACT relating to schools; to amend section 79-1089, Revised Statutes Supplement, 2000; to change provisions relating to audits of Class I districts; and to repeal the original section.

**LEGISLATIVE BILL 182.** Introduced by Jones, 43; Beutler, 28; Bromm, 23; Bruning, 3; Kremer, 34; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to the Niobrara Council; to amend section 72-2007, Revised Statutes Supplement, 2000; to change quorum provisions; and to repeal the original section.

**LEGISLATIVE BILL 183.** Introduced by Janssen, 15; Cudaback, 36; Schimek, 27; Schrock, 38.

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 184.** Introduced by Janssen, 15; Cudaback, 36; Schrock, 38.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3002 and 60-3006, Revised Statutes Supplement, 2000; 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 185.** Introduced by D. Pederson, 42; Cudaback, 36; Dierks, 40; Engel, 17; Hilgert, 7; Kremer, 34; Dw. Pedersen, 39; Schimek, 27; Wehrbein, 2.

A BILL FOR AN ACT relating to railroads; to require a minimum number of persons for a train crew; and to provide penalties.

**LEGISLATIVE BILL 186.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the County Employees Retirement Act; to amend section 23-2307, Reissue Revised Statutes of Nebraska, and section 23-2331, Revised Statutes Supplement, 2000; to change provisions relating to contributions; to provide for a supplemental retirement plan for certain law enforcement personnel; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 187.** Introduced by Byars, 30; Price, 26; Schimek, 27; Suttle, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds relating to respite care; to provide intent; and to declare an emergency.

**LEGISLATIVE BILL 188.** Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 83-1025, Reissue Revised Statutes of Nebraska; to change provisions relating to filing petitions; and to repeal the original section.

**LEGISLATIVE BILL 189.** 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 190.** Introduced by Byars, 30; Bromm, 23; Kremer, 34; Schimek, 27.

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 191.** Introduced by Byars, 30; Baker, 44; Bromm, 23; Jensen, 20; Jones, 43; Kristensen, 37; Robak, 22; Schimek, 27; Stuhr, 24; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-302, Revised Statutes Supplement, 2000; to provide for an additional fee; to create a fund; and to repeal the original section.

**LEGISLATIVE BILL 192.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Chambers, 11; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-601, 48-608, 48-612 to 48-614, 48-633, 48-634, 48-650, 48-656, and 48-663, Reissue Revised Statutes of Nebraska, and sections 48-602, 48-628, and 48-657, Revised Statutes Supplement, 2000; to redefine terms; to change provisions relating to print material, benefits, appeal tribunals, powers and duties, notices, assessments, and venue; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 193.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Vrtiska, 1.

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 repeal the Nebraska Job Training Act; to harmonize provisions; to repeal the original section; to outright repeal sections 48-1601 to 48-1615, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 194.** Introduced by Dierks, 40; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3952 to 2-3954, Reissue Revised Statutes of Nebraska; to change membership provisions of the Nebraska Dairy Industry Development Board; and to repeal the original sections.

**LEGISLATIVE BILL 195.** Introduced by Dierks, 40; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to provide for recommendations for an agriculture continuing education program; and to provide powers and duties for the Department of Agriculture.

**LEGISLATIVE BILL 196.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agricultural lands; to amend section 76-1520, Revised Statutes Supplement, 2000; to require certain partnerships to file a statement of agricultural activity and real estate holding; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

**LEGISLATIVE BILL 197.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3002 to 2-3005, 54-1162, 54-1175, 54-1180, and 54-1181, Reissue Revised Statutes of Nebraska, and sections 54-1156 to 54-1160, 54-1165, 54-1168, 54-1169, 54-1171 to 54-1174, 54-1176, and 54-1182, Revised Statutes Supplement, 2000; to change intent, prohibited acts, and department powers and duties relating to poultry disease control; to rename the Livestock Auction Act; to define terms; to change provisions relating to the Livestock Auction Market Board, weighing of livestock, and designated veterinarians; to harmonize provisions; to eliminate obsolete provisions and the Nebraska Livestock Market Act; to provide operative dates; to repeal the original sections; and to outright repeal sections 54-1164, 54-2002 to 54-2011, 54-2013, and 54-2015 to 54-2019, Reissue Revised Statutes of Nebraska, and sections 54-2001, 54-2012, and 54-2014, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 198.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3901, 2-3902, 2-3906, 2-3907, 2-3908, 2-3910, 2-3914, 2-3915, 2-3917, 2-3917.01, 2-3924, 2-3928, 2-3929, 2-3930, and 2-3938, Reissue Revised Statutes of Nebraska; to change provisions in the Nebraska Pasteurized Milk Law adopted by reference and to provide for appeals and fees; to change provisions in the Nebraska Manufacturing Milk Act relating to standards, classifications, and due process; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 199.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to homesteads; to amend section 77-3504, Revised Statutes Supplement, 2000; to redefine household income; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 200.** Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section



77-2704.24, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2715.07, Revised Statutes Supplement, 2000; to provide for a sales tax on food; to provide duties for the Department of Revenue; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 201.** Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 53-160, Reissue Revised Statutes of Nebraska, and section 77-2602, Revised Statutes Supplement, 2000; to change taxation rates relating to alcoholic liquor and tobacco; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 202.** Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702.17, Reissue Revised Statutes of Nebraska, and sections 77-2702.07, 77-2702.13, 77-2702.14, and 77-2703, Revised Statutes Supplement, 2000; to provide for sales and use taxation of certain services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 203.** Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to eliminate provisions relating to capital gains adjustments; and to outright repeal sections 77-2715.08 and 77-2715.09, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 204.** Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to amend sections 77-3442, 79-1008.01, and 79-1022.01, Revised Statutes Supplement, 2000; to change the maximum levy; to change state aid distributions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 205.** Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

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.

**LEGISLATIVE BILL 206.** Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Revised Statutes Supplement, 2000; to change the sales and use tax rate; and to repeal the original section.

**LEGISLATIVE BILL 207.** Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

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, 2000; to change the income tax and sales and use tax rates; and to repeal the original sections.

**LEGISLATIVE BILL 208.** Introduced by Agriculture Committee: Dierks, 40, Chairperson; Burling, 33; Schimek, 27; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to livestock; to amend sections 54-703, 54-705, and 54-751 to 54-753, Reissue Revised Statutes of Nebraska, and section 54-744, Revised Statutes Supplement, 2000; to provide powers and duties for certain departments; to change provisions relating to the disposal of the carcasses of dead animals; to provide for registration of livestock disposal facilities and rendering substations; to authorize standards and county powers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 209.** Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Price, 26; Suttle, 10; and Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-1,107.26, 71-1,187, 71-1,194, 71-634, 71-1902, 71-1904, 71-1905, 71-2801, 71-2802, 71-2803.01, 71-2815, 71-2819, and 81-664, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-133, 71-161.10, 71-183.02, 71-193.04, 71-193.16, 71-1,107.16, 71-1,136.01, 71-340, 71-3,106, 71-3,224, 71-1901, 71-1903, 71-2804, 71-2807, and 71-7614, Revised Statutes Supplement, 2000; to change licensure provisions relating to dentistry, dental hygiene, physician assistants, optometry, audiology, speech-language pathology, cosmetology, nail technology, foster care, and physical therapy; to provide for waiver of fees for corrections to birth or death certificates; to repeal the Community Health Care Act, the Parkinson's Disease Registry Act, and provisions regarding the Nebraska Commission on Human Genetic Technologies; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-7501 to 71-7517, 71-7518.01 to 71-7518.09, 71-7520 to 71-7529, 81-681, 81-682, and 81-684 to 81-696, Reissue Revised Statutes of Nebraska, and sections 71-8101 to 71-8107 and 81-683, Revised Statutes Supplement, 2000; and to declare an emergency.

**LEGISLATIVE BILL 210.** Introduced by Smith, 48.

A BILL FOR AN ACT relating to zoning; to amend section 19-916, Reissue Revised Statutes of Nebraska; to change provisions relating to additions and platting; to provide duties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 211.** Introduced by Smith, 48.

A BILL FOR AN ACT relating to real estate; to amend section 76-2,120, Reissue Revised Statutes of Nebraska; to change provisions relating to real estate disclosure statements; and to repeal the original section.

**LEGISLATIVE BILL 212.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-715, 28-719 to 28-722, and 28-725, Reissue Revised Statutes of Nebraska, and sections 28-710, 28-713, 28-713.01, and 43-3709, Revised Statutes Supplement, 2000; to change provisions relating to reports and the central register; to provide for a tracking system; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 213.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to child care; to amend sections 71-1914, 71-1915, and 71-1916, Revised Statutes Supplement, 2000; to change provisions relating to disciplinary actions; to change penalties; and to repeal the original sections.

**LEGISLATIVE BILL 214.** Introduced by Jensen, 20; Suttle, 10.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 28-377 and 71-5666, Reissue Revised Statutes of Nebraska, and sections 28-726, 71-407, 71-460, 71-461, 71-5661, and 71-5668, Revised Statutes Supplement, 2000; to change provisions relating to certain records as prescribed; to redefine terms relating to assisted-living facilities; to change provisions relating to student loans; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 215.** Introduced by Smith, 48.

A BILL FOR AN ACT relating to real estate; to amend sections 76-2403, 76-2417 to 76-2419, 76-2421, 76-2422, 81-885.03, 81-885.12, 81-885.13, 81-885.17 to 81-885.19, 81-885.24, 81-885.29, 81-885.33, 81-885.34, 81-885.40, 81-885.45, and 81-885.51 to 81-885.53, Reissue Revised Statutes of Nebraska, and sections 81-885.01, 81-885.11, and 81-885.21, Revised Statutes Supplement, 2000; to change provisions relating to regulation and licensure of real estate professionals; and to repeal the original sections.

**LEGISLATIVE BILL 216.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 29-2278, Reissue Revised Statutes of Nebraska, and sections 48-115, 48-126.01, 48-145, 48-146, and 48-147, Revised Statutes Supplement, 2000; to provide that offenders sentenced to community service are not employees under the act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 217.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-438, Revised Statutes Supplement, 2000; to exempt veterans from the payment of park entry permit fees as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 218.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-420, Revised Statutes Supplement, 2000; to change provisions relating to exemptions for veterans from hunting and fishing permit fees; and to repeal the original section.

**LEGISLATIVE BILL 219.** Introduced by Tyson, 19.

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 220.** 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 221.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1221, Reissue Revised Statutes of Nebraska, and section 28-1213, Revised Statutes Supplement, 2000; to change provisions relating to explosives; to change provisions and penalty provisions relating to threatening to use explosives; and to repeal the original sections.

**LEGISLATIVE BILL 222.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to municipal improvements; to amend sections 16-902, 17-1002, and 19-2402, Reissue Revised Statutes of Nebraska; to change provisions relating to municipal water and sanitary sewer service extension district limits; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 223.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to libraries; to amend section 77-3442, Revised Statutes Supplement, 2000; to authorize issuance of bonds for technology equipment and services; to provide an exemption from levy limitations; and to repeal the original section.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 1CA.** Introduced by Stuhr, 24.

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

Section 1. At a special election on May 14, 2002, 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 public schools shall teach the English language. ~~and the common school branches shall be taught in said 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 clarify English language requirements in schools.

For

Against".

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 2CA.** Introduced by Quandahl, 31.

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

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where 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".

Referred to the Reference Committee.

### INAUGURAL CEREMONIES

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

The Chief Justice, Secretary of State, and newly elected state and constitutional officers were escorted from the Chamber.

### VISITORS

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

### ADJOURNMENT

At 2:02 p.m., on a motion by Senator Aguilar, the Legislature adjourned until 10:00 a.m., Friday, January 5, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRD DAY - JANUARY 5, 2001**  
**LEGISLATIVE JOURNAL**  
**NINETY-SEVENTH LEGISLATURE**  
**FIRST SESSION**

**THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 5, 2001

**PRAYER**

The prayer was offered by Father Daniel Seiker, 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 McDonald and Robak who were excused; and Senators Beutler and Landis who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the second day was approved.

**MOTION - Adopt Temporary Rules**

Senator Hudkins moved that the rules, as now in our possession, be adopted for today only, Friday, January 5, 2001.

The motion prevailed.

**ANNOUNCEMENTS**

Senator Raikes announced the Education Committee elected Senator Suttle as Vice Chairperson.

Senator Janssen announced the General Affairs Committee elected Senator Quandahl as Vice Chairperson.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 224.** Introduced by General Affairs Committee: Janssen, 15, Chairperson; Cunningham, 18; Quandahl, 31; Redfield, 12; Schrock, 38.

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 225.** Introduced by Landis, 46; Aguilar, 35; Bourne, 8; Bruning, 3; Cunningham, 18; Jensen, 20; Kremer, 34; Smith, 48; Tyson, 19; at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to create the Nebraska Venture Capital Forum Act; to state intent; and to declare an emergency.

**LEGISLATIVE BILL 226.** Introduced by Thompson, 14; Bruning, 3; Hartnett, 45.

A BILL FOR AN ACT relating to elections; to amend sections 32-208, 32-209, and 32-211, Reissue Revised Statutes of Nebraska; to change residency requirements for election commissioners and chief deputy election commissioners; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 227.** Introduced by Thompson, 14; Aguilar, 35; Brown, 6; Burling, 33; Dierks, 40; Jensen, 20; Preister, 5; Price, 26; Raikes, 25; Redfield, 12; Schimek, 27; Schrock, 38; Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5701, 71-5702, 71-5703, and 71-5708, Reissue Revised Statutes of Nebraska, and section 71-5707, Revised Statutes Supplement, 2000; to define a term; to change designated smoking area provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 228.** Introduced by Thompson, 14; Hilgert, 7; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice.

**LEGISLATIVE BILL 229.** Introduced by Hilgert, 7.

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, 2000; 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 230.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Residential Lead-Based Paint Professions Certification Act; to amend section 71-6321, Revised Statutes Supplement, 2000; to change provisions relating to fees; and to repeal the original section.

**LEGISLATIVE BILL 231.** 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; and to repeal the original section.

**LEGISLATIVE BILL 232.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to irrigation; to amend section 46-257, Revised Statutes Supplement, 2000; to provide powers relating to low-hazard dams as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 233.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1502, 77-1504, and 77-1507, Revised Statutes Supplement, 2000; to change timeframes for certain property tax valuation protests; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 234.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-699, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 2000; to restrict the use of a cellular telephone while operating a motor vehicle; to define terms; to provide a penalty; to change provisions relating to accident reports; to provide a duty for the Department of Roads; to harmonize provisions; and to repeal the original sections.

### **COMMITTEE ON COMMITTEES REPORT**

Senator Dw. Pedersen moved to approve the Committee on Committees report found on page 76.

Senator Chambers requested a record vote on the motion to approve the Committee on Committees report.

Voting in the affirmative, 30:

Bourne	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Maxwell
Pedersen, Dw.	Preister	Price	Raikes	Schimiek
Schrock	Suttle	Thompson	Wehrbein	Wickersham

Voting in the negative, 3:

Bruning	Quandahl	Smith
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Present and not voting, 12:

Aguilar	Baker	Brashear	Bromm	Brown
Engel	Kruse	Pederson, D.	Redfield	Stuhr
Tyson	Vrtiska			

Excused and not voting, 4:

Beutler	Landis	McDonald	Robak
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The Committee on Committees report was approved with 30 ayes, 3 nays, 12 present and not voting, and 4 excused and not voting.

### **UNANIMOUS CONSENT - Member Excused**

Senator D. Pederson 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 235.** Introduced by Byars, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-521 and 71-524, Reissue Revised Statutes of Nebraska, and sections 71-519, 71-520, 71-522, and 71-523, Revised Statutes Supplement, 2000; to change provisions relating to newborn screening for metabolic diseases, food supplements and treatment, and fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 236.** Introduced by Bruning, 3; Smith, 48.

A BILL FOR AN ACT relating to marriage licenses; to amend section 33-110, Reissue Revised Statutes of Nebraska; to change marriage license fees and applications as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 237.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to political parties; to amend sections 32-221, 32-401, 32-603, 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, and sections 32-231, 32-239, and 32-607, Revised Statutes Supplement, 2000; 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 238.** Introduced by Price, 26.

A BILL FOR AN ACT relating to the Emergency Medical Services Act; to amend section 71-5178, Revised Statutes Supplement, 2000; to provide for rules and regulations for certification of emergency medical service instructors; and to repeal the original section.

**LEGISLATIVE BILL 239.** Introduced by Price, 26.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,154, Reissue Revised Statutes of Nebraska, and sections 60-483, 60-484, 60-4,144, 60-4,146.01, 60-4,171, 60-4,181, 60-2904, and 60-2909.01, Revised Statutes Supplement, 2000; to eliminate certain social security number requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 240.** Introduced by Price, 26; Byars, 30; Hudkins, 21; Raikes, 25; Schimek, 27.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Revised Statutes Supplement, 2000; to provide for qualified zone academy undertakings as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 241.** Introduced by Price, 26.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-348, 71-357, 71-366, 71-367, 71-368, 71-369, 71-394, 71-397, 71-3,102, 71-3,103, 71-3,105, 71-3,107, 71-3,109, 71-3,117, 71-3,120, 71-3,136, 71-3,138, 71-3,139, 71-3,140, 71-3,141, 71-3,145, 71-3,147, 71-3,150, 71-3,151, 71-3,154, 71-3,155, and 71-3,159, Reissue Revised Statutes of Nebraska, and sections 71-340, 71-341, 71-342, 71-343, 71-351, 71-352, 71-362, 71-364, 71-371, 71-374, 71-377, 71-381, 71-382, 71-386, 71-387, 71-3,137, 71-3,169, 71-3,174, 71-3,177, and 71-3,179, Revised Statutes Supplement, 2000; to provide for licensure for esthetics instructors and schools of esthetics; to change provisions relating to penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 242.** Introduced by Wickersham, 49; Schimek, 27.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 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, and sections 49-1401 and 79-818, Revised Statutes Supplement, 2000; 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 243.** Introduced by Schrock, 38; Bruning, 3; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-655, Reissue Revised Statutes of Nebraska; to change rate provisions for merged or consolidated districts; and to repeal the original section.

**LEGISLATIVE BILL 244.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to passenger rail service; to adopt the Midwest Interstate Passenger Rail Compact.

**LEGISLATIVE BILL 245.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Nebraska Transit and Rail Advisory Council Act; to amend sections 74-1512 and 74-1514, Revised Statutes Supplement, 2000; to change dates relating to a report and termination of an act; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 246.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-804, Reissue Revised Statutes of Nebraska; to change reporting requirements for the Public Service Commission; and to repeal the original section.

**LEGISLATIVE BILL 247.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to modular housing units; to amend section 71-1559, Revised Statutes Supplement, 2000; to provide for inspections, issuance of seals, and fees; to harmonize provisions; to repeal the original section; and to outright repeal section 71-1568, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 248.** Introduced by Wickersham, 49; Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational

Opportunities Support Act; to amend sections 79-1003 and 79-1018.01, Revised Statutes Supplement, 2000; to change provisions relating to other actual receipts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 249.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to construction; to provide for awards of attorney's fees and costs.

**LEGISLATIVE BILL 250.** 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 251.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-560, 32-572, 32-605, 32-615, 32-616, 32-625, and 85-1514, Reissue Revised Statutes of Nebraska; to change provisions relating to vacancies; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-626, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 252.** 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, 2000; 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 253.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to recounts; to amend section 32-1122, Reissue Revised Statutes of Nebraska; to change procedures for determining the winner of a primary election resulting in a tie vote; and to repeal the original section.

**LEGISLATIVE BILL 254.** 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 255.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to disabled persons; to adopt the

## Community-Based Neurobehavioral Rehabilitation Implementation Act.

**EASE**

The Legislature was at ease from 10:51 a.m. until 11:23 a.m.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 256.** Introduced by Wehrbein, 2.

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

**LEGISLATIVE BILL 257.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to amend section 81-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to medicaid refunds and rebates; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 258.** Introduced by Wehrbein, 2; Smith, 48.

A BILL FOR AN ACT relating to economic development; to create a fund for tourism development purposes.

**LEGISLATIVE BILL 259.** Introduced by Wehrbein, 2.

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

**LEGISLATIVE BILL 260.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to railroads; to amend section 74-595, Reissue Revised Statutes of Nebraska; to change provisions relating to removal of litter; to provide powers for counties; and to repeal the original section.

**LEGISLATIVE BILL 261.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to emergency vehicles; to amend section 60-6,231, Reissue Revised Statutes of Nebraska; to provide for flashing or rotating lights on emergency management vehicles; and to repeal the original section.

**LEGISLATIVE BILL 262.** 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, 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.

**LEGISLATIVE BILL 263.** Introduced by Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to county government; to amend section 23-906, Reissue Revised Statutes of Nebraska; to authorize compensation for certain duties; and to repeal the original section.

**LEGISLATIVE BILL 264.** Introduced by Stuhr, 24; Hudkins, 21; Janssen, 15; Price, 26; Robak, 22; Schimek, 27; Suttle, 10; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to tattooing and body piercing; to amend section 28-101, Revised Statutes Supplement, 2000; to define terms; to prohibit the performance of tattooing and body piercing on minors as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 265.** 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 266.** Introduced by Baker, 44; Cunningham, 18.

A BILL FOR AN ACT relating to revenue and taxation; to provide termination dates for the inheritance, estate, and generation-skipping transfer taxes; to provide an operative date.

**LEGISLATIVE BILL 267.** Introduced by Baker, 44; Erdman, 47.

A BILL FOR AN ACT relating to oil and gas; to amend section 57-703, Reissue Revised Statutes of Nebraska; to change tax rates; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 268.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to bingo and other gambling; to amend section 9-230.01, Reissue Revised Statutes of Nebraska, and section 9-241.03, Revised Statutes Supplement, 2000; to change provisions relating to special event bingo; and to repeal the original sections.

**LEGISLATIVE BILL 269.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to courts; to amend sections 25-2706 and 30-2488, Reissue Revised Statutes of Nebraska, and section 24-517, Revised Statutes Supplement, 2000; to change county court jurisdiction; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 270.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-102, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-110, and 71-162, Revised Statutes Supplement, 2000; to provide for licensure for acupuncturists; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 271.** Introduced by Bromm, 23; Baker, 44; Dierks, 40; Foley, 29; Hartnett, 45; Kremer, 34; 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, and sections 77-2715.07 and 77-2734.03, Revised Statutes Supplement, 2000; 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 272.** Introduced by Thompson, 14; Aguilar, 35; Bourne, 8; Brashear, 4; Byars, 30; Chambers, 11; Hilgert, 7; Jensen, 20; Kruse, 13; Dw. Pedersen, 39; Preister, 5; Price, 26; Raikes, 25; Robak, 22; Suttle, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 85-107, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Juvenile Justice Institute Act; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 273.** Introduced by Schrock, 38; Burling, 33; Chambers, 11; Cunningham, 18; Dierks, 40; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-954, 16-230, and 17-563, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, and 81-2,147.06, Revised Statutes Supplement, 2000; to provide for cultivation of industrial hemp; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 274.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to railroad crossings; to prohibit the obstruction of highways in cities of the first and second class and villages and certain rural highways; to provide penalties; to provide exemptions; to



eliminate certain provisions relating to cities of the second class and villages; to harmonize provisions; and to outright repeal section 17-225, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 275.** Introduced by Vrtiska, 1; Bruning, 3; Jones, 43; Quandahl, 31; Schimek, 27; Schrock, 38; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1613.01, Revised Statutes Supplement, 2000; to change a certification date for specified county property tax information; and to repeal the original section.

**LEGISLATIVE BILL 276.** Introduced by Redfield, 12; Baker, 44; Bromm, 23; Burling, 33; Byars, 30; Coordsen, 32; Cudaback, 36; Dierks, 40; Foley, 29; Jensen, 20; Kremer, 34; Price, 26; Quandahl, 31; Smith, 48; Stuhr, 24; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-512 and 28-620, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2000; to adopt the Personal Identity Defense Act; to create the offense of identity fraud; to change provisions relating to theft by deception and unauthorized use of a financial transaction device; to change and provide penalties; to provide for civil recourse; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 277.** Introduced by Redfield, 12; Aguilar, 35; Burling, 33; Cunningham, 18; Dierks, 40; Erdman, 47; Foley, 29; Hilgert, 7; Kremer, 34; Price, 26; Quandahl, 31; Smith, 48; Suttle, 10; Tyson, 19.

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, 2000; 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 278.** Introduced by General Affairs Committee: Janssen, 15, Chairperson; Cunningham, 18; Quandahl, 31; Schrock, 38; and 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, and sections 53-103, 53-122, 53-131, and 53-134, Revised Statutes Supplement, 2000; to provide for Class D-1 licenses; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 279.** Introduced by Connealy, 16.

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; and to repeal the original section.

**LEGISLATIVE BILL 280.** Introduced by Connealy, 16.

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 281.** Introduced by Connealy, 16.

A BILL FOR AN ACT relating to divorce; to amend section 42-351, Reissue Revised Statutes of Nebraska; to change court jurisdiction provisions; and to repeal the original section.

**LEGISLATIVE BILL 282.** Introduced by Wickersham, 49; Jensen, 20; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2000; to provide income tax adjustments for long-term care insurance premiums; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 283.** Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43.

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, 39-1302, 39-2215, 39-2602, 60-631, 60-6,118, 60-6,120, 66-821, 74-1310, 74-1405.02, 76-1224, 81-701.01, 81-701.02, 81-701.04, and 81-710, Reissue Revised Statutes of Nebraska, and sections 39-1110, 49-506, 81-101, and 81-102, Revised Statutes Supplement, 2000; to rename the Department of Roads; to provide a duty for the Transportation and Telecommunications Committee of the Legislature; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 284.** Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Revised Statutes Supplement, 2000; to change provisions relating to teleconferencing; and to repeal the original section.

**LEGISLATIVE BILL 285.** 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 286.** Introduced by Janssen, 15; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 85-505.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the tuition assistance program; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 287.** Introduced by Thompson, 14; Bourne, 8; Byars, 30; Connealy, 16; Kruse, 13; Price, 26; Robak, 22; Schimek, 27; Schrock, 38; Suttle, 10.

A BILL FOR AN ACT relating to health care; to adopt the Post-Organ-Transplant Program Act; and to state intent.

**LEGISLATIVE BILL 288.** Introduced by Thompson, 14; Aguilar, 35; Bourne, 8; Byars, 30; Connealy, 16; Kruse, 13; Kremer, 34; Preister, 5; Price, 26; Robak, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.

**LEGISLATIVE BILL 289.** Introduced by Jones, 43; Baker, 44; Bromm, 23; Bruning, 3; Burling, 33; Dierks, 40; Erdman, 47; Kremer, 34; Stuhr, 24; Vrtiska, 1; 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, 2000; to create a personal property tax credit; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 290.** Introduced by Jones, 43; Baker, 44; Bromm, 23; Bruning, 3; Dierks, 40; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-1343, 77-5023, and 79-1016, Revised Statutes Supplement, 2000; to change provisions relating to valuation of agricultural and horticultural land; to change school state aid calculations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 291.** Introduced by Aguilar, 35; Cudaback, 36; Cunningham, 18; Hilgert, 7; Jones, 43; Quandahl, 31; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend section 12-1301, Revised Statutes Supplement, 2000; to provide for license plates recognizing service in the United States Armed Forces; to rename a fund;

and to repeal the original section.

**LEGISLATIVE BILL 292.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,142.03, Reissue Revised Statutes of Nebraska; to change election provisions relating to local option sales tax; and to repeal the original section.

**LEGISLATIVE BILL 293.** Introduced by Aguilar, 35; Byars, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,182, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 2000; to prohibit riding on vehicles as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 294.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to divorce; to amend section 42-372.01, Revised Statutes Supplement, 2000; to change provisions relating to finality of the decree; and to repeal the original section.

**LEGISLATIVE BILL 295.** 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 296.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes; to amend section 28-101, Revised Statutes Supplement, 2000; to create the offense of disarming an officer; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 297.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to state institutions; to amend sections 81-107, 83-172, 83-178, 83-1,106, 83-4,109, 83-4,110, 83-4,111, 83-4,112, 83-4,115, 83-4,123, 83-910, and 84-906, Reissue Revised Statutes of Nebraska, and section 81-101, Revised Statutes Supplement, 2000; 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 provide powers and duties; to change provisions relating to inmate appeals; to change provisions relating to administrative procedure; to harmonize provisions; to repeal the original sections; and to outright repeal section 83-905, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 298.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to fees; to amend section 33-101, Revised Statutes Supplement, 2000; to change fees charged by the Secretary of State; and to repeal the original section.

**LEGISLATIVE BILL 299.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to civil liability for law enforcement during fresh pursuit; to amend sections 29-419, 29-420, 29-421, and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the Uniform Act on Fresh Pursuit and the State Tort Claims Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 300.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to money and financing; to amend sections 13-203, 13-206, 13-207, 21-2102, 21-2104, and 21-2109, Reissue Revised Statutes of Nebraska, and section 58-239, Revised Statutes Supplement, 2000; to provide for the dissolution of the Research and Development Authority; to provide and change powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 58-401 to 58-442 and 77-2704.18, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 301.** Introduced by Tyson, 19; Jensen, 20.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 81-3449 and 81-3453, Revised Statutes Supplement, 2000; to change exempted activities as prescribed; and to repeal the original sections.

**ANNOUNCEMENTS**

Senator Schimek announced the Government, Military and Veterans Affairs Committee elected Senator Smith as Vice Chairperson.

Senator Dierks announced the Agriculture Committee elected Senator Vrtiska as Vice Chairperson.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 302.** Introduced by Tyson, 19; Brashear, 4; Coordsen, 32; Maxwell, 9; Price, 26; Raikes, 25; Stuhr, 24; Suttle, 10; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend section 79-413,

Revised Statutes Supplement, 2000; to change provisions relating to transfer of land by petition and to repeal the original section.

**LEGISLATIVE BILL 303.** Introduced by Stuhr, 24; Brashear, 4; Coordsen, 32; Maxwell, 9; Price, 26; Raikes, 25; Suttle, 10; Wickersham, 49.

A BILL FOR AN ACT relating to education; to create the Education Roundtable; to provide duties; to provide a termination date; and to declare an emergency.

**LEGISLATIVE BILL 304.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2000; to prohibit the sale and transfer of fetal tissue as prescribed; to provide penalties; to harmonize provisions; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 305.** Introduced by Education Committee: Raikes, 25, Chairperson; Brashear, 4; Coordsen, 32; Price, 26; Stuhr, 24; Suttle, 10; Wickersham, 49; and Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to amend sections 9-812, 13-519, 79-761, 79-8,127, 79-8,128, 79-8,130, 79-8,136, 79-1001, 79-1003, 79-1007.02, 79-1018.01, 79-1028, 79-1072.01, 79-1204, 79-1241, and 79-1241.01, Revised Statutes Supplement, 2000; to change provisions relating to the Education Innovation Fund; to provide for exceeding a budget limitation; to provide for teacher salary supplements, a team, and a pilot program; to change provisions relating to mentor teacher programs, the Master Teacher program, and state aid; to define terms; to harmonize provisions; and to repeal the original sections.

## RESOLUTION

**LEGISLATIVE RESOLUTION 3CA.** Introduced by Wehrbein, 2; Vrtiska, 1.

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

Section 1. At the general election in November 2002 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.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 33. No objections. So ordered.

Senator Cunningham asked unanimous consent to have his name added as cointroducer to LB 28 and LB 65. No objections. So ordered.

Senator Hilgert asked unanimous consent to have his name added as cointroducer to LB 80. No objections. So ordered.

Senator Kruse asked unanimous consent to have his name added as cointroducer to LB 167. No objections. So ordered.

**PROPOSED RULES CHANGES**

The Rules Committee offered the following proposed rules changes:

**1. Amend Rule 1, Sec. 6**

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

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

**2. Amend Rule 2, Sec. 3(j)**

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

**Amend Rule 3, Sec. 10(a)**

**Sec. 10. Conduct During Committee Hearing.** ~~(a) No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the committee~~



~~conducts an executive session within the hearing room assigned to that committee for such purpose, unless the committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.~~

**3. Amend Rule 4, Sec. 5(b)**

(b) Any resolution which is congratulatory or ceremonial in nature or which expresses the condolences of the Legislature shall be presumed adopted if, after five calendar days, following its being listed once on the daily agenda with a notation that such resolution is eligible for adoption pursuant to this rule, no member has requested that the resolution be scheduled for debate on the Speaker's agenda.

**4. Amend Rule 4, Sec. 6**

**Sec. 6. Resolutions, Lay Over Requirement.** Resolutions shall ~~lay over for consideration at least one legislative day after~~ not be considered on the same day as introduction.

**5. Amend Rule 5, Sec. 5(b)**

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

**6. Amend Rule 7, Sec. 1(d)**

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

**7. Amend Rule 1, Sec. 17(a)**

**Sec. 17. Speaker's Major Proposals.** The Speaker shall be authorized to:  
(a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a senator priority or a general appropriation bill and approved by a vote of two-thirds of the Executive Board. During the 2001 Session, the Speaker may also designate any of the redistricting bills as additional major proposals with the approval of two-thirds of the Executive Board.

**8. Amend Rule 2, Sec. 1(a)**

**Section 1. Rules, Matters Not Covered.** (a) ~~These rules shall be adopted at the commencement of each regular session and, as amended from time to time, shall govern the Legislature for a period of one year. At the commencement of each regular session, a motion shall be offered to adopt the rules of the preceding session as temporary rules. The motion to adopt temporary rules shall require a majority vote of the members. The temporary rules shall be in effect until such time as the permanent rules are~~

adopted. The motion to adopt permanent rules and amendments to that motion shall require a majority vote of the elected members. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

**Amend Rule 2, Sec. 2**

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

**9. Insert the following new rules in the appropriate portions of the Rules of the Nebraska Unicameral Legislature and harmonize all other rules to conform with the following changes:**

**Amend Rule 3, Sec. 6**

**Sec. 6. Redistricting Committee.** A special committee, to be known as the Redistricting Committee, is hereby created. During the 2001 redistricting process, the Redistricting Committee is authorized to introduce bills relating to redistricting, exercise jurisdiction over all bills relating to redistricting, hold hearings on all redistricting bills, and oversee the redistricting process.

The committee shall be comprised of nine members of the Legislature, appointed by the Executive Board, with three members from each congressional district. No more than five members of the committee shall be affiliated with the same political party. Any subsequent vacancy on the committee shall be filled by the Executive Board.

The chairperson of the committee shall be appointed by the Executive Board. The vice-chairperson shall be elected by the members of the committee, and he or she shall not be a member of the same political party as the chairperson.

The committee shall adopt administrative guidelines governing its affairs and activities and guiding the 2001 redistricting process. The committee shall continue in existence until all redistricting bills for which the Legislature has responsibility are passed and signed by the Governor. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall be reconstituted according to this rule for the purpose of reformulating the plan so challenged.

**Amend Rule 5, Sec. 4(c)**

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

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;
2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be

introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

3. With the approval of a majority of its members, the Redistricting Committee established pursuant to Rule 3, Sec. 6, may introduce bills at any time during the course of the 2001 legislative session.

### **VISITORS**

The Doctor of the Day was Dr. Paul Paulman from Omaha.

### **ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Cudaback, the Legislature adjourned until 10:00 a.m., Monday, January 8, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FOURTH DAY - JANUARY 8, 2001**  
**LEGISLATIVE JOURNAL**  
**NINETY-SEVENTH LEGISLATURE**  
**FIRST SESSION**  
**FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 8, 2001

**PRAYER**

The prayer was offered by Reverend Harum Gatobu, United Methodist Church, Tekamah, Nebraska.

**ROLL CALL**

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

The roll was called and all members were present except Senator McDonald who was excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the third day was approved.

**MOTION - Adopt Temporary Rules**

Senator Hudkins moved that the rules, as now in our possession, be adopted for today only, Monday, January 8, 2001.

The motion prevailed.

**ANNOUNCEMENT**

Senator Schrock announced the Natural Resources Committee elected Senator Stuhr as Vice Chairperson.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 306.** Introduced by Smith, 48.

A BILL FOR AN ACT relating to gambling; to amend section 83-162.06, Revised Statutes Supplement, 2000; to transfer funds as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 307.** Introduced by Schimek, 27.

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

**LEGISLATIVE BILL 308.** Introduced by Coordsen, 32; Chambers, 11; Kristensen, 37.

A BILL FOR AN ACT relating to state government; to authorize use of electronic funds transfers and direct deposits for payment of wages.

**ANNOUNCEMENT**

The Chair announced today is Senator Hilgert's birthday.

**SENATOR CUDABACK PRESIDING****BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 309.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702.09, Reissue Revised Statutes of Nebraska; to redefine occasional sale; and to repeal the original section.

**LEGISLATIVE BILL 310.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to railroads; to amend section 75-402, Reissue Revised Statutes of Nebraska, and section 75-156, Revised Statutes Supplement, 2000; 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 311.** Introduced by 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 312.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to provide for firefighter license plates.

**LEGISLATIVE BILL 313.** Introduced by Coordsen, 32; Kremer, 34; Stuhr, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1010 and 79-1072.02, Revised Statutes Supplement, 2000; to change provisions relating to incentive payments; to eliminate the Hardship Fund; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1072.03, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 314.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to teachers; to amend sections 79-808, 79-809, and 79-812, Reissue Revised Statutes of Nebraska; to change provisions relating to teaching certificates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 315.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Revised Statutes Supplement, 2000; to provide for identification of students with limited English proficiency; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 316.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,205, Reissue Revised Statutes of Nebraska; to change provisions relating to hearings for driving under the influence of alcohol; and to repeal the original section.

**LEGISLATIVE BILL 317.** Introduced by Brown, 6.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-510, Reissue Revised Statutes of Nebraska; to authorize adoption of an imprest system of accounting; and to repeal the original section.

**LEGISLATIVE BILL 318.** Introduced by Price, 26.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,187, Reissue Revised Statutes of Nebraska; to reduce the maximum speed limit for certain motor vehicles as prescribed; and to

repeal the original section.

### EASE

The Legislature was at ease from 10:19 a.m. until 10:28 a.m.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 319.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to health insurance; to adopt the Equity in Prescription Insurance and Contraceptive and Infertility Coverage Act; to provide a duty for the Revisor of Statutes; and to provide severability.

**LEGISLATIVE BILL 320.** Introduced by Suttle, 10.

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 penalty provisions for failure to report an accident; and to repeal the original section.

**LEGISLATIVE BILL 321.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2810, Reissue Revised Statutes of Nebraska; to change provisions relating to malpractice as professional negligence; and to repeal the original section.

**LEGISLATIVE BILL 322.** Introduced by Suttle, 10; Brown, 6; Price, 26; Robak, 22.

A BILL FOR AN ACT relating to child care programs; to amend sections 43-2605, 43-2607, 43-2608, 43-2617, and 71-1908, Reissue Revised Statutes of Nebraska, and sections 29-2264, 71-542, 71-1909 to 71-1911, 71-1912 to 71-1913.01, 71-1914 to 71-1917, 71-6721, 71-6735, and 81-502, Revised Statutes Supplement, 2000; to create the Child Care Licensure Act; to provide requirements; to redefine a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 323.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to community development; to create the Neighborhood Development Act; to create a fund; and to provide powers and duties.

**LEGISLATIVE BILL 324.** Introduced by Suttle, 10.



A BILL FOR AN ACT relating to insurance; to require coverage for bone marrow transplants.

**LEGISLATIVE BILL 325.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-374 and 14-420, Reissue Revised Statutes of Nebraska; to change provisions relating to acquisition of property and zoning changes; to provide duties; to define terms; and to repeal the original sections.

**LEGISLATIVE BILL 326.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to education; to adopt the Nebraska Read, Educate, and Develop Youth Act.

**LEGISLATIVE BILL 327.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to 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 328.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to public health and welfare; to provide for a self-directed care system for disabled medicaid beneficiaries; and to provide powers and duties.

**SENATOR DIERKS PRESIDING**

**EASE**

The Legislature was at ease from 10:30 a.m. until 10:40 a.m.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 329.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 15-202, Reissue Revised Statutes of Nebraska, and sections 13-518 and 13-519, Revised Statutes Supplement, 2000; to change provisions relating to budget limitations; to change taxing powers in certain cities; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 330.** Introduced by Redfield, 12.

A BILL FOR AN ACT relating to students; to prohibit use or display of social security numbers as prescribed.

**LEGISLATIVE BILL 331.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the State Board of Health; to amend sections 71-2602, 71-2603, 71-2606, 71-2607, and 71-2610, Reissue Revised Statutes of Nebraska, and sections 71-2601 and 71-2610.01, Revised Statutes Supplement, 2000; to change the membership, terms of membership, powers, and duties of the board; to provide powers and immunity from liability; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 332.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-2716, Revised Statutes Supplement, 2000; to provide an income tax credit and income tax adjustment for long-term care insurance premiums; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 333.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health; to amend sections 28-1420, 28-1421, 28-1423 to 28-1426, and 28-1428, Reissue Revised Statutes of Nebraska, and section 28-1422, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to tobacco licenses; to provide duties; to change license fees; to change and create penalties; to create a fund; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-1429, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 334.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Deaf and Hard of Hearing Commission; to amend sections 71-4720.01, 71-4727, and 71-4732, Revised Statutes Supplement, 2000; to establish a telehealth system; to provide duties; to create a fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 335.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Commission on Public Advocacy; to amend sections 29-3919 and 29-3922, Reissue Revised Statutes of Nebraska, and section 29-3927, Revised Statutes Supplement, 2000; to redefine terms; to change and provide powers and duties; to provide reimbursement procedures for indigent defense systems; and to repeal the original sections.

**LEGISLATIVE BILL 336.** Introduced by Bromm, 23; Engel, 17; Kremer, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

Central Community College; and to state intent.

**LEGISLATIVE BILL 337.** Introduced by Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Revised Statutes Supplement, 2000; to change a termination date; and to repeal the original section.

**LEGISLATIVE BILL 338.** Introduced by Quandahl, 31.

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; and to repeal the original section.

**LEGISLATIVE BILL 339.** Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-106, 60-302, and 77-2703, Revised Statutes Supplement, 2000; to change provisions relating to the issuance of certificates of title and the payment of sales tax; to eliminate an exception to prosecution for violation of motor vehicle registration requirements; and to repeal the original sections.

#### **UNANIMOUS CONSENT - Member Excused**

Senator Janssen asked unanimous consent to be excused. No objections. So ordered.

#### **EASE**

The Legislature was at ease from 10:42 a.m. until 11:07 a.m.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 340.** Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-608, Reissue Revised Statutes of Nebraska; to provide for prosecution for criminal impersonation as prescribed with respect to abortion; and to repeal the original section.

**LEGISLATIVE BILL 341.** Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to abortion; to amend sections 28-327, 28-327.01, and 28-327.03, Revised Statutes Supplement, 2000; to change provisions relating to voluntary and informed consent, printed materials, notification, and civil liability; to eliminate provisions requiring school

districts to provide written information; to repeal the original sections; and to outright repeal section 71-6909, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 342.** Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to abortion; to amend section 71-6906, Reissue Revised Statutes of Nebraska; to change provisions relating to notification; to eliminate provisions requiring school districts to provide written information; to repeal the original section; and to outright repeal section 71-6909, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 343.** Introduced by Kristensen, 37; Bromm, 23; Jensen, 20.

A BILL FOR AN ACT relating to employment; to provide immunity in actions relating to job references; and to define terms.

**LEGISLATIVE BILL 344.** Introduced by Hilgert, 7; Suttle, 10.

A BILL FOR AN ACT relating to public health and welfare; to provide for implementing a federal medicaid option as prescribed; and to appropriate funds.

**LEGISLATIVE BILL 345.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 2000; to prohibit the use of a fuel power booster delivery system on a motor vehicle; and to repeal the original section.

**LEGISLATIVE BILL 346.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Occupational Therapy Practice Act; to amend sections 71-6103, 71-6113, and 71-6115, Reissue Revised Statutes of Nebraska; to provide for continuing education; to define and redefine terms; to provide duties; and to repeal the original sections.

**LEGISLATIVE BILL 347.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.07, Reissue Revised Statutes of Nebraska, and section 53-1,104, Revised Statutes Supplement, 2000; to change provisions relating to prosecutions for sale of liquor to a minor and retail license suspension; and to repeal the original sections.

**LEGISLATIVE BILL 348.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to 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, and sections 11-119, 11-125, 11-126, 23-120, 23-121, 23-1114.03 to 23-1114.06, 23-2518, 24-228, 24-513, 24-701, 24-706, 24-709.02, and 76-723, Revised Statutes Supplement, 2000; 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.

**LEGISLATIVE BILL 349.** Introduced by Redfield, 12; Janssen, 15.

A BILL FOR AN ACT relating to gambling; to amend sections 9-239 and 9-344, Reissue Revised Statutes of Nebraska; to change bingo and pickle card taxation provisions; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 350.** Introduced by Redfield, 12; 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 351.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Reissue Revised Statutes of Nebraska; to change a penalty relating to unlawful possession of a firearm on school grounds; and to repeal the original section.

**LEGISLATIVE BILL 352.** Introduced by Brashear, 4; Chambers, 11; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3601, 29-3603, and 29-3604, Reissue Revised Statutes of Nebraska, and section 29-3602, Revised Statutes Supplement, 2000; to provide for a driver's safety training program as pretrial diversion; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 353.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1439.02, 28-1439.03, and 81-2004.05, Reissue Revised Statutes of Nebraska, and sections 28-431, 60-1901, and 60-1903.01, Revised Statutes Supplement, 2000; to provide for the disposition of certain forfeited money and property; and to repeal the original sections.

**LEGISLATIVE BILL 354.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1701 and 25-1702, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to security for costs; to harmonize provisions; to repeal the original sections; and to outright repeal section 25-1703, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 355.** 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 356.** Introduced by Brashear, 4.

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

**LEGISLATIVE BILL 357.** Introduced by Brashear, 4; Bourne, 8; Bromm, 23; Bruning, 3; Hilgert, 7; Landis, 46; Maxwell, 9; Quandahl, 31; Wickersham, 49.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Revised Statutes Supplement, 2000; to change judges' salaries; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 358.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cigarettes; to provide labeling requirements; to create a deceptive trade practice; to provide for an unfair cigarette sales transaction; to define terms; to create penalties; to provide enforcement; to provide powers and duties; and to provide severability.

**LEGISLATIVE BILL 359.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-425, 44-2138, 44-4405, 44-4811, 44-5805, 44-5906, 44-6119.01, 44-6140, 44-6303, and 44-6606, Reissue Revised Statutes of Nebraska, and sections 44-1525 and 44-6021, Revised Statutes Supplement, 2000; to adopt the Privacy of Insurance Consumer Information Act; to provide and change provisions relating to sharing of information by the Department of Insurance and confidential information; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide severability; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 360.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Life and Health Insurance Guaranty Association Act; to amend sections 44-417, 44-516, 44-517, 44-520, 44-10,100, 44-10,106, 44-1981, 44-19,108, 44-2702, 44-2703, 44-2707, 44-2709, 44-2713, and 44-4201, Reissue Revised Statutes of Nebraska, and sections 44-522, 44-523, 44-1992, 44-19,115, 44-2708, and 44-4203, Revised Statutes Supplement, 2000; to change provisions relating to credit for reinsurance; to change provisions relating to nonrenewal and cancellation of automobile liability policies; to change service of process and notice requirements; to define and redefine terms; to change applicability provisions; to change and provide powers and duties; to change provisions relating to assessments; to change provisions of the Comprehensive Health Insurance Pool Act; to harmonize provisions; and to repeal the original sections

**EASE**

The Legislature was at ease from 11:10 a.m. until 11:30 a.m.

**SENATOR CUDABACK PRESIDING****BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 361.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to trusts; to amend sections 12-1107 and 30-3701, Revised Statutes Supplement, 2000; to adopt the Uniform Trust Code; to eliminate the Nebraska Trustees' Powers Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 30-2820 to 30-2826, Reissue Revised Statutes of Nebraska, and section 30-2819, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 362.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Public Funds Deposit Security Act; to amend sections 77-2387 and 77-2398, Revised Statutes Supplement, 2000; to define and authorize the use of repurchase agreements as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 363.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-710.07, Revised Statutes Supplement, 2000; to change provisions relating to benefit adjustments; to harmonize provisions; to

repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 364.** Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to the State Scholarship Award Program Act; to amend section 85-993.01, Reissue Revised Statutes of Nebraska; to change provisions relating to allocation of funds; and to repeal the original section.

**LEGISLATIVE BILL 365.** Introduced by Raikes, 25; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3446, Revised Statutes Supplement, 2000; to change base limitation provisions; and to repeal the original section.

**LEGISLATIVE BILL 366.** Introduced by Raikes, 25; Hudkins, 21.

A BILL FOR AN ACT relating to counties; to amend section 23-114.03, Revised Statutes Supplement, 2000; to change provisions relating to zoning and nonfarm buildings; and to repeal the original section.

**LEGISLATIVE BILL 367.** Introduced by Raikes, 25; Brown, 6.

A BILL FOR AN ACT relating to state government; to provide for creation of a price index.

**LEGISLATIVE BILL 368.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to veterans; to amend sections 48-225, 80-401.01, and 80-802, Reissue Revised Statutes of Nebraska, and section 80-411, Revised Statutes Supplement, 2000; 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 369.** Introduced by Robak, 22; Bromm, 23; Jones, 43.

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, 2000; to change provisions relating to annexation; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 370.** Introduced by Price, 26.

A BILL FOR AN ACT relating to unemployment benefits; to amend section 48-601, Reissue Revised Statutes of Nebraska, and section 48-602, Revised Statutes Supplement, 2000; to provide for birth and adoption unemployment benefits; to harmonize provisions; and to repeal the original sections.



**LEGISLATIVE BILL 371.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.14, 53-167.03, 53-169, and 53-171, Reissue Revised Statutes of Nebraska; to change provisions relating to craft breweries and deposits; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 372.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to appropriations for mental health services; to amend section 71-7608, Revised Statutes Supplement, 2000; to state intent; to provide powers and duties for the Director of Finance and Support; to change provisions relating to the Nebraska Tobacco Settlement Trust Fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 373.** Introduced by Schrock, 38; Bruning, 3; Hartnett, 45; Kremer, 34; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to public power districts; to amend section 70-662, Reissue Revised Statutes of Nebraska, and section 70-604, Revised Statutes Supplement, 2000; to change certain name and charter amendment requirements; and to repeal the original sections.

**LEGISLATIVE BILL 374.** Introduced by Schrock, 38; Bourne, 8; Bruning, 3; Hartnett, 45; Kremer, 34; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-655, Reissue Revised Statutes of Nebraska; to change provisions relating to rates; and to repeal the original section.

**LEGISLATIVE BILL 375.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 2000; to change provisions relating to motor carrier safety; to adopt certain portions of the federal Motor Carrier Safety Regulations and updated federal Hazardous Material Regulations as Nebraska law; and to repeal the original sections.

**LEGISLATIVE BILL 376.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-614, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-6,288, 60-6,290, 60-6,298, and 71-4603, Revised Statutes Supplement, 2000; to exempt certain recreational vehicles from size, weight, and load requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 377.** 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 378.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1015.01, and 79-1072.01, Revised Statutes Supplement, 2000; to define terms; to change provisions relating to calculation of the local effort rate; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 379.** Introduced by Connealy, 16.

A BILL FOR AN ACT relating to retired state employees; to amend section 84-1613, Revised Statutes Supplement, 2000; to provide medicare supplement insurance for retired state employees; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 380.** Introduced by Janssen, 15; Connealy, 16; Hartnett, 45; D. Pederson, 42; Price, 26; Tyson, 19.

A BILL FOR AN ACT relating to schools; to state intent relating to countywide school districts; and to provide duties.

**LEGISLATIVE BILL 381.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-209 and 29-3520, Reissue Revised Statutes of Nebraska; to change provisions relating to fingerprint and description reporting and criminal history record information; and to repeal the original sections.

**LEGISLATIVE BILL 382.** Introduced by Wickersham, 49; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-314, and 32-325, Reissue Revised Statutes of Nebraska; to provide for change of political party status as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 383.** Introduced by 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 384.** Introduced by Quandahl, 31; Bruning, 3;

Cudaback, 36; Kristensen, 37; Redfield, 12; Wickersham, 49.

A BILL FOR AN ACT relating to condemnation; to prohibit use of condemnation for certain utility property.

**LEGISLATIVE BILL 385.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the rule against perpetuities; to amend section 76-2005, Reissue Revised Statutes of Nebraska; to provide for an exclusion from the rule for certain trusts as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 386.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to real estate documents; to provide for filing and use of master form documents as prescribed.

**LEGISLATIVE BILL 387.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.09, 60-4,124, 66-1406, and 75-352, Reissue Revised Statutes of Nebraska, and sections 48-604, 60-480, 60-484, 60-4,118, 60-4,120.01, 60-4,122, and 60-4,149.01, Revised Statutes Supplement, 2000; to change provisions relating to motor carriers, fleet vehicles, motorcycle licenses, proof of identification, provisional operators' permits, license examinations, school permits, waiver of examinations, and fuel tax agreements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 388.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-107, 60-108, 60-310, 60-311.12, 60-315, and 60-319, Reissue Revised Statutes of Nebraska, and sections 60-311.23, 60-315.01, and 60-328, Revised Statutes Supplement, 2000; to change provisions relating to registration and certificates of title; to harmonize provisions; and to repeal the original sections.

### EASE

The Legislature was at ease from 11:37 a.m. until 11:50 a.m.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 389.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 86-808, Reissue Revised Statutes of Nebraska; to provide for

jurisdiction over specified telecommunications service providers; to provide a duty; and to repeal the original section.

**LEGISLATIVE BILL 390.** Introduced by Schrock, 38; Bromm, 23; Bruning, 3; Burling, 33; Connealy, 16; Cunningham, 18; Erdman, 47; Hudkins, 21; Janssen, 15; Kremer, 34; Smith, 48; Stuhr, 24.

A BILL FOR AN ACT relating to motor fuel taxes; to amend sections 66-489, 66-4,105, 66-668, and 66-6,107, Reissue Revised Statutes of Nebraska, and section 66-674, Revised Statutes Supplement, 2000; to change the tax rates as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 391.** Introduced by Jensen, 20; Aguilar, 35; Quandahl, 31; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to public school buildings; to adopt the Nebraska Schools Construction Alternatives Act.

**LEGISLATIVE BILL 392.** Introduced by Smith, 48; Aguilar, 35; Bruning, 3; Burling, 33; Dierks, 40; Erdman, 47; Dw. Pedersen, 39; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1371, Revised Statutes Supplement, 2000; to change provisions relating to valuation of agricultural land and horticultural land; and to repeal the original section.

**LEGISLATIVE BILL 393.** Introduced by Smith, 48; Bruning, 3; Dierks, 40; Erdman, 47; Hartnett, 45; Hilgert, 7; Kruse, 13; Dw. Pedersen, 39; Robak, 22; Schimek, 27; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3508 and 77-3513, Revised Statutes Supplement, 2000; to provide an exemption for individuals with cardiac conditions and from residence requirements for homestead exemptions as prescribed; 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 394.** Introduced by Smith, 48; Aguilar, 35; Brown, 6; Bruning, 3; Burling, 33; Hartnett, 45; Kruse, 13; Dw. Pedersen, 39; Price, 26; Redfield, 12; Robak, 22; Stuhr, 24.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska; to change provisions relating to student records; and to repeal the original section.

**LEGISLATIVE BILL 395.** Introduced by Smith, 48; Aguilar, 35; Brown, 6; Erdman, 47; Dw. Pedersen, 39; D. Pederson, 42.

A BILL FOR AN ACT relating to elections; to amend section 32-914, Reissue Revised Statutes of Nebraska; to require a voter to present proof of identity prior to voting; and to repeal the original section.

**LEGISLATIVE BILL 396.** Introduced by Suttle, 10; Price, 26.

A BILL FOR AN ACT relating to nursing; to amend sections 44-2803, 44-2824, 44-2827, 71-1,132.18, and 71-1,132.47, Reissue Revised Statutes of Nebraska, and sections 71-168, 71-168.02, 71-1,103, 71-1,132.05, 71-1,132.07, 71-1,132.08, 71-1,132.11, 71-1,147.57, 71-1,147.58, 71-1,198, 71-1,339, 71-1405, 71-2610.01, and 71-5191, Revised Statutes Supplement, 2000; to adopt the Advanced Practice Registered Nurse Act; to eliminate the Advanced Practice Registered Nurse Act, the Nebraska Certified Nurse Midwifery Practice Act, and provisions relating to certified registered nurse anesthetists and clinical nurse specialists; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-1729, 71-1734, 71-1738, 71-1739, 71-1744 to 71-1754, 71-1756, 71-1757, and 71-1759 to 71-1765, Reissue Revised Statutes of Nebraska, and sections 71-1704 to 71-1708, 71-1709.01 to 71-1710, 17-1712, 71-1714, 71-1716 to 71-1716.03, 71-1716.05, 71-1717, 71-1718.01, 71-1718.02, 71-1721, 71-1721.07, 71-1722 to 71-1727, 71-1730, 71-1731, 71-1735 to 71-1737, 71-1740, 71-1743, 71-1755, and 71-1758, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 397.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to the State Employees Collective Bargaining Act; to amend section 81-1380, Reissue Revised Statutes of Nebraska; to change special master provisions; and to repeal the original section.

**LEGISLATIVE BILL 398.** Introduced by Suttle, 10.

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, 28-417, 28-418, 28-425, 28-427, 28-429, 28-432, 28-433, 28-437, 28-438, 28-440, 28-441, 28-442, 28-444, 28-445, 28-1438.01, 28-1439.01, 37-1254.01, 37-1254.07, 48-232, 48-1102, 48-1902, 71-161.12, 71-161.16, 71-1,144.03, 71-1,147.06, 71-1,147.07, 71-1,147.13, 71-1,147.14, 71-1,147.23, 71-1,147.26, 71-1,147.28, 71-1,147.32, 71-1,147.36, 71-1,147.52, 71-2404, 71-2405, 71-2406, 71-2410, 71-2412, 71-2414, 71-2415, 71-2501, 71-2506, 71-2509, 71-5401, 71-5408, 71-6045, 71-7401, 71-7419, 71-7420, 71-7424, 71-7426, 77-4301, 79-267, 79-296, and 81-687, Reissue Revised Statutes of Nebraska, sections 28-101, 28-406, 28-407, 28-408, 28-410, 28-411, 28-412, 28-414, 28-415, 28-416, 28-428, 28-431, 28-434, 28-1437, 71-101, 71-124.01, 71-140, 71-141, 71-143, 71-144, 71-147, 71-155.01, 71-161.13, 71-172.01, 71-1,142, 71-1,143, 71-1,144.01, 71-1,144.04, 71-1,145, 71-1,147, 71-1,147.01, 71-1,147.02, 71-1,147.03, 71-1,147.08, 71-1,147.09, 71-1,147.10,

71-1,147.11, 71-1,147.22, 71-1,147.24, 71-1,147.25, 71-1,147.30, 71-1,147.31, 71-1,147.33, 71-1,147.34, 71-1,147.35, 71-1,147.39, 71-1,147.40, 71-1,147.45, 71-1,147.48, 71-1,147.50, 71-1,147.51, 71-1,147.53, 71-1,147.54, 71-1,147.55, 71-1,147.56, 71-1,147.57, 71-1,147.59, 71-448, 71-15,139, 71-2407, 71-2408, 71-2409, 71-2413, 71-2416, 71-2417, 71-2419, 71-2421, 71-5403, 71-6721, 71-7416, and 71-7417, Revised Statutes Supplement, 2000, and Laws 2000, LB 819, section 163; to change and eliminate provisions relating to pharmacies and pharmacists, 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 drug dispensing; to provide, change, and eliminate penalties; to change fees; to provide powers and duties; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 28-403, 28-419 to 28-424, 28-439, 28-1438, 71-1,145.01, 71-1,147.04, 71-1,147.05, 71-1,147.16, 71-1,147.17, 71-1,147.27, 71-1,147.47, 71-2401 to 71-2403, 71-2502 to 71-2505, 71-2507, 71-2508, 71-2510 to 71-2512, 71-5402, 71-5405 to 71-5407, 71-7402 to 71-7404, 71-7406 to 71-7408, and 71-7410 to 71-7413, Reissue Revised Statutes of Nebraska, and sections 28-401, 71-1,146, 71-1,147.15, 71-1,147.18 to 71-1,147.21, 71-1,147.29, 71-1,147.41 to 71-1,147.44, 71-1,147.46, 71-1,147.49, 71-1,147.58, 71-1,147.60, 71-1,147.61, 71-2411, 71-5404, 71-7405, 71-7409, and 71-7418, Revised Statutes Supplement, 2000; and to declare an emergency.

**LEGISLATIVE BILL 399.** Introduced by Cunningham, 18; Byars, 30; Jensen, 20; Price, 26; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Outpatient Surgical Procedures Data Act.

**LEGISLATIVE BILL 400.** Introduced by Brown, 6; Bruning, 3; Jensen, 20; Suttle, 10.

A BILL FOR AN ACT relating to the Quality Child Care Act; to amend section 43-2601, Reissue Revised Statutes of Nebraska, and section 43-2606, Revised Statutes Supplement, 2000; to change provisions relating to training; to provide for licensure tiers; to harmonize provisions; and to repeal the original sections.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 4CA.** Introduced by Landis, 46.

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

Section 1. At the general election in November 2002 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~~ this 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. 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 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~~ this 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.

(2) Notwithstanding any other provision in this 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 charitable 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 of the same character during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of this 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~~ this Constitution, the

Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources."

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

"A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against".

Referred to the Reference Committee.

#### **LEGISLATIVE RESOLUTION 5CA.** Introduced by Baker, 44.

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

Section 1. At the general election in November 2002 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 6:

VII-6 "No lands now owned or hereafter acquired by the state for educational purposes shall be sold except at public auction under such conditions as the Legislature shall provide. The general management of all lands set apart for educational purposes shall be vested, ~~under the direction of in~~ the Legislature, ~~in a board of five members to be known as the Board of Educational Lands and Funds. The members shall be appointed by the Governor, subject to the approval of the Legislature, with such qualifications and for such terms and compensation as the Legislature may provide~~ or such other entity as the Legislature may provide."

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 constitutional references to the Board of Educational Lands and Funds and to vest the management of educational lands in the Legislature or such other entity as the Legislature provides.

For

Against".

Referred to Reference Committee



**LEGISLATIVE RESOLUTION 6CA.** Introduced by Schimek, 27; Janssen, 15; Aguilar, 35; Bourne, 8; Connealy, 16; Cudaback, 36; Cunningham, 18; Hilgert, 7; Dw. Pedersen, 39; Robak, 22; Schrock, 38; Thompson, 14.

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

Section 1. At the general election in November 2002 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, or on real property in Knox County and Boyd County held by the Secretary of the Interior in trust for the benefit of the Ponca Tribe, 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 7.** Introduced by Coordsen, 32; Bromm, 23; Beutler, 28; Kristensen, 37; Hudkins, 21; Chambers, 11; Brashear, 4.

WHEREAS, redistricting of the various election districts will be considered during this legislative session as required by the Constitution of Nebraska and the Constitution of the United States; and

WHEREAS, the redistricting process is under the control of the Legislature and its rules; and

WHEREAS, the Legislature created a Redistricting Advisory Task Force to study the redistricting process and suggest guidelines for the Legislature in undertaking its responsibilities in redistricting; and

WHEREAS, the Redistricting Advisory Task Force adopted proposed substantive guidelines for consideration by the Legislature.

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

That the following criteria are adopted to guide the Legislature during the 2001 redistricting process. The criteria are designed to help ensure that the redistricting plans developed are constitutionally acceptable:

1. In the event that two sets of population data (adjusted and unadjusted) are released by the Census Bureau, the Legislature will utilize, for purposes of redistricting, the data determined by the Census Bureau to most accurately reflect the number of persons residing in the state.

2. District boundaries established by the Legislature during the 2001 redistricting process shall be based on census geography.

3. District boundaries shall follow county lines whenever practicable and shall define districts that are compact and contiguous as these terms have been articulated by the United States Supreme Court. Should adherence to county lines cause a redistricting plan, or any aspect thereof, to be in violation of principles set forth by the United States Supreme Court in interpreting the United States Constitution, that requirement may be waived to the extent necessary to bring the plan or aspect of the plan into compliance with these principles.

4. Insofar as possible, and within the context of principles set forth by the United States Supreme Court, district boundaries shall define districts that are easily identifiable and understandable to voters and that preserve the cores of prior districts. When feasible, district boundary lines shall coincide with the boundaries of cities and villages. If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, as described by census geography.

5. District boundaries shall not be established with the intention of favoring a political party or any other group or person.

6. In drawing district boundaries, no consideration shall be given to the political affiliations of registered voters, demographic information other

than population figures, or the results of previous elections, except as may be required by the laws and Constitution of the United States.

7. District boundaries which would result in the unlawful dilution of the voting strength of any minority population shall not be established.

8. The general goal of the redistricting process shall be the creation of districts that are substantially equal in population. The specific criteria under which redistricting plans shall be judged with regard to the issue of population equality are described in Guideline 9.

9. The following criteria shall be specifically applicable to the public bodies for which the Legislature will create new district boundaries in 2001:

#### UNITED STATES HOUSE OF REPRESENTATIVES

(a) Three single member districts.

(b) Population among districts shall be as nearly equal as practicable, that is, with an overall range of deviation at or approaching 0%.

(c) No plan will be considered which results in an overall range of deviation in excess of 1% or a relative deviation in excess of plus or minus 0.5%, based on the ideal district population. Any deviation from absolute equality of population must be necessary to the achievement of a "legitimate state objective" as that concept has been articulated by the United States Supreme Court. To the extent that such objectives are relied on, they shall be applied consistently, and shall include, but not be limited to, the creation of compact districts, the preservation of municipal boundaries, and the preservation of the cores of prior districts. Whenever there is presented to the Legislature more than one plan that will substantially vindicate the above objectives, preference will be given to the plan that provides the greatest degree of population equality.

#### LEGISLATURE

(a) Forty-nine single member districts.

(b) In establishing new legislative district boundaries, the Legislature shall create districts that are as nearly equal in population as may be. No plan will be considered which results in an overall range of deviation in excess of 10% or a relative deviation in excess of plus or minus 5%, based on the ideal district population.

(c) Any deviation in excess of the above must be justifiable as necessary for the realization of a "rational state policy" as that concept has been articulated by the United States Supreme Court.

(d) If the population of any county falls within the relative deviation set forth in these guidelines, the boundaries of that county shall define a legislative district.

#### NEBRASKA SUPREME COURT

(a) Six single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

#### BOARD OF REGENTS

(a) Eight single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

#### PUBLIC SERVICE COMMISSION

(a) Five single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

STATE BOARD OF EDUCATION

(a) Eight single member districts.

(b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

Laid over.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 5, 2001, 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, Public Affairs Group  
Brain Injury Association of Nebraska, Inc.  
City of Omaha, Mayor  
Metro Area Transit  
Monsanto  
Nebraska Fertilizer & Ag-Chemical Institute, Inc.  
Omaha Police Union, Local 101

Adams, John H.  
International Gamco, Inc.  
Oasis Technologies, Inc.

Adams, Jr., Donald D.  
Nebraskans First, Inc.

American Communications Group, Inc.  
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 and 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 Society for Respiratory Care  
Nebraska Speech, Language, & Hearing Association  
Nebraskans for Public Health

Papio-Missouri Natural Resources District

Andersen, Robert C.  
Nebraska Cooperative Council

Anderson, Tim W.  
Central Nebraska Public Power & Irrigation District

Arfmann, William W.  
Nebraska Association of Public Employees, AFSCME Local 61

Baack, Dennis G.  
Nebraska Community College Association

Bailey, Jon M.  
Center for Rural Affairs

Baker, Darryl  
Norris Public Power District

Balderson, Frank L.  
American Association of Retired Persons

Barnett, Linda  
YMCA's of Nebraska

Barta, Roy  
Nebraska Livestock Markets Association (NE)

Bateman, Joseph R.  
Union Pacific Railroad

Beattie, George  
Nebraska Bankers Association

Beaver, Debbie  
Williams Companies

Beermann, Allen J.  
Nebraska Press Association

Belcher, Barbara N.  
Merck & Company, Human Health Division (PA)

Bell, David  
Loup River Public Power District

Bellum, Fred  
American Association of Retired Persons

Benjamin, Connie  
American Association of Retired Persons

- Blank, Robert  
Metro Right to Life
- Bohrer, Bruce J.  
Lincoln Chamber of Commerce
- Boldt, Randy  
Blue Cross & Blue Shield of Nebraska
- Bonaiuto, John A.  
Nebraska Association of School Boards
- Boucher, Richard  
Nebraska Sheriff's Association
- Brandt, Henry F.  
Bailey-Lauerman & Associates, Inc.
- Bredenkamp, Troy  
Nebraska Cattlemen
- Brinkman, Jennifer  
City of Lincoln
- Britton, Mark Douglas  
State Farm Insurance Companies
- Broer, Walter L.  
Associated General Contractors, Nebraska Building Chapter
- Brown, Vincent D.  
American Petroleum Institute
- Bruning, Deonne L.  
AT&T Corporation
- Budler, Joy L.  
Nebraska Retail Federation
- Buntain, David R.  
Nebraska Medical Association
- Burnside, Irene  
American Association of Retired Persons
- Cady, Steven W.  
Nebraska Pork Producers Association
- Campbell, Mary M.  
Educational Service Units Administrators Association  
Lincoln Public Schools

Nebraska Beer Wholesalers Association  
Nebraska Cable Communications Association  
Nebraska Wholesale Liquor Distributors Association  
Region V  
State Troopers Association of Nebraska, Inc.  
University of Nebraska

Carpenter, Rex  
Nebraska Rural Electric Association

Carstenson, Eric B.  
Nebraska Telecommunications Association

Cavanaugh, James P.  
Creighton University  
Explore Information Services  
Independent Insurance Agents of Nebraska  
Nebraska District Court Judges Association  
Nebraska Fraternal Order of Police

Cederberg, John E.  
Limited Liability Company Association

Cheloha, John A. 'Jack'  
City of Omaha

Clayburn, Neal  
Lincoln Education Association

Cover, Joni R.  
Nebraska Association of Hospitals & Health Systems

Craig, Robert B.  
American Legion of Nebraska

Craighead, Jennifer M.  
American Heart Association

Cuca, Ralph "Bud"  
Nebraska Trucking Association

Cunningham, James R.  
Nebraska Catholic Conference

Cutshall & Associates  
Arapahoe Feed Mill, Inc./7-11 Pork Food, Inc.  
Board of Trustees of Nebraska State College Systems  
BryanLGH Health System  
Community Lottery System, Inc.  
Joint Antelope Valley Authority  
Lincoln Medical Education Foundation  
Metropolitan Utilities District of Omaha

Nebraska Academy of Family Physicians  
Nebraska Association of Area Agencies on Aging  
Nebraska Association of Home & Community Health Agencies  
Nebraska Association of Resources Districts  
Nebraska County Attorneys Association  
Nebraska Dietetic Association  
Nebraska Financial Services Coalition  
Nebraska Funeral Directors Association  
Nebraska Manufactured Housing Association  
Nebraska Poultry Industries, Inc.  
Nebraska Public Power District  
Nebraska Rural Community Schools Association  
Nebraska Water Coalition  
Pfizer, Inc. (MN)  
Recreation Vehicle Industry Association  
Ruth & Mueller, LLC  
Southern Nebraska Rural Public Power District  
Union Pacific Railroad  
World Wide Packets

Cutshall, Bruce A.  
Cutshall & Associates

DeCamp, John W.  
Nebraska Chiropractic Physicians Association  
Veterans of Foreign Wars

DeHart, Chuck  
Williams Companies

Dibbern, Chris M.  
Nebraska Municipal Power Pool

Didier, Genenne  
Brain Injury Association of Nebraska, Inc.

Dobler, James B.  
Farmers Mutual Insurance Company of Nebraska

Dugan, Susie  
PRIDE-Omaha, Inc.

Dulaney, Michael S.  
Nebraska Council of School Administrators

Edson, Dean E.  
Nebraska Association of Resources Districts

Ellerbee, Don  
Nebraska Veterinary Medical Association

Elliott, Joseph W.



## Professional Insurance Agents of Nebraska

- Elliott, Mary Jane  
Nebraska Health Care Association
- Engel, Michelle L.  
AT&T Corporation
- Eret, Don  
Supporters of Nebraska Tractor Testing Laboratory
- Erickson, Julie S.  
American Communications Group, Inc.
- Eynon-Kokrda, Elizabeth  
Omaha Public Schools
- Fahleson, Mark A.  
High Plains Corporation
- Fenster, Rolland  
American Association of Retired Persons
- Ferdinand, L. Rene'  
ARC of Nebraska
- Ferrell, Beth Bazyn  
Nebraska Association of County Officials
- Flannery, John S.  
Verizon Communications (formerly GTE)
- Fleming, Richard L.  
American Association of Retired Persons
- Fraizer, T. J.  
American Insurance Association  
Mutual of Omaha Insurance Companies
- Fulton, Jack A.  
Western Sugar Company (NE)
- Gady, Richard L.  
ConAgra, Inc.
- Gigstad, Carolyn D.  
American Consulting Engineers Council of Nebraska  
Nebraska Society of Professional Engineers
- Gilbertson, Korby M.  
Nebraska Wildlife Protector's Association, Inc./Operation  
Radcliffe & Associates

- Giles, Lorraine M.  
American Association of Retired Persons
- Gingery, Robert O.  
American Association of Retired Persons
- Ginsburg, Joy  
American Cancer Society
- Goc, John J.  
Metropolitan Utilities District of Omaha  
Nebraska Independent Telephone Association
- Golden, Jeffery S.  
Children and Family Coalition of Nebraska
- Gordon, James E.  
DeHart & Darr Associates
- Gould, John 'Jack'  
Common Cause Nebraska
- Graham, Ronald  
Novartis Pharmaceuticals Corporation
- Grant, Rhonda K.  
Jackson National Life Insurance Company
- Grieser, Mary Taylor  
Nebraska Society of Certified Public Accountants
- Griess, James R.  
Nebraska State Education Association
- Guy, Burnell C.  
Brain Injury Association of Nebraska, Inc.
- Hale, Brian R.  
Nebraska Association of School Boards
- Hallstrom, Robert J.  
Ambassador Group, The  
HLR Service Corporation  
National Federation of Independent Business  
Nebraska Bankers Association  
Nebraska Pharmacists Association  
NETWORKS, Inc.
- Hansen, John K.  
Farmers Union of Nebraska

- Harris, Nance  
Nebraska Trucking Association
- Hartmann, William  
Associated General Contractors of America, NE Chapter
- Head, Craig J.  
Nebraska Farm Bureau Federation
- Hedman, Gary  
Southern Nebraska Rural Public Power District
- Herrin, Sally J.  
Farmers Union of Nebraska
- Hogrefe, Raymond H.  
National Association of Retired Federal Employees, NE
- Holmquist, Jay  
Nebraska Rural Electric Association
- Hood, Jane Renner  
Nebraska Humanities Council
- Horne, Virgil L.  
Lincoln Public Schools
- Hundhausen, Gertrude  
American Association of Retired Persons
- Hybl, Michael G.  
Great Plains Communications
- Jenkins, Thomas J.  
Blue Cross & Blue Shield of Nebraska
- Jensen, Ronald L.  
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  
Nebraska Society of Radiologic Technologists  
Philip Morris Management Corporation
- Jensen, S. Michael  
Great Plains Communications
- Jewell, Jan  
DeCamp Legal Services, P.C.

Jindra, Timothy A.  
Class I's United

Johnson, DeMaris  
Nebraska County Attorneys Association  
Nebraska Water Resources Association

Johnson, Dick  
Associated Builders and Contractors, Inc.

Johnson, Mary A.  
Ruth & Mueller, LLC

Johnson, Sandra A.  
Nebraska Medical Association

Jordison, John C.  
Nebraska Tax Research Council, Inc.

Kamm, Richard D.  
Class VI Association of Schools  
Nebraska School Finance Coalition

Keetle, Roger S.  
Nebraska Association of Hospitals & Health Systems

Keigher, Timothy  
Nebraska Petroleum Marketers & Convenience Store Assn.

Kelley, Michael A.  
Douglas County, Nebraska  
Eastern Nebraska Human Services Agency  
Horsemen's Benevolent & Protective Association  
Insurance Auto Auctions, Inc.  
Kelley, Lehan & Hall, P.C.  
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.  
Nebraska Chamber of Commerce & Industry

Kenny, Timothy R.  
Nebraska Investment Finance Authority

Kenyon, Michael J.  
Christian Science Committee on Publication for Nebraska

Kevil, G. Bruce

Nebraska State Home Builders Association

Kierstead, Roberta  
Nebraska Planned Parenthood Voters for Choice

Kilgarin, Karen  
Nebraska State Education Association

King, Terry L.  
Associated General Contractors of America, NE Chapter

Kissel, Gordon  
Kissel/E&S Associates, L.L.C.

Kissel/Erickson & Sederstrom Associates, L.L.C.  
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  
Nebraska Pork Producers Association  
Nebraska Telecommunications Business Users Coalition  
Professional Engineers Coalition  
West Teleservices

Kratz, Dean G.  
Associated General Contractors, Nebraska Building Chapter

Krueger, Gayle E.  
AIA Nebraska

Krumland, Gary G.  
League of Nebraska Municipalities

Kruse, Larry D.  
Glaxo Wellcome, Inc.

Kulesher, Kate M.  
Wyeth-Ayerst Laboratories

Lamb, Amy  
Nebraska Occupational Therapy Association

Lange, Robert G.  
Ameritas Life Insurance Corporation

- Larsen, Carlin L.  
Qwest Communications (formerly US West)
- Lindsay, John  
O'Hara & Associates, Inc.
- Lineweber, Ray L.  
United Transportation Union
- Logsdon, Robert R.  
Cox Nebraska Telcom, L.L.C.
- Lombardi, Richard A.  
American Communications Group, Inc.
- Lutz, Daniel B.  
ProRail Nebraska, Inc.
- Lutz, Mark  
Employers Unemployment Insurance Company  
Nebraska Restaurant Association
- Lutz, Richard  
Employers Unemployment Insurance Company  
Nebraska Restaurant Association
- Madcharo, Kelley  
Nebraska Medical Association
- Maier, Michael G.  
Metro Omaha Builders Association
- Marcus, Joan K.  
ARC of Nebraska
- Marfisi, Thomas C.  
City of Omaha, Mayor
- Marshall, Kelly J.  
Pharmacia & UpJohn Inc.
- Mass, Ken E.  
Nebraska State AFL-CIO
- McBride, David S.  
National Association of Insurance and Financial Advisors  
Nebraska Optometric Association
- McClure, John  
Nebraska Public Power District

- McGee, Joan Ann  
American Association of Retired Persons
- McGuire & Norby  
3M Traffic Control Materials Division  
Anheuser-Busch Companies  
Cargill, Incorporated  
Central Platte Natural Resources District  
City of Lincoln  
Crow Butte Resources, Inc.  
Nebraska Association of Tobacco & Candy Distributors  
Nebraska Corn Growers Association  
Nebraska State Education Association
- McGuire, Mark D.  
McGuire and Norby
- McKenzie, Janis M.  
Nebraska Insurance Federation
- Meek, Randy D.  
Nebraska State Legislative Board, Brotherhood of Locomotive Engineers
- Meerkatz, Marilyn  
Class I's United
- Menzel, Elaine  
Nebraska Association of County Officials
- Mihovk, Donald J.  
Nebraska Chamber of Commerce & Industry
- Mikkelsen, Brian  
Nebraska State Education Association
- Minor, Timothy H.  
CF Industries, Inc.
- Moore, Scott D.  
Union Pacific Railroad
- Moors, H. Jack  
McGuire and Norby
- Moylan, James H.  
Nebraska Licensed Beverage Association  
R.J. Reynolds Tobacco
- Mueller, William J.  
American Express Travel Related Services, Inc.  
ASARCO Incorporated  
Associated General Contractors of America, NE Chapter

AT&T Corp.  
Ayars & Ayars, Inc.  
Big Red Lottery Services, Ltd.  
Chief Industries, Inc.  
Cutshall & Associates  
First Data Corporation  
Harvey's Iowa Management Company  
Heartland Community Bankers Association  
Kellogg Company  
Lincoln Airport Authority  
Metabolife International, Inc.  
Millard Public Schools  
Nebraska Academy of Eye Physicians and Surgeons  
Nebraska Association of Airport Officials  
Nebraska Association of Surety Underwriters  
Nebraska Collectors Association, Inc.  
Nebraska Court Reporters Association  
Nebraska Dental Association  
Nebraska Interactive  
Nebraska Machinery Company  
Nebraska Methodist Health Systems  
Nebraska Press Association  
Nebraska Rental Dealers Association  
Nebraska Schools Construction Alternatives Association  
Nebraska Society of Independent Accountants  
Nebraska State Bar Association  
Pharmaceutical Research and Manufacturers of America  
Richard Young Center

Mumgaard, D. Milo  
Nebraska Appleseed Center for Law in the Public Interest

Nabb, Douglas  
Fremont Public Schools

Naff, Clayton F.  
Association of Nebraska Community Action Agencies

Neidig, Bryce P.  
Nebraska Farm Bureau Federation

Neilan, Perre S.  
Nebraska Realtors Association

Nelson, Arlene  
American Association of Retired Persons

Nelson, Craig L.  
Nebraska Association of County Officials

Nielsen, Coleen J.  
State Farm Insurance Companies (NE)



Nowka, Trent P.  
Cutshall & Associates

Obermier, Duane  
Nebraska State Education Association

Obst, Robert E.  
Qwest Communications (formerly US West)

O'Hara & Associates, Inc.  
Allegiance Healthcare Corporation  
Alliance of Automobile Manufacturers  
Blue Cross & Blue Shield of Nebraska  
Cox Nebraska Telcom, Inc.  
Enron Transportation & Storage  
Finocchiaro Wine Company, Inc.  
First National Bank of Omaha  
GTECH Corporation  
Hall County Livestock Improvement Association  
Handgun Control, Inc.  
Kinder Morgan, Inc.  
MCI Worldcom, Inc.  
Minnesota Corn Processors, Inc.  
Nebraska Association of Independent Ambulatory Centers  
Nebraska Association of Trial Attorneys  
Nebraska County Judges Association  
Nebraska Humanities Council  
Nebraska Soft Drink Association  
Nebraskans for Public Competitive Bid Laws  
Northeast Nebraska Juvenile Services, Inc.  
Nucor Corporation  
Omaha Public Power District  
Peru State College Foundation  
Pioneer Hi-Bred International  
Utilicorp United  
Winnebago Tribe of Nebraska

O'Hara, Paul V.  
O'Hara & Associates, Inc.

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

Orton, Leroy  
Nebraska State Irrigation Association  
Nebraska Well Drillers Association

Ozanne, Colleen K.  
State Farm Insurance Companies (NE)

Pack, Mary M.

Radcliffe & Associates

Pallesen, Jr., Charles M.  
Nebraska Medical Association

Pappas, James E.  
Bellevue Public Schools  
LaVista Keno  
Northwestern Public Service  
UNO Faculty

Paulger, Mary Ann  
American Association of Retired Persons

Peetz, Natalie  
Greater Omaha Chamber of Commerce

Peters, William E.  
Brown & Williamson Tobacco  
Burlington Northern Santa Fe  
Golden Rule Insurance Company

Peterson, Alan E.  
Media of Nebraska, Inc.

Peterson, Patricia Schuett  
Nebraska Investment Finance Authority

Pierson, Darwin R.  
Nebraska Independent Oil & Gas Association

Popken, Kent T.  
Qwest Communications (formerly US West)

Potter, Cara E.  
Kelley, Lehan & Hall, P.C.  
Nebraska Grocery Industry Association  
Nebraska Retail Federation

Prenda, Amy  
Kissel/E&S Associates, L.L.C.

Preston, James N.  
Nebraska Trucking Association

Prettyman, Keith A.  
Woodmen Accident and Life Company

Ptacek, Patrick J.  
Nebraska Grain and Feed Association

Radcliffe, Walter H.

ALLTEL Communications  
Father Flanagan's Boys' Home aka Girls and Boys Town  
Father Flanagan's Boys' Home d/b/a Boys Town National  
Research Hospital  
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 Optometric Association  
Nebraska Pyrotechnics Association  
Nebraska Realtors Association  
Nebraska Rural Electric Association  
Nebraska School Food Service Association  
Nebraska Society of Certified Public Accountants  
Nebraska State Board of Agriculture  
Nebraska State Cemetery Association  
Nebraska Wholesale Liquor Distributors Association  
Nebraskans for Public Health Funding  
Organ & Tissue Donor Task Force of Nebraska  
RACOM Corporation  
State Troopers Association of Nebraska, Inc.  
University of Nebraska  
UST Public Affairs, Inc.  
Value Options  
Waste Connections, Inc.

Ramirez, Joseph  
American Association of Retired Persons

Rasmussen, Dennis  
Catrala of Nebraska  
Class I's United  
Friends of Rural Education  
Great Plains Communications  
Iowa/Nebraska Equipment Dealers Association  
LensCrafters  
Nebraska Independent Auto Dealers Association  
Nebraska Land Improvement Contractors Association  
Nebraska Petroleum Marketers & Convenience Store Assn.  
Nebraska State Board of Agriculture  
Nebraska State Historical Society  
Philip Morris Management Corporation  
Wells Fargo Bank, N.A.  
Western Association

Redoutey, Laura J.

Nebraska Association of Hospitals & Health Systems

Remington, S. June

National Association of Insurance and Financial Advisors

Nebraska Association of Health Underwriters

Nebraska Chapter of National Association of Social Workers

Rempe, Jay E.

Nebraska Farm Bureau Federation

Renner, Shawn D.

Media of Nebraska, Inc.

Rex, L. Lynn

League of Nebraska Municipalities

Richards, Thomas

Omaha Public Power District

Riibe, Diane

Project Extra Mile

Robertson, Rob J.

Nebraska Farm Bureau Federation

Rodenburg, Susan Larson

Kissel/E&S Associates, L.L.C.

Rowley, Mitch

Nebraska Catholic Conference

Ruehle, Greg

Nebraska Cattlemen

Ruth, Larry L.

American Express Travel Related Services Company, Inc.

ASARCO Incorporated

Associated General Contractors of America, NE Chapter

AT&T Corp.

Ayars & Ayars, Inc.

Big Red Lottery Services, Ltd.

Chief Industries, Inc.

Cutshall & Associates

First Data Corporation

Harvey's Iowa Management Company

Heartland Community Bankers Association

Kellogg Company

Lincoln Airport Authority

Metabolife International, Inc.

Millard Public Schools

Nebraska Academy of Eye Physicians and Surgeons

Nebraska Association of Airport Officials

Nebraska Association of Surety Underwriters  
Nebraska Collectors Association  
Nebraska Court Reporters Association  
Nebraska Dental Association  
Nebraska Interactive  
Nebraska Machinery Company  
Nebraska Methodist Health System, Inc.  
Nebraska Press Association  
Nebraska Rental Dealers Association  
Nebraska Schools Construction Alternatives Association  
Nebraska Society of Independent Accountants  
Nebraska State Bar Association  
Pharmaceutical Research and Manufacturers of America  
Richard Young Center

Ryan, Beth

Union Pacific Railroad

Sahling-Zart, Shelley R.

Lincoln Electric System

Scanlan, Jeffrey L.

Cornhusker Casualty Company

Schimek, Herbert H.

Nebraska State Education Association

Schleppenbach, Greg

Nebraska Catholic Conference

Schmidt, Tom

Pfizer, Inc. (CA)

Schmit Industries, Inc.

Ag Processing, Inc.

Bell Family Farms

Nebraska Chiropractic Physicians Association

Nebraska Wheat Growers

Schmit-Albin, Julie

Nebraska Right to Life, Inc.

Schuele, Joe

ALLTEL Communications

Schwartz, Julia Plucker

Children's Healthcare Services

Seacrest, Kent

Joint Antelope Valley Authority

Sedlacek, Ronald J.

Nebraska Bankers Association  
Nebraska Chamber of Commerce & Industry  
Travelers Express Company, Inc.

Sellentini, Jerry L.  
Nebraska Council of School Administrators

Setzepfandt, Scott  
HLR Service Corporation

Shipper, John  
National Rifle Association Institute for Legislative Action

Sholl, Arthur F.  
American Society of Mechanical Engineers

Sidwell, Scott E.  
Nebraska Association of County Officials

Siefken, Kathy  
Nebraska Grocery Industry Association

Skochdopole, Robert A.  
Association of Independent Colleges & Universities of Nebraska  
Ephedra Committee of the American Herbal Products Assn.  
MultiState Associates Inc. on behalf of Verizon Wireless  
National Association of Independent Insurers

Snyder, Patricia  
Nebraska Health Care Association

Solem, Calvin C.  
Associated General Contractors, Nebraska Building Chapter

Sommermeier, Mary E.  
League of Nebraska Municipalities

Stading, Donald R.  
Ameritas Life Insurance Corporation

Stepanek, Chuck  
Nebraska Nurses' Association

Stilmock, Gerald M.  
Ambassador Group, The  
National Federation of Independent Business  
Nebraska Pharmacists Association  
Nebraska State Volunteer Firefighter's Association

Sullivan, J. Scott  
Nebraska Credit Union League & Affiliates

- Swertzic, Michelle  
Nebraska Propane Gas Association
- Thompson, Nancy  
Friends of the Constitution
- Todd, Jr., A. Loy  
Nebraska New Car & Truck Dealers Association
- Tushar, Danene J.  
Children's Healthcare Services
- Uhe, Fred J.  
Sarpy County Board of Commissioners
- Ullstrom, Galen F.  
Mutual of Omaha Insurance Companies
- Urdahl, Michael B.  
Great Plains Communications
- Varney, Michael  
Farmers Insurance Group
- Vickers, Tom  
Board of Educational Lands and Funds  
Nebraska Community College Association  
Nebraska Council of Private Postsecondary Career Schools  
Nebraska Nurses' Association  
Nebraska Propane Gas Association  
Nebraskans for Wilderness Camps  
Westside Community & Ralston Public Schools
- Vodvarka, Dan  
Nebraska Society of Certified Public Accountants
- Wade, Rick G.  
Alliance of American Insurers  
Nebraska Cooperative Council
- Wagner, Connie  
Licensed Practical Nurse Association of Nebraska
- Warth, Terry  
Nebraska Public Power District
- Watkins, Phil  
World Wide Packets
- Watson, Carol S.  
Lincoln Benefit Life Company

- Watson, James S.  
United HealthCare Corporation
- Weber, Rocky  
Nebraska Cooperative Council
- Welsch, Mark E.  
GASP-Group to Alleviate Smoking Pollution
- Wiitala, Steve  
Omaha Public Schools
- Williams, David M.  
Ameritas Life Insurance Corporation
- Wininger, Dwight  
Nebraska Rural Telecommunications Commission
- Winston, Ken  
Association of Nebraska Community Action Agencies  
Nebraska Library Association
- Workman, William T.  
American Association of Retired Persons
- Wright, Matthew F.  
Nebraska Mortgage Association
- Wurtz, Thomas A.  
Metropolitan Utilities District of Omaha
- Wylie, William M.  
Nebraska Insurance Information Service
- Yost, Kurt T.  
Central Nebraska Public Power & Irrigation District  
Nebraska Check Cashiers Association  
Nebraska Independent Bankers Association
- Young, Philip M.  
Nebraskans for Fair Competition
- Zumwinkle, Mike  
Cargill, Incorporated

### **REFERENCE COMMITTEE REPORT**

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



<b>LB/LR</b>	<b>Committee</b>
LB 1	General File
LB 2	General File
LB 3	General File
LB 4	General File
LB 5	General File
LB 6	General File
LB 7	General File
LB 8	General File
LB 9	General File
LB 10	Government, Military and Veterans Affairs
LB 11	General Affairs
LB 12	Judiciary
LB 13	Health and Human Services
LB 14	Judiciary
LB 15	Judiciary
LB 16	Government, Military and Veterans Affairs
LB 17	Government, Military and Veterans Affairs
LB 18	Judiciary
LB 19	Judiciary
LB 20	Revenue
LB 21	Health and Human Services
LB 22	Health and Human Services
LB 23	Judiciary
LB 24	Health and Human Services
LB 25	Health and Human Services
LB 26	Judiciary
LB 27	Judiciary
LB 28	Revenue
LB 29	Business and Labor
LB 30	Education
LB 31	Urban Affairs
LB 32	Government, Military and Veterans Affairs
LB 33	Education
LB 34	Transportation and Telecommunications
LB 35	Appropriations
LB 36	Transportation and Telecommunications
LB 37	Judiciary
LB 38	Transportation and Telecommunications
LB 39	Transportation and Telecommunications
LB 40	Judiciary
LB 41	Transportation and Telecommunications
LB 42	Judiciary
LB 43	Transportation and Telecommunications
LB 44	Transportation and Telecommunications
LB 45	Revenue
LB 46	Judiciary
LB 47	General Affairs
LB 48	Judiciary
LB 49	Banking, Commerce and Insurance

LB 50	Banking, Commerce and Insurance
LB 51	Banking, Commerce and Insurance
LB 52	Banking, Commerce and Insurance
LB 53	Banking, Commerce and Insurance
LB 54	Banking, Commerce and Insurance
LB 55	Banking, Commerce and Insurance
LB 56	Banking, Commerce and Insurance
LB 57	Revenue
LB 58	Banking, Commerce and Insurance
LB 59	Revenue
LB 60	Revenue
LB 61	Revenue
LB 62	Judiciary
LB 63	Judiciary
LB 64	Transportation and Telecommunications
LB 65	Transportation and Telecommunications
LB 66	Judiciary
LB 67	Government, Military and Veterans Affairs
LB 68	Banking, Commerce and Insurance
LB 69	Judiciary
LB 70	Transportation and Telecommunications
LB 71	Government, Military and Veterans Affairs
LB 72	Business and Labor
LB 73	Judiciary
LB 74	Judiciary
LB 75	Natural Resources
LB 76	Government, Military and Veterans Affairs
LB 77	Government, Military and Veterans Affairs
LB 78	Revenue
LB 79	Judiciary
LB 80	Banking, Commerce and Insurance
LB 81	Judiciary
LB 82	Judiciary
LB 83	Judiciary
LB 84	Judiciary
LB 85	Judiciary
LB 86	Judiciary
LB 87	Judiciary
LB 88	Judiciary
LB 89	Transportation and Telecommunications
LB 90	Transportation and Telecommunications
LB 91	Revenue
LB 92	Judiciary
LB 93	Government, Military and Veterans Affairs
LB 94	Education
LB 95	Transportation and Telecommunications
LB 96	Government, Military and Veterans Affairs
LB 97	Government, Military and Veterans Affairs
LB 98	Natural Resources

LB 99        Judiciary  
LB 100       Revenue

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### **ANNOUNCEMENTS**

Senator Landis announced the Banking, Commerce and Insurance Committee elected Senator Tyson as Vice Chairperson.

Senator Bromm announced the Transportation and Telecommunications Committee elected Senator Jones as Vice Chairperson.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Cunningham asked unanimous consent to have his name added as cointroducer to LB 209. No objections. So ordered.

Senator Price asked unanimous consent to have her name added as cointroducer to LB 32 and LB 282. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 313. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were the Army National Guard's 41<sup>st</sup> Rear Area Operations.

### **ADJOURNMENT**

At 11:55 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, January 9, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTH DAY - JANUARY 9, 2001**  
**LEGISLATIVE JOURNAL**  
**NINETY-SEVENTH LEGISLATURE**  
**FIRST SESSION**  
**FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 9, 2001

**PRAYER**

The prayer was offered by Pastor Michael Green, Living Hope Assembly of God, Cozad, 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 McDonald who was excused; and Senators Beutler, Brashear, Bromm, Landis, D. Pederson, Schrock, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 73, move lines 18 through 23 to page 75 under a new heading of "**Retirement Systems, Public Employees**", and change the date "6/30/02" to "6/30/00".

Page 76, move line 15 to page 72 under Administrative Services, Dept. of. The Journal for the second day was approved as corrected.

The Journal for the fourth day was approved.

**MESSAGE FROM THE GOVERNOR**

January 9, 2001

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

Dear Mr. President, Speaker Kristensen and Senators:

Please withdraw Phil Pankonin's name from the Coordinating Commission for Post-Secondary Education due to his resignation.

Sincerely,  
(Signed) Mike Johanns  
Governor

MJ/vfp

### **MOTION - Adopt Temporary Rules**

Senator Hudkins moved that the rules, as now in our possession, be adopted for today only, Tuesday, January 9, 2001.

The motion prevailed.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 401.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 32-510, 85-103, 85-103.01, 85-301, 85-966, 85-1403, 85-1404, 85-1410, 85-1413, 85-1414, and 85-1416, Reissue Revised Statutes of Nebraska; to create the Nebraska Higher Education Board of Regents; to provide for the termination of the Coordinating Commission for Postsecondary Education, the Board of Regents of the University of Nebraska, and the Board of Trustees of the Nebraska State Colleges; to create, transfer, and eliminate powers and duties; to provide intent; to provide a duty for the Education Committee of the Legislature; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 402.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-509, 28-510, 28-518, 71-2060, and 79-1042, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2000; to create the offense of unlawfully taking motor vehicle fuel; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 403.** 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, 2000; 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, 2000; and to declare an emergency.

**LEGISLATIVE BILL 404.** Introduced by Stuhr, 24; Schrock, 38.

A BILL FOR AN ACT relating to water; to state findings; to provide for appointment of a task force and a study.

**LEGISLATIVE BILL 405.** Introduced by Stuhr, 24; Schrock, 38.

A BILL FOR AN ACT relating to water; to amend section 61-210, Revised Statutes Supplement, 2000; to provide for transfer certificates and updates; to provide duties for the Department of Natural Resources; to provide for a fee; to harmonize provisions; and to repeal the original section.

#### REFERENCE COMMITTEE REPORT

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

<b>LB/LR</b>	<b>Committee</b>
LB 101	Urban Affairs
LB 102	Transportation and Telecommunications
LB 103	Natural Resources
LB 104	Urban Affairs
LB 105	Banking, Commerce and Insurance
LB 106	Transportation and Telecommunications
LB 107	Transportation and Telecommunications
LB 108	Transportation and Telecommunications
LB 109	Judiciary
LB 110	Judiciary
LB 111	Natural Resources
LB 112	Judiciary
LB 114	General Affairs
LB 115	Revenue
LB 116	Judiciary
LB 117	Judiciary
LB 118	Revenue
LB 119	Revenue
LB 120	Revenue
LB 121	Revenue
LB 122	Revenue
LB 123	Revenue
LB 124	Revenue
LB 125	Government, Military and Veterans Affairs
LB 126	Natural Resources
LB 127	Government, Military and Veterans Affairs

LB 128	Natural Resources
LB 129	Natural Resources
LB 130	Natural Resources
LB 131	Transportation and Telecommunications
LB 132	Natural Resources
LB 133	Natural Resources
LB 134	Natural Resources
LB 135	Natural Resources
LB 136	Natural Resources
LB 137	Natural Resources
LB 138	Banking, Commerce and Insurance
LB 139	Revenue
LB 140	Agriculture
LB 141	Revenue
LB 142	Government, Military and Veterans Affairs
LB 143	Government, Military and Veterans Affairs
LB 144	Appropriations
LB 145	Judiciary
LB 146	Banking, Commerce and Insurance
LB 147	Transportation and Telecommunications
LB 148	Transportation and Telecommunications
LB 149	Revenue
LB 150	Judiciary
LB 151	Health and Human Services
LB 152	Health and Human Services
LB 153	Business and Labor
LB 154	Judiciary
LB 155	Judiciary
LB 156	Revenue
LB 157	Transportation and Telecommunications
LB 158	Judiciary
LB 159	Judiciary
LB 160	Transportation and Telecommunications
LB 161	Judiciary
LB 162	Banking, Commerce and Insurance
LB 163	Judiciary
LB 164	Health and Human Services
LB 165	Transportation and Telecommunications
LB 166	Transportation and Telecommunications
LB 167	Transportation and Telecommunications
LB 168	Revenue
LB 169	Revenue
LB 170	Revenue
LB 171	Revenue
LB 172	Revenue
LB 173	Revenue
LB 174	Revenue
LB 175	General Affairs
LB 176	Judiciary



LB 177	Urban Affairs
LB 178	Transportation and Telecommunications
LB 179	Urban Affairs
LB 180	Business and Labor
LB 181	Education
LB 182	Natural Resources
LB 183	Government, Military and Veterans Affairs
LB 184	Transportation and Telecommunications
LB 185	Transportation and Telecommunications
LB 186	Nebraska Retirement Systems
LB 187	Appropriations
LB 188	Judiciary
LB 189	Appropriations
LB 190	Transportation and Telecommunications
LB 191	Revenue
LB 192	Business and Labor
LB 193	Business and Labor
LB 194	Agriculture
LB 195	Agriculture
LB 196	Agriculture
LB 197	Agriculture
LB 198	Agriculture
LB 199	Revenue
LB 200	Revenue
LB 201	Revenue
LB 202	Revenue
LB 203	Revenue
LB 204	Revenue
LB 205	Revenue
LB 206	Revenue
LB 207	Revenue
LB 208	Agriculture
LB 209	Health and Human Services
LB 210	Urban Affairs
LB 211	Banking, Commerce and Insurance
LB 212	Judiciary
LB 213	Health and Human Services
LB 214	Health and Human Services
LB 215	Banking, Commerce and Insurance
LB 216	Business and Labor
LB 217	Natural Resources
LB 218	Natural Resources
LB 219	Judiciary
LB 220	Business and Labor
LB 221	Judiciary
LB 222	Urban Affairs
LB 223	Revenue
LR 1CA	Education
LR 2CA	Executive Board

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### **ANNOUNCEMENT**

The Chair announced yesterday was Senator Kremer's birthday.

### **MOTION - Adopt Permanent Rules**

Senator Hudkins moved to adopt the permanent rules for the Ninety-Seventh Legislature, First Session.

The Rules Committee renewed the proposed rules change, number 8, found on pages 137 and 138, to amend Rule 2, Sec. 1(a) and Rule 2, Sec. 2.

The proposed rules change, number 8, was adopted with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

### **SENATOR SCHIMEK PRESIDING**

The Rules Committee renewed the proposed rules change, number 1, found on page 136, to amend Rule 1, Sec. 6.

The proposed rules change, number 1, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

The Rules Committee renewed the proposed rules change, number 2, found on page 136, to amend Rule 2, Sec. 3(j) and Rule 3, Sec. 10(a).

The proposed rules change, number 2, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

The Rules Committee renewed the proposed rules change, number 3, found on page 137, to amend Rule 4, Sec. 5(b).

The proposed rules change, number 3, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

The Rules Committee renewed the proposed rules change, number 4, found on page 137, to amend Rule 4, Sec. 6.

The proposed rules change, number 4, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The Rules Committee renewed the proposed rules change, number 5, found on page 137, to amend Rule 5, Sec. 5(b).

The proposed rules change, number 5, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The Rules Committee renewed the proposed rules change, number 6, found on page 137, to amend Rule 7, Sec. 1(d).

The proposed rules change, number 6, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The Rules Committee renewed the proposed rules change, number 7, found on page 137, to amend Rule 1, Sec. 17(a).

Senator Chambers offered the following amendment to the proposed rules change number 7:

Amend the Rules Committee proposed rule change number 7, found on journal page 137, by striking the last sentence and inserting the following new language:

"During the 2001 Session, the Speaker also may designate redistricting bills as major proposals with the approval of a vote of two-thirds of the Executive Board."

Senators Bruning and Raikes asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment lost with 12 ayes, 17 nays, 15 present and not voting, and 5 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Chambers requested a roll call vote on the proposed rules change number 7.

Voting in the affirmative, 33:

Beutler	Bourne	Brashear	Brown	Burling
Byars	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kruse	Pedersen, Dw.
Pederson, D.	Price	Quandahl	Redfield	Schimek
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 6:

Baker	Chambers	Cunningham	Foley	Landis
Preister				

Present and not voting, 6:

Aguilar            Hartnett            Kristensen            Maxwell            Robak  
Schrock

Excused and not voting, 4:

Bromm            Bruning            McDonald            Raikes

The proposed rules change, number 7, was adopted with 33 ayes, 6 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Rules Committee renewed the proposed rules change, number 9, found on page 138, to amend Rule 3, Sec. 6 and Rule 5, Sec. 4(c).

The proposed rules change, number 9, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

The Hudkins pending motion, found in this day's Journal, to adopt the permanent rules for the Ninety-Seventh Legislative, First Session, as amended, was renewed.

#### **SENATOR DIERKS PRESIDING**

Senator Chambers offered the following amendment to the permanent rules: In amendment number 7 strike the word "also" and the word "additional".

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers amendment was adopted with 38 ayes, 2 nays, 4 present and not voting, and 5 excused and not voting.

Senators Kristensen and Chambers offered the following amendment to the permanent rules:

Amend rules proposal number 7 as amended by the Chambers amendment: Add after the last sentence "Provided, the Speaker shall be allowed to designate one additional major proposal which shall be limited to the bill dealing with redistricting of legislative districts subject to the approval of two-thirds of the Executive Board.

The Kristensen-Chambers amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Senator Chambers requested a record vote on the motion to adopt the permanent rules, as amended.

Voting in the affirmative, 43:

Aguilar	Baker	Beutler	Bourne	Brashear
Brown	Burling	Byars	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Redfield	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 1:

Chambers

Excused and not voting, 5:

Bromm	Bruning	McDonald	Raikes	Robak
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The permanent rules, as amended, were adopted with 43 ayes, 1 nay, and 5 excused and not voting.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 406.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-1108, Revised Statutes Supplement, 2000; to repeal provisions relating to the employee buy-out program; to harmonize provisions; to repeal the original section; and to outright repeal section 81-1392, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 407.** Introduced by Nebraska Retirement Systems Committee: Bruning, 3, Chairperson; Bourne, 8; Erdman, 47; Stuhr, 24; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend section 79-927, Reissue Revised Statutes of Nebraska, and sections 23-2306, 79-902, 79-910, and 84-1307, Revised Statutes Supplement, 2000; to change provisions relating to membership, participation, and service; to define and redefine terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 408.** Introduced by Nebraska Retirement Systems Committee: Bruning, 3, Chairperson; Bourne, 8; Erdman, 47; Stuhr, 24; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2307, 23-2315.01, 24-702, 24-703, 79-974, 81-2014.01, 81-2017, 81-2018, 81-2031, 84-1308, 84-1323.01, and 84-1503.03, Reissue Revised Statutes of Nebraska, and sections 23-2309.01, 23-2310.04, 23-2310.05, 24-701.01, 24-706, 79-902, 79-921, 79-933.05, 79-933.06, 79-958, 81-2014, 84-1310.01, 84-1311.03, and 84-1314, Revised Statutes Supplement, 2000; to change provisions relating to expense funds, purchase of service, investment allocations, disability, termination of employment, and employee contributions; to create funds; to redefine terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 409.** Introduced by McDonald, 41; Schrock, 38.

A BILL FOR AN ACT relating to reclamation districts; to amend section 46-538, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation of directors; and to repeal the original section.

**LEGISLATIVE BILL 410.** Introduced by McDonald, 41.

A BILL FOR AN ACT relating to elections; to amend sections 32-933, 32-941, 32-943, 32-946, 32-950, 32-954, and 32-956, Reissue Revised Statutes of Nebraska, and section 32-1027, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to absentee ballots; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-1029, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 411.** Introduced by McDonald, 41.

A BILL FOR AN ACT relating to the Nebraska Rural Health Advisory Commission; to amend section 71-5654, Revised Statutes Supplement, 2000; to change commission membership provisions; and to repeal the original section.

**LEGISLATIVE BILL 412.** Introduced by Robak, 22.

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 413.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-419, Reissue Revised Statutes of Nebraska; to change provisions relating to ingesting a controlled substance; and to repeal the original section.

**LEGISLATIVE BILL 414.** Introduced by Stuhr, 24; Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to create the Organic Agriculture Task Force; to provide powers and duties; to provide for termination of the task force; and to declare an emergency.

**LEGISLATIVE BILL 415.** Introduced by Stuhr, 24; Connealy, 16; Kremer, 34; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to farm labor contractors; to amend sections 48-1707, 48-1709, 48-1711, 48-1712, and 48-1714, Reissue Revised Statutes of Nebraska; to eliminate licensure requirements and a fund; to change prohibited acts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-1704 to 48-1706, 48-1710, and 48-1713, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 416.** Introduced by Beutler, 28.

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 417.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Chambers, 11; Dierks, 40; Hartnett, 45; Preister, 5; Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-139, Reissue Revised Statutes of Nebraska, and section 48-115, Revised Statutes Supplement, 2000; to redefine a term; to change settlement provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 418.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Chambers, 11; Dierks, 40; Hartnett, 45; Preister, 5; Vrtiska, 1.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-652, Revised Statutes Supplement, 2000; to change provisions relating to experience accounts; and to repeal the original section.

**LEGISLATIVE BILL 419.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5017, Reissue Revised Statutes of Nebraska, and section 77-5016, Revised Statutes Supplement, 2000; to change appeal provisions relating to exempt-status property; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 420.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to public buildings; to amend sections 52-118, 52-118.01, and 73-106, Reissue Revised Statutes of Nebraska; to

change provisions relating to payment bonds; to change provisions relating to bids; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 421.** Introduced by Wickersham, 49; Dierks, 40; Kremer, 34; Price, 26; Raikes, 25; Suttle, 10.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3442, 79-1008.02, 79-1015.01, and 79-1031, Revised Statutes Supplement, 2000; 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.

**LEGISLATIVE BILL 422.** Introduced by Wickersham, 49; Dierks, 40; Jones, 43; Kremer, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-1016, Revised Statutes Supplement, 2000; to change the calculation of state aid value; and to repeal the original section.

**LEGISLATIVE BILL 423.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5702 to 71-5706 and 71-5708 to 71-5713, Reissue Revised Statutes of Nebraska, and section 71-5707, Revised Statutes Supplement, 2000; to redefine terms; to change designated smoking area provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 424.** Introduced by Schrock, 38; Baker, 44; Brown, 6; Bruning, 3; Byars, 30; Connealy, 16; Cunningham, 18; Dierks, 40; Hudkins, 21; Kremer, 34; Preister, 5; Raikes, 25; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1333, Reissue Revised Statutes of Nebraska, and sections 66-1344 to 66-1345.02, Revised Statutes Supplement, 2000; to eliminate termination dates for production incentives and excise taxes; to impose an excise tax on wheat, distiller's grain, and gluten feed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 425.** Introduced by Connealy, 16.

A BILL FOR AN ACT relating to license plates; to provide for firefighter license plates; and to provide a fee.

**LEGISLATIVE BILL 426.** Introduced by Connealy, 16.

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

**LEGISLATIVE BILL 427.** Introduced by Wickersham, 49.



A BILL FOR AN ACT relating to the Game Law; to amend section 37-608, Reissue Revised Statutes of Nebraska; to authorize enforcement of federal orders on federal lands as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 428.** Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Quandahl, 31; Smith, 48; Vrtiska, 1; and Erdman, 47.

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 429.** Introduced by Janssen, 15; Baker, 44; Cunningham, 18.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1725, Reissue Revised Statutes of Nebraska; to change provisions relating to alternative payment systems; and to repeal the original section.

**LEGISLATIVE BILL 430.** Introduced by Connealy, 16; Landis, 46; Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation, to amend section 77-2701, Revised Statutes Supplement, 2000; to provide for refunds of sales and use tax relating to film production; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 431.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to schools; to create and provide duties for the School Structure Task Force; to state intent relating to appropriations; to provide for termination; and to declare an emergency.

**LEGISLATIVE BILL 432.** Introduced by Brown, 6; Connealy, 16; Jensen, 20; Redfield, 12; Thompson, 14; Vrtiska, 1.

A BILL FOR AN ACT relating to genetic testing; to amend sections 13-607, 43-1414, 71-2620, 81-2010, and 81-2010.03, Reissue Revised Statutes of Nebraska, and sections 29-4105, 29-4115, and 71-519, Revised Statutes Supplement, 2000; to provide requirements relating to use and disposition of genetic testing and results relating to physicians, insurance, employers and employees, criminal investigations, paternity, and newborn infants; to provide requirements for laboratories performing human genetic and forensic testing; and to repeal the original sections.

**LEGISLATIVE BILL 433.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to child care; to amend sections 77-908 and 77-3806, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2000; 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 434.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to sex offenders; to amend sections 28-317, 28-318, 28-801, 28-1010, and 29-2221, Reissue Revised Statutes of Nebraska, and sections 28-105, 29-2923, 29-2925, 29-2926, 29-2928, 29-2929, 29-2930, and 47-603, Revised Statutes Supplement, 2000; 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 435.** Introduced by Agriculture Committee: Dierks, 40, Chairperson; Burling, 33; Cunningham, 18; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to agricultural tenants; to amend section 75-109, Revised Statutes Supplement, 2000; 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 436.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2622 to 2-2625, 2-2629, 2-2632, 2-2635 to 2-2643, 2-2645, 2-2646, 2-2649, 81-2,173, and 81-2,177.01, Reissue Revised Statutes of Nebraska, and section 2-2626, Revised Statutes Supplement, 2000; to define and redefine terms; to change complaint, procedure, and licensure provisions relating to pesticides; to change apiary inspection certificate and colony registration provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-2644 and 2-2655, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 437.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,283, Reissue Revised Statutes of Nebraska, and sections 81-2,239 and 81-2,240, Revised Statutes Supplement, 2000; to define a term; to prohibit certain mislabeling; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 438.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to livestock; to amend sections 54-701, 54-701.02, 54-704, 54-742, and 54-746, Reissue Revised Statutes of Nebraska, and sections 54-701.03 and 54-744, Revised Statutes Supplement, 2000; to change provisions relating to livestock disease prevention and

control; to define terms; to provide for voluntary livestock certification programs; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 439.** Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to the State Highway Commission; to amend sections 39-1106 and 39-1108, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation and meetings; and to repeal the original sections.

**LEGISLATIVE BILL 440.** Introduced by Byars, 30.

A BILL FOR AN ACT relating to health care; to adopt the Mail Order Contact Lens Act.

**LEGISLATIVE BILL 441.** Introduced by Suttle, 10; 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, and sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2000; to provide tax credits for child care expenditures; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 442.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to lobbying practices; to amend section 49-1480, Reissue Revised Statutes of Nebraska; to change registration provisions; and to repeal the original section.

## RESOLUTION

**LEGISLATIVE RESOLUTION 8CA.** Introduced by Kristensen, 37.

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

Section 1. At the general election in November 2002 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 1, add a new section 18 to Article VII, and repeal Article VII, sections 10, 13, and 14:

VII-18 "On or after July 1, 2003, the general government of the University of Nebraska and the Nebraska state colleges shall, under the direction of the Legislature, be vested in the Nebraska Higher Education Board of Regents. The board shall be composed of not less than eight nor more than sixteen regents who shall be elected or appointed as provided by

law. In addition a student representative of each campus of the University of Nebraska and each state college shall serve on the board as a nonvoting member."

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 irrepeatable until such debt is paid, except ; ~~PROVIDED~~, that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures, The Nebraska Higher Education ; ~~AND PROVIDED FURTHER, that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide."~~

VII-10, 13, and 14 "Article VII, sections 10, 13, and 14, of the Constitution of Nebraska are repealed."

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

"A constitutional amendment to create the Nebraska Higher Education Board of Regents and to eliminate references in the constitution to the

Coordinating Commission for Postsecondary Education, the Board of Regents of the University of Nebraska, and the Board of Trustees of the Nebraska State Colleges.

For  
Against".

Referred to the Reference Committee.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Executive Order No. 99-04 and Executive Order No. 00-02, I have appointed Senator Floyd Vrtiska, representing Legislative District 1, and Senator Pat Bourne, representing Legislative District 8, to serve as the two legislative members of the State Workforce Investment Board. It is my intention that their service on the board begins immediately.

### **ANNOUNCEMENTS**

Senator Brashear announced the Judiciary Committee elected Senator Bourne as Vice Chairperson.

Senator Wehrbein announced the Appropriations Committee elected Senator D. Pederson as Vice Chairperson.

### **NOTICE OF COMMITTEE HEARINGS** **Urban Affairs**

LB 101	Tuesday, January 16, 2001	1:30 PM
LB 177	Tuesday, January 16, 2001	1:30 PM
LB 210	Tuesday, January 16, 2001	1:30 PM
LB 222	Tuesday, January 16, 2001	1:30 PM

(Signed) D. Paul Hartnett, Chairperson

### **Transportation and Telecommunications**

LB 36	Tuesday, January 16, 2001	1:30 PM
LB 43	Tuesday, January 16, 2001	1:30 PM
LB 95	Tuesday, January 16, 2001	1:30 PM

(Signed) Curt Bromm, Chairperson

### **Education**

LR 1CA	Tuesday, January 16, 2001	2:30 PM
LB 30	Tuesday, January 16, 2001	2:30 PM
LB 181	Tuesday, January 16, 2001	2:30 PM

(Signed) Deborah S. Suttle, Vice Chairperson

**Banking, Commerce and Insurance**

LB 49	Tuesday, January 16, 2001	1:30 PM
LB 54	Tuesday, January 16, 2001	1:30 PM
LB 68	Tuesday, January 16, 2001	1:30 PM
LB 138	Tuesday, January 16, 2001	1:30 PM
LB 162	Tuesday, January 16, 2001	1:30 PM

(Signed) David M. Landis, Chairperson

**Agriculture**

LB 194	Tuesday, January 16, 2001	1:30 PM
LB 197	Tuesday, January 16, 2001	1:30 PM
LB 198	Tuesday, January 16, 2001	1:30 PM

(Signed) Merton L. Dierks, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 9.** Introduced by Robak, 22.

WHEREAS, the Columbus Scotus Central Catholic High School girls' cross country team won the school's first state cross country title on October 20, 2000; and

WHEREAS, this was the Shamrock's first championship win for Coach Dan Mahoney in twenty-three years of coaching; and

WHEREAS, Senior Molly Engel took the individual title in Class C for the 4,000-meter girls course, Junior Angela Fisher finished third at the state meet, and team members Sarah Karges, Kathleen Ames, Brandi Olmer, and Cheryl Bierman all joined forces to win the title; and

WHEREAS, throughout the season the members of the team have complemented their talents with sportsmanship, motivation, and hard work.

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

1. That the Legislature congratulates the Columbus Scotus Central Catholic High School girls' cross country team on their impressive victory.

2. That a copy of this resolution be sent to the team and Coach Dan Mahoney of Columbus Scotus Central Catholic High School.

Laid over.

**LEGISLATIVE RESOLUTION 10.** Introduced by Robak, 22.

WHEREAS, George Umbarger of Genoa was selected by the National Weather Service to receive the Thomas Jefferson Award, the most prestigious national award given annually to only five individuals for outstanding and unusual achievements as Cooperative Weather Observers;

and

WHEREAS, George Umbarger, a retired school teacher, has been the weather observer for Genoa for over twenty-six years; and

WHEREAS, George Umbarger has for the past twenty-six years recorded daily precipitation and temperature, maintained a record of sky conditions and winds, studied potential weather cycles and weather relationships, provided farmers with information on corn growth degree days, and provided a weekly weather review for the Genoa Leader Times newspaper; and

WHEREAS, throughout his lifetime George Umbarger has given generously of his time and leadership and has served as a valuable member of his community; and

WHEREAS, George Umbarger has been, above all, a loving and supportive husband, father, and grandfather who loves and enjoys his family; and

WHEREAS, George Umbarger was presented the Jefferson Award on October 27, 2000, in Genoa.

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

1. That the members of the Nebraska Legislature congratulate George Umbarger and extend their thanks for his contributions to the community of Genoa and to the State of Nebraska.

2. That a copy of this resolution be sent to George Umbarger.

Laid over.

**LEGISLATIVE RESOLUTION 11.** Introduced by Robak, 22.

WHEREAS, the Lindsay Holy Family High School football team won the Class D-2 State High School Football Championship with a 28-24 win over Sargent High School on November 16, 2000, in Lincoln; and

WHEREAS, this was the first state football title for the Lindsay Holy Family Bulldogs and its coach, Rusty Rautenberg; and

WHEREAS, the Lindsay Holy Family High School team and the coaches, families, and supporters should be commended and are deserving of special recognition for the team's exemplary season of good sportsmanship and athleticism.

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

1. That the Legislature congratulates the Lindsay Holy Family High School football team on winning the Class D-2 State High School Football Championship.

2. That a copy of this resolution be sent to Coach Rautenberg and the Holy Family High School football team.

Laid over.

**LEGISLATIVE RESOLUTION 12.** Introduced by Kremer, 34.

WHEREAS, the Hampton Lady Hawks volleyball team is the Class D-2 state volleyball champion; and

WHEREAS, this was the Lady Hawks' first volleyball state title in twenty-one years; and

WHEREAS, head coach Diane Torson has guided the Lady Hawks by bringing out their talents while instilling the characteristics of sportsmanship, determination, and diligence; and

WHEREAS, the members of the Hampton Lady Hawks girls volleyball team are positive role models for young athletes in the community because of the support of their coaches, teachers, administrators, and parents.

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

1. That the Legislature recognizes and congratulates the Hampton Lady Hawks volleyball team and their coaches, parents, and supporters.

2. That a copy of this resolution be sent to the Hampton Lady Hawks volleyball team head coach Diane Torson.

Laid over.

**LEGISLATIVE RESOLUTION 13.** Introduced by Kremer, 34.

WHEREAS, the Central City Bison girls volleyball team is the Class C-1 state volleyball champion; and

WHEREAS, the victory, over five-time defending state champion Columbus Scotus, was the school's first-ever state volleyball championship; and

WHEREAS, the Central City Bison exemplified dedication, discipline, and perseverance through talent and hard work; and

WHEREAS, coach Jody Gavers and her assistant coach Kelly Benson displayed and provided effective guidance and leadership throughout the season.

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

1. That the Legislature recognizes and congratulates the Central City Bison girls volleyball team and the coaches, parents, and supporters.

2. That a copy of this resolution be sent to the Central City Bison girls volleyball team head coach Jody Gavers.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Jensen asked unanimous consent to have his name added as cointroducer to LB 28. No objections. So ordered.

Senator Price asked unanimous consent to have her name added as cointroducer to LB 330. No objections. So ordered.

Senator Coordsen asked unanimous consent to have his name added as



cointroducer to LB 421. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were John Lawson from Cozad; and 40 high school students and teacher from Shenandoah High School, Iowa.

The Doctor of the Day was Dr. Pat Hanna from Lincoln.

**ADJOURNMENT**

At 11:17 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, January 10, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTH DAY - JANUARY 10, 2001**  
**LEGISLATIVE JOURNAL**  
**NINETY-SEVENTH LEGISLATURE**  
**FIRST SESSION**

**SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
 Wednesday, January 10, 2001

**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 Senator McDonald who was excused; and Senators Landis, Raikes, and Wickersham 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, resolutions, and appointments:

<b>LB/LR</b>	<b>Committee</b>
LB 109	Nebraska Retirement Systems (rereferred)
LB 113	Judiciary
LB 131	Natural Resources (rereferred)
LB 224	General Affairs
LB 225	Banking, Commerce and Insurance
LB 226	Government, Military and Veterans Affairs
LB 227	Health and Human Services
LB 228	Appropriations
LB 229	Judiciary
LB 230	Health and Human Services
LB 231	General Affairs
LB 232	Natural Resources

LB 233	Revenue
LB 234	Transportation and Telecommunications
LB 235	Health and Human Services
LB 236	Judiciary
LB 237	Government, Military and Veterans Affairs
LB 238	Health and Human Services
LB 239	Transportation and Telecommunications
LB 240	Education
LB 241	Health and Human Services
LB 242	Government, Military and Veterans Affairs
LB 243	Natural Resources
LB 244	Transportation and Telecommunications
LB 245	Transportation and Telecommunications
LB 246	Transportation and Telecommunications
LB 247	Health and Human Services
LB 248	Revenue
LB 249	Judiciary
LB 250	Government, Military and Veterans Affairs
LB 251	Government, Military and Veterans Affairs
LB 252	Government, Military and Veterans Affairs
LB 253	Government, Military and Veterans Affairs
LB 254	Transportation and Telecommunications
LB 255	Health and Human Services
LB 256	Judiciary
LB 257	Government, Military and Veterans Affairs
LB 258	Revenue
LB 259	Revenue
LB 260	Transportation and Telecommunications
LB 261	Transportation and Telecommunications
LB 262	Government, Military and Veterans Affairs
LB 263	Government, Military and Veterans Affairs
LB 264	Judiciary
LB 265	Transportation and Telecommunications
LB 266	Revenue
LB 267	Revenue
LB 268	General Affairs
LB 269	Judiciary
LB 270	Health and Human Services
LB 271	Education
LB 272	Judiciary
LB 273	Agriculture
LB 274	Transportation and Telecommunications
LB 275	Revenue
LB 276	Judiciary
LB 277	Revenue
LB 278	General Affairs
LB 279	Health and Human Services
LB 280	General Affairs
LB 281	Judiciary

LB 282 Revenue  
 LB 283 Transportation and Telecommunications  
 LB 284 Government, Military and Veterans Affairs  
 LB 285 Health and Human Services  
 LB 286 Government, Military and Veterans Affairs  
 LB 287 Health and Human Services  
 LB 288 Appropriations  
 LB 289 Revenue  
 LB 290 Revenue  
 LB 291 Transportation and Telecommunications  
 LB 292 Revenue  
 LB 293 Transportation and Telecommunications  
 LB 294 Judiciary  
 LB 295 General Affairs  
 LB 296 Judiciary  
 LB 297 Judiciary  
 LB 298 Banking, Commerce and Insurance  
 LB 299 Judiciary  
 LB 300 Banking, Commerce and Insurance  
 LB 301 Health and Human Services  
 LB 302 Education  
 LB 303 Education  
 LB 304 Judiciary  
 LB 305 Education  
 LR 3CA Revenue

Agonor, Napoleon P. - Accountability and Disclosure Commission - Government, Military and Veterans Affairs

Arganbright, Warren - Nebraska Environmental Trust Board - Natural Resources

Arnold, Michael C. - Child Abuse Prevention Fund Board - Health and Human Services

Bahr, Louise - Nebraska Arts Council - General Affairs

Bieganski, Gary - State Board of Health - Health and Human Services

Boozer, Robert L. - Board of Parole - Judiciary

Brewster, Charles - Crime Victims Reparation Committee - Judiciary

Broderson, Charles J. "Tod" - Nebraska Ethanol Board - Natural Resources

Brueggemann, William - Crime Victims Reparation Committee - Judiciary

Burns, Robert, Jr. - Commission for the Blind and Visually Impaired - Health and Human Services

Cerny, Joel - Board of Emergency Medical Services - Health and Human Services

Dalton, Alice L. - Board of Emergency Medical Services - Health and Human Services

Danon, Steven - State Emergency Response Commission - Government, Military and Veterans Affairs

Doolittle, Doak - Board of Emergency Medical Services - Health and Human Services

Eastin, Darrell - State Emergency Response Commission - Government, Military and Veterans Affairs

Eichelberger, Larry - Rural Health Advisory Commission - Health and Human Services

Erickson, John - Climate Assessment Response Committee - Agriculture

Ferguson, Terry - Nebraska Arts Council - General Affairs

Fletcher, Janet - Rural Health Advisory Commission - Health and Human Services

Freer, Marcia - Rural Health Advisory Commission - Health and Human Services

Frey, Donald - Rural Health Advisory Commission - Health and Human Services

Green, Kenneth - Nebraska Investment Council - Nebraska Retirement Systems

Hakel, Dan - Board of Emergency Medical Services - Health and Human Services

Halbert, Richard - Board of Trustees of the Nebraska State Colleges - Education

Harr, Phil - Nebraska Healthcare Council - Health and Human Services

Hastings, Chief Justice William - Public Employees Retirement Board - Nebraska Retirement Systems

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

Ihle, Charles - State Board of Health - Health and Human Services

Johnson, Sterling - State Electrical Board - General Affairs

Kasl, Martin - Nebraska Boiler Safety Code Advisory Board - Business and Labor

Korell, Janet - Nebraska Arts Council - General Affairs

Lauritzen, Mary - Coordinating Commission for PostSecondary Education - Education

Lempke, Roger - Climate Assessment Response Committee - Agriculture

Loose, Rodney - Dry Bean Commission - Agriculture

Marvin, James - Nebraska Boiler Safety Code Advisory Board - Business and Labor

McColley, Mark - Nebraska Ethanol Board - Natural Resources

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

Moeller, Julia - Public Employees Retirement Board - Nebraska Retirement Systems

Mueller, Keith - State Emergency Response Commission - Government, Military and Veterans Affairs

Nelson, Andrea - State Board of Health - Health and Human Services

Orester, William, Jr. - Commission for the Blind and Visually Impaired - Health and Human Services

Revelle, Jack - Dry Bean Commission - Agriculture

Rudolph, Earl - Board of Emergency Medical Services - Health and Human Services

Samms, Maya - Commission for the Blind and Visually Impaired - Health and Human Services

Sandstrom, Robert - State Board of Health - Health and Human Services

Schafer, Harlan - State Emergency Response Commission - Government, Military and Veterans Affairs

Schwertley, Nancy - Nebraska Arts Council - General Affairs

Simon, Fred - Nebraska Arts Council - General Affairs

Sitorius, Michael - Rural Health Advisory Commission - Health and Human Services

Snyder, Stephen - Dry Bean Commission - Agriculture

Snyder, Val - Board of Emergency Medical Services - Health and Human Services

Spary, Allan - Nebraska Boiler Safety Code Advisory Board - Business and Labor

Spry, Leslie - State Board of Health - Health and Human Services

Stanley, Oliver - State Emergency Response Commission - Government, Military and Veterans Affairs

Starr, Dale - Nebraska Boiler Safety Code Advisory Board - Business and Labor

Stuart, James, Jr. - Game and Parks Commission - Natural Resources

Stuckey, Todd - Rural Health Advisory Commission - Health and Human Services

Stutheit, Ted - State Electrical Board - General Affairs

Teahon, Larry - Board of Trustees of the Nebraska State Colleges - Education

Tessman, Brian - State Personnel Board - Government, Military and Veterans Affairs

Thayer, Janice - Nebraska Healthcare Council - Health and Human Services

Walker, Barbara - Commission for the Blind and Visually Impaired - Health and Human Services

Ward, Charles A. - Board of Educational Lands and Funds - Education

Welch, William - Rural Health Advisory Commission - Health and Human Services

Westin-Yockey, Dorothy - Commission for the Blind and Visually Impaired - Health and Human Services



Wilhite, Donald - Climate Assessment Response Committee - Agriculture

Wooden, Steve - State Board of Health - Health and Human Services

Woods, Donna - Nebraska Arts Council - General Affairs

Worthing, Daniel - Nebraska Healthcare Council - Health and Human Services

Curtiss, Stephen B. - Director of Finance and Support, HHSS - Health and Human Services

Lempke, Roger - Military Director - Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### NOTICE OF COMMITTEE HEARING Revenue

LB 168	Wednesday, January 17, 2001	1:30 PM
LB 169	Wednesday, January 17, 2001	1:30 PM
LB 122	Wednesday, January 17, 2001	1:30 PM
LB 174	Wednesday, January 17, 2001	1:30 PM
LB 259	Wednesday, January 17, 2001	1:30 PM
LB 267	Wednesday, January 17, 2001	1:30 PM

(Signed) William R. Wickersham, Chairperson

### ANNOUNCEMENT

Senator Hartnett announced the Urban Affairs Committee elected Senator Redfield as Vice Chairperson.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 443.** Introduced by Preister, 5; Hartnett, 45.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to change the distribution of certain tax proceeds; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 444.** Introduced by Preister, 5; Hilgert, 7; Kruse, 13.

A BILL FOR AN ACT relating to insurance; to amend section 44-7501, Revised Statutes Supplement, 2000; to provide requirements for automobile liability insurance and rating systems; and to repeal the original section.

**LEGISLATIVE BILL 445.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to administrative rules and regulations; to amend sections 84-901, 84-905.01, 84-906.01, 84-907, 84-907.04, 84-907.06, 84-908, and 84-920, Reissue Revised Statutes of Nebraska; to define a term; to create a legislative committee and provide duties as prescribed; to change and eliminate provisions relating to review of proposed rules and regulations; to harmonize provisions; to repeal the original sections; and to outright repeal section 84-907.07, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 446.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-239, 3-501, 3-508, 3-511, 3-513, and 3-514, Reissue Revised Statutes of Nebraska; to change provisions relating to airport projects and funding; to provide and change powers and duties; to define terms; to eliminate obsolete references; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 447.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources districts; to provide for acquisition of county roads through arbitration; and to provide a duty for the Revisor of Statutes.

## RESOLUTION

**LEGISLATIVE RESOLUTION 7.** Read. Considered.

Senator Robak asked unanimous consent to have her name added as cointroducer to LR 7. No objections. So ordered.

Senator Schimek offered the following amendment:

FA1

Amend LR 7 on page 3, Section 9 c. In the third line of that paragraph change .5% to .2%.

Senator Schimek withdrew her amendment.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Schimek offered the following amendment:

FA3

On page 4, Paragraph 9, under "legislature", strike "10%" insert "4%" and in line 6, change "5%" to "2%".

Senator Schimek withdrew her amendment.

Senator Schimek offered the following amendment:

FA2

That LR 7 be amended on page 4, line 13, after the period insert "In no case shall the quotient, obtained by dividing the total of the absolute values of the deviations of all district populations from the applicable ideal district population by the number of districts established, exceed one percent of the applicable ideal district population."

Senator Schimek withdrew her amendment.

LR 7 was adopted with 38 ayes, 0 nays, 9 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 448.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to environmental quality; to amend sections 66-1516, 81-15,119, and 81-15,120, Reissue Revised Statutes of Nebraska, and section 81-15,117, Revised Statutes Supplement, 2000; to define and redefine terms; 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 449.** Introduced by Beutler, 28.

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

**LEGISLATIVE BILL 450.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 37-1214 and 37-1291, Revised Statutes Supplement, 2000; to require liability insurance for certain motorboats and personal watercrafts; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 451.** Introduced by Thompson, 14; Jensen, 20.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2246, 29-2252.01, 29-2257, and 29-2258, Reissue Revised Statutes of Nebraska, and sections 43-250, 43-253, and 43-260, Revised Statutes Supplement, 2000; to redefine terms; to provide for juvenile intake officers; to state intent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 452.** 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 453.** 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 454.** 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 455.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to certified public accountants; to amend sections 1-114, 1-115, 1-118, 1-119, and 1-124, Reissue Revised Statutes of Nebraska, and section 1-116, Revised Statutes Supplement, 2000; to change provisions relating to qualifications, examinations, and fees; to eliminate obsolete provisions; to change and eliminate provisions relating to reexamination fees; to harmonize provisions; to repeal the original sections; and to outright repeal section 1-120, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 456.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-194, 48-1,102, and 48-1,103, Reissue Revised Statutes of Nebraska, and section 48-1,107, Revised Statutes Supplement, 2000; to create a fund; to change provisions relating to state agency claims; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 457.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to water wells; to amend sections 46-602.01, 46-1202, 46-1209, 46-1213, 46-1214.01, 46-1229, 46-1233, 46-1235, 46-1238, 46-1239, 46-1240, and 46-1241, Reissue Revised Statutes of Nebraska, and sections 46-602, 46-604, 46-1204.01, and

46-1224, Revised Statutes Supplement, 2000; to change provisions relating to water well registration; to change penalties; to redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 458.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to water wells; to amend sections 46-1225 and 46-1237.03, Reissue Revised Statutes of Nebraska; to eliminate a reporting requirement; to change a provision relating to payment of costs; and to repeal the original sections.

**LEGISLATIVE BILL 459.** Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to interest, loans, and debt; to amend sections 45-701, 45-705, 45-706, and 45-711, Reissue Revised Statutes of Nebraska, and sections 45-704 and 45-707, Revised Statutes Supplement, 2000; to change provisions relating to the Mortgage Bankers Registration and Licensing Act; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 460.** Introduced by Beutler, 28; Vrtiska, 1.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1072.03, Revised Statutes Supplement, 2000; to eliminate provisions relating to applicable allowable reserve percentages; to harmonize provisions; to repeal the original section; and to outright repeal section 79-1027, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 461.** Introduced by Aguilar, 35; Burling, 33; Janssen, 15; Kremer, 34; Tyson, 19.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1505.04, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to emission fees; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 462.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to abortion; to amend section 28-101, Revised Statutes Supplement, 2000; to restrict or prohibit the use of human fetal tissue as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 463.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to telecommunications; to amend section 70-625, Revised Statutes Supplement, 2000; to limit eligible providers of telecommunications service; to regulate certain leases of dark fiber optic

capacity; to state intent; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 464.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5014, Reissue Revised Statutes of Nebraska, and sections 77-1311, 77-5001, 77-5003, 77-5005, 77-5015, and 77-5016, Revised Statutes Supplement, 2000; to change and eliminate duties concerning plans of assessment; to provide for progress reports; to change membership of and hearing procedures before the Tax Equalization and Review Commission; to create a penalty; to repeal the original sections; to outright repeal section 77-5012, Revised Statutes Supplement, 2000; and to declare an emergency.

**LEGISLATIVE BILL 465.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend sections 77-5009 and 77-5018, Revised Statutes Supplement, 2000; to authorize the appointment of referees; to change and eliminate appeal procedures; to repeal the original sections; to outright repeal section 77-1511, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 466.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to juvenile courts; to amend section 43-247, Reissue Revised Statutes of Nebraska; to change jurisdiction provisions; and to repeal the original section.

**LEGISLATIVE BILL 467.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-215, Revised Statutes Supplement, 2000; to change provisions relating to contracting for education costs as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 468.** Introduced by Suttle, 10.

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, and the Nursing Loan Repayment Act.

**LEGISLATIVE BILL 469.** Introduced by Wickersham, 49; Beutler, 28.

A BILL FOR AN ACT relating to education; to create the Program for Summer Learning; to provide duties for educational service units and the State Department of Education; and to state intent relating to appropriations.

**LEGISLATIVE BILL 470.** Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43; and Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 60-1303, 81-2003, and 81-2005, Reissue Revised Statutes of Nebraska; to change and provide powers and duties for officers; to harmonize provisions; and to repeal the original sections.

### **SENATOR CUDABACK PRESIDING**

**LEGISLATIVE BILL 471.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the juvenile justice system; to amend sections 43-251.01, 43-258, 43-401, 43-403, 43-404, 43-405, 43-407, 43-408, 43-416, 43-417, 83-107.01, 83-905, and 83-905.01, Reissue Revised Statutes of Nebraska, and sections 43-245, 43-286, 43-2411, and 83-4.125, Revised Statutes Supplement, 2000; to change provisions relating to placement, confinement, and parole 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.

**LEGISLATIVE BILL 472.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to ground water; to state policy relating to transfers; and to provide for applicability.

**LEGISLATIVE BILL 473.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to search warrants; to amend sections 29-812, 29-813, 29-814.04, 29-814.06, 29-817, and 29-821, Reissue Revised Statutes of Nebraska; to authorize sworn written affidavits by facsimile transmission; to authorize issuance by facsimile transmission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 474.** Introduced by Erdman, 47; Baker, 44; Bruning, 3; Cunningham, 18; Dierks, 40; Jones, 43; Kremer, 34; Schrock, 38; Smith, 48; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Wheat Development, Utilization, and Marketing Board; to amend sections 2-2304 and 2-2305, Reissue Revised Statutes of Nebraska; to change the membership of the board; to change terms of office; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 475.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the Public Employees Retirement Board;

to amend section 84-1501, Reissue Revised Statutes of Nebraska; to change membership provisions; to harmonize provisions; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 476.** Introduced by Hilgert, 7; Preister, 5.

A BILL FOR AN ACT relating to education; to state findings; and to require instruction on infant handling.

**LEGISLATIVE BILL 477.** Introduced by Erdman, 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.

**LEGISLATIVE BILL 478.** Introduced by Schimek, 27; Connealy, 16; Dierks, 40; Engel, 17; Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1007.01, 79-1008.01, and 79-1028, Revised Statutes Supplement, 2000; to provide for an extreme poverty student factor; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 479.** Introduced by Hudkins, 21; Aguilar, 35; Baker, 44; Bourne, 8; Bromm, 23; Brown, 6; Bruning, 3; Burling, 33; Byars, 30; Connealy, 16; Cudaback, 36; Cunningham, 18; Dierks, 40; Engel, 17; Erdman, 47; Janssen, 15; Jones, 43; Kruse, 13; Kremer, 34; Dw. Pedersen, 39; Preister, 5; Price, 26; Quandahl, 31; Raikes, 25; Redfield, 12; Robak, 22; Schrock, 38; Smith, 48; Stuhr, 24; Suttle, 10; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to mental health; to amend sections 83-338 and 83-1037, Reissue Revised Statutes of Nebraska, and section 29-1823, Revised Statutes Supplement, 2000; to change provisions relating to the commitment of persons to the custody of the Department of Health and Human Services; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 480.** Introduced by Hartnett, 45.

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 facility boards; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 481.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-4801, Revised Statutes Supplement, 2000; to change provisions relating to the issuance of citations for code violations; to harmonize provisions;



and to repeal the original section.

**LEGISLATIVE BILL 482.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,130, 81-8,133, and 81-8,139, Reissue Revised Statutes of Nebraska, and sections 81-8,130.01 and 81-8,133.01, Revised Statutes Supplement, 2000; to authorize the commissioner to set fees as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 483.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-611, Reissue Revised Statutes of Nebraska; to change provisions relating to the vacation of a street or alley; and to repeal the original section.

**LEGISLATIVE BILL 484.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to municipalities; to amend sections 17-541, 17-614, 19-615, and 19-617, Reissue Revised Statutes of Nebraska; to change provisions relating to meetings and officers; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 485.** Introduced by Brashear, 4; Brown, 6; Bruning, 3; Wickersham, 49.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1446, 49-14,122, 49-14,129, and 49-14,140, Reissue Revised Statutes of Nebraska, and sections 49-1447, 49-1455, 49-1463.01, 49-14,123, and 49-14,124 to 49-14,126, Revised Statutes Supplement, 2000; to repeal the Campaign Finance Limitation Act and provisions relating to independent expenditures; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1601 to 32-1604, 32-1605 to 32-1614, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and sections 32-1604.01 and 49-1446.05, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 486.** Introduced by Stuhr, 24; Baker, 44; Dierks, 40; Erdman, 47; Hartnett, 45; Hudkins, 21; Janssen, 15; Price, 26; Schrock, 38; Smith, 48; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to education; to adopt the Career and Technical Education Act; and to state intent relating to appropriations.

**LEGISLATIVE BILL 487.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2000; to provide an income tax credit for earned income; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 488.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Motor Vehicle Safety Responsibility Act; to amend sections 60-321, 60-501, 60-502, 60-504, 60-511, 60-512, 60-513, 60-514, 60-520, 60-523, 60-525, 60-531, 60-532, 60-533, 60-536, 60-538, 60-539, 60-540, 60-542, 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 sections 60-302 and 60-544, Revised Statutes Supplement, 2000; to provide for additional registration fees; to define terms; to create the motor vehicle insurance identification data base; to provide duties for the Department of Motor Vehicles and 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 489.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-224, Reissue Revised Statutes of Nebraska; to change the statute of repose for product liability actions; and to repeal the original section.

**LEGISLATIVE BILL 490.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Reissue Revised Statutes of Nebraska; to change provisions relating to size, weight, and load; and to repeal the original section.

**LEGISLATIVE BILL 491.** Introduced by Bromm, 23; Baker, 44; Vrtiska, 1.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-1349, Reissue Revised Statutes of Nebraska; to change provisions relating to the letting of contracts; and to repeal the original section.

**LEGISLATIVE BILL 492.** Introduced by Schimek, 27; Janssen, 15; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the State Employees Collective Bargaining Act; to amend section 81-1373, Reissue Revised Statutes of Nebraska, and section 81-1348, Revised Statutes Supplement, 2000; to create a bargaining unit of employees of the Nebraska veterans homes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 493.** Introduced by Jones, 43.

A BILL FOR AN ACT relating to villages; to amend sections 17-201, 17-310, and 17-529.05, Reissue Revised Statutes of Nebraska; to change population requirements of villages; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 494.** Introduced by Jones, 43; Baker, 44; Bruning, 3; Cudaback, 36; Erdman, 47; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-305.09 and 60-320, Reissue Revised Statutes of Nebraska, and sections 60-308 and 60-311, Revised Statutes Supplement, 2000; to provide for five-year issuance of license plates; to change provisions relating to record keeping; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**RESOLUTION****LEGISLATIVE RESOLUTION 14CA.** Introduced by Hartnett, 45; Brown, 6; Smith, 48; Wehrbein, 2.

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

Section 1. At the general election in November 2002 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 is not owned or used for financial gain or profit to either the owner or user; (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; and (12) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of historically significant real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving such property may be, in whole or in part, 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 increased value of historically significant real property from property taxation.

For

Against".

Referred to the Reference Committee.

### **NOTICE OF COMMITTEE HEARINGS** **Government, Military and Veterans Affairs**

LB 17	Wednesday, January 17, 2001	1:30 PM
LB 71	Wednesday, January 17, 2001	1:30 PM
LB 142	Wednesday, January 17, 2001	1:30 PM

(Signed) DiAnna R. Schimek, Chairperson

### **Natural Resources**

LB 133	Wednesday, January 17, 2001	1:30 PM
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LB 134	Wednesday, January 17, 2001	1:30 PM
LB 135	Wednesday, January 17, 2001	1:30 PM
LB 136	Wednesday, January 17, 2001	1:30 PM
LB 137	Wednesday, January 17, 2001	1:30 PM

(Signed) Ed Schrock, Chairperson

### Health and Human Services

LB 209	Wednesday, January 17, 2001	1:30 PM
LB 213	Wednesday, January 17, 2001	1:30 PM
LB 214	Wednesday, January 17, 2001	1:30 PM
LB 247	Wednesday, January 17, 2001	1:30 PM
LB 279	Wednesday, January 17, 2001	1:30 PM

Wednesday, January 17, 2001 1:30 PM

Michael C. Arnold - Child Abuse Prevention Fund Board

Stephen B. Curtiss - Director of Finance and Support,

HHSS

Phil Harr - Nebraska Healthcare Council

Janice Thayer - Nebraska Healthcare Council

Daniel Worthing - Nebraska Healthcare Council

(Signed) Jim Jensen, Chairperson

### MOTIONS - Print in Journal

Senator Brashear filed the following motion to LB 462:

Suspend the rules, Rule 6, Section 3 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 462 without further amendment or debate.

Senator Brashear filed the following motion to LB 462:

Suspend the rules, Rule 6, Section 5 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 462 without further amendment or debate.

Senator Brashear filed the following motion to LB 462:

Suspend the rules, Rule 6, Sections 6, 7 and 8, Rule 7, Sections 3 and 7, so as to allow for final reading of LB 462 without further amendment or motion.

### UNANIMOUS CONSENT - Add Cointroducers

Senator Wickersham asked unanimous consent to have his name added as cointroducer to LB 185. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 340, LB 341, LB 342, and LB 426. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 114. No objections. So ordered.

Senator Preister asked unanimous consent to have his name added as cointroducer to LB 430. No objections. So ordered.

Senator Chambers asked unanimous consent to have his name added as cointroducer to LB 335 and LB 432. No objections. So ordered.

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

Senator Jones asked unanimous consent to have his name added as cointroducer to LB 392. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 186. No objections. So ordered.

Senators Engel, Erdman, and Foley asked unanimous consent to have their names added as cointroducers to LB 462. No objections. So ordered.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 495.** Introduced by Vrtiska, 1; Coordsen, 32; Kremer, 34; Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2000; to exempt certain repairs and parts from sales and use taxation; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 496.** Introduced by Tyson, 19; Baker, 44; Bruning, 3; Burling, 33; Byars, 30; Cudaback, 36; Cunningham, 18; Dierks, 40; Engel, 17; Erdman, 47; Hudkins, 21; Jensen, 20; Jones, 43; Dw. Pedersen, 39; Quandahl, 31; Schrock, 38; Smith, 48; Stuhr, 24; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to concealed weapons; to amend section 28-1202, Reissue Revised Statutes of Nebraska, and section 60-4,119, Revised Statutes Supplement, 2000; to adopt the Concealed Handgun Permit Act; to provide penalties; to change and harmonize provisions relating to concealed weapons; to provide for distinct operator's licenses; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 497.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-1103, Reissue Revised Statutes of Nebraska; to require interrogations to be electronically recorded; and to repeal the original section.

**LEGISLATIVE BILL 498.** Introduced by Bourne, 8; Brown, 6; Hartnett, 45; Hilgert, 7; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2000; to exempt certain clothing and footwear from sales and use taxation; to provide for a review of the exemption; and to repeal the original section.

**ADJOURNMENT**

At 10:37 a.m., on a motion by Senator Aguilar, the Legislature adjourned until 9:00 a.m., Thursday, January 11, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**SEVENTH DAY - JANUARY 11, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 11, 2001

**PRAYER**

The prayer was offered by Pastor Glen Williamson, Judson Baptist Church, LaVista, 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 McDonald who was excused; and Senators Bromm, Landis, and Tyson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 179, line 3, after "Home" insert "aka Girls and Boys Town".

Page 179, line 4, strike "Girls and".

The Journal for the fourth day was approved as corrected.

The Journal for the sixth day was approved.

**REFERENCE COMMITTEE REPORT**

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

<b>LB/LR</b>	<b>Committee</b>
LB 80	Judiciary (rereferred)
LB 306	Appropriations
LB 307	Transportation and Telecommunications
LB 308	Business and Labor
LB 309	Revenue
LB 310	Transportation and Telecommunications
LB 311	Transportation and Telecommunications
LB 312	Transportation and Telecommunications

LB 313	Education
LB 314	Education
LB 315	Education
LB 316	Transportation and Telecommunications
LB 317	Urban Affairs
LB 318	Transportation and Telecommunications
LB 319	Banking, Commerce and Insurance
LB 320	Transportation and Telecommunications
LB 321	Judiciary
LB 322	Health and Human Services
LB 323	Urban Affairs
LB 324	Banking, Commerce and Insurance
LB 325	Urban Affairs
LB 326	Education
LB 327	Judiciary
LB 328	Health and Human Services
LB 329	Revenue
LB 330	Education
LB 331	Health and Human Services
LB 332	Revenue
LB 333	Judiciary
LB 334	Health and Human Services
LB 335	Judiciary
LB 336	Appropriations
LB 337	Natural Resources
LB 338	General Affairs
LB 340	Judiciary
LB 341	Judiciary
LB 342	Judiciary
LB 343	Judiciary
LB 344	Appropriations
LB 345	Transportation and Telecommunications
LB 346	Health and Human Services
LB 347	General Affairs
LB 348	Judiciary
LB 349	Revenue
LB 350	Business and Labor
LB 351	Judiciary
LB 352	Judiciary
LB 353	Judiciary
LB 354	Judiciary
LB 355	Judiciary
LB 356	Judiciary
LB 357	Judiciary
LB 358	General Affairs
LB 359	Banking, Commerce and Insurance
LB 360	Banking, Commerce and Insurance
LB 361	Banking, Commerce and Insurance
LB 362	Banking, Commerce and Insurance

LB 363	Nebraska Retirement Systems
LB 364	Education
LB 365	Revenue
LB 366	Government, Military and Veterans Affairs
LB 367	Appropriations
LB 368	Government, Military and Veterans Affairs
LB 369	Education
LB 370	Business and Labor
LB 371	General Affairs
LB 373	Natural Resources
LB 374	Natural Resources
LB 375	Transportation and Telecommunications
LB 376	Transportation and Telecommunications
LB 377	Transportation and Telecommunications
LB 378	Education
LB 379	Nebraska Retirement Systems
LB 380	Education
LB 381	Judiciary
LB 382	Government, Military and Veterans Affairs
LB 383	Judiciary
LB 384	Judiciary
LB 385	Banking, Commerce and Insurance
LB 386	Banking, Commerce and Insurance
LB 387	Transportation and Telecommunications
LB 388	Transportation and Telecommunications
LB 389	Transportation and Telecommunications
LB 390	Revenue
LB 391	Government, Military and Veterans Affairs
LB 392	Revenue
LB 393	Revenue
LB 394	Education
LB 395	Government, Military and Veterans Affairs
LB 396	Health and Human Services
LB 397	Business and Labor
LB 398	Health and Human Services
LB 399	Health and Human Services
LB 400	Health and Human Services
LR 4CA	Government, Military and Veterans Affairs
LR 5CA	Education
LR 6CA	Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### REPORT OF THE EXECUTIVE BOARD

Senator Coordsen, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committees:

	<b>Building Maintenance</b>		
Wehrbein	Hilgert	Vrtiska	Jensen
Janssen	Pederson, D.		
	<b>Education Commission of the States</b>		
Wickersham	Stuhr	Raikes	
	<b>Midwestern Higher Education Commission (Midwest Compact)</b>		
Beutler	Raikes		
	<b>Legislative Program Evaluation</b>		
Engel	Price	Beutler	Wehrbein
Coordsen			
	<b>School Finance Review Committee</b>		
Raikes			

### ANNOUNCEMENTS

Senator Janssen announced the Building Maintenance Committee elected Senator Vrtiska as Chairperson.

Senator Coordsen announced the Legislative Program Evaluation Committee elected Senator Engel as Chairperson.

Senator Bruning announced the Nebraska Retirement Systems Committee elected Senator Erdman as Vice Chairperson.

### NOTICE OF COMMITTEE HEARINGS

#### Judiciary

LB 46	Thursday, January 18, 2001	1:30 PM
LB 48	Thursday, January 18, 2001	1:30 PM
LB 85	Thursday, January 18, 2001	1:30 PM
LB 99	Thursday, January 18, 2001	1:30 PM
LB 161	Thursday, January 18, 2001	1:30 PM
LB 188	Thursday, January 18, 2001	1:30 PM
LB 249	Thursday, January 18, 2001	1:30 PM
LB 299	Thursday, January 18, 2001	1:30 PM
LB 84	Friday, January 19, 2001	1:30 PM
LB 86	Friday, January 19, 2001	1:30 PM
LB 87	Friday, January 19, 2001	1:30 PM
LB 110	Friday, January 19, 2001	1:30 PM
LB 145	Friday, January 19, 2001	1:30 PM
LB 269	Friday, January 19, 2001	1:30 PM
LB 12	Wednesday, January 24, 2001	1:30 PM

LB 15	Wednesday, January 24, 2001	1:30 PM
LB 154	Wednesday, January 24, 2001	1:30 PM
LB 155	Wednesday, January 24, 2001	1:30 PM
LB 163	Wednesday, January 24, 2001	1:30 PM
LB 256	Wednesday, January 24, 2001	1:30 PM
LB 297	Wednesday, January 24, 2001	1:30 PM
LB 69	Thursday, January 25, 2001	1:30 PM
LB 83	Thursday, January 25, 2001	1:30 PM
LB 159	Thursday, January 25, 2001	1:30 PM
LB 236	Thursday, January 25, 2001	1:30 PM
LB 281	Thursday, January 25, 2001	1:30 PM
LB 294	Thursday, January 25, 2001	1:30 PM

(Signed) Kermit A. Brashear, Chairperson

#### Revenue

LB 118	Thursday, January 18, 2001	1:30 PM
LB 156	Thursday, January 18, 2001	1:30 PM
LB 275	Thursday, January 18, 2001	1:30 PM
LB 233	Thursday, January 18, 2001	1:30 PM
LB 124	Thursday, January 18, 2001	1:30 PM
LB 121	Thursday, January 18, 2001	1:30 PM
LB 365	Thursday, January 18, 2001	1:30 PM
LB 329	Thursday, January 18, 2001	1:30 PM
LB 173	Thursday, January 18, 2001	1:30 PM

(Signed) William R. Wickersham, Chairperson

#### Health and Human Services

LB 22	Thursday, January 18, 2001	1:30 PM
LB 24	Thursday, January 18, 2001	1:30 PM
LB 25	Thursday, January 18, 2001	1:30 PM
LB 235	Thursday, January 18, 2001	1:30 PM
LB 301	Thursday, January 18, 2001	1:30 PM

Thursday, January 18, 2001 1:30 PM

Linda Heiden - State Board of Health  
 Charles Ihle - State Board of Health  
 Andrea Nelson - State Board of Health  
 Robert Sandstrom - State Board of Health  
 Leslie Spry - State Board of Health  
 Steve Wooden - State Board of Health  
 Gary Bieganski - State Board of Health

(Signed) Jim Jensen, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 499.** Introduced by Erdman, 47; Baker, 44; Dierks, 40; Foley, 29; Smith, 48; Tyson, 19.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-1306, Reissue Revised Statutes of Nebraska; to repeal provisions regarding names displayed on commercial trucks and truck-tractors; to eliminate a penalty; to harmonize provisions; to repeal the original section; and to outright repeal sections 60-305.12 and 60-305.13, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 500.** Introduced by Erdman, 47; Baker, 44; Dierks, 40; Foley, 29; Schrock, 38; Tyson, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-405, Revised Statutes Supplement, 2000; to change provisions relating to controlled substances; and to repeal the original section.

**LEGISLATIVE BILL 501.** 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; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 502.** Introduced by Hilgert, 7; Preister, 5.

A BILL FOR AN ACT relating to natural gas; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2702.07, Revised Statutes Supplement, 2000; to exempt natural gas from sales and use taxes; to impose an excise tax on natural gas; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 503.** Introduced by Hilgert, 7; Cunningham, 18; Maxwell, 9.

A BILL FOR AN ACT relating to autopsies; to amend sections 71-1339 and 71-1341, Revised Statutes Supplement, 2000; to change provisions relating to the control of remains as prescribed; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 504.** Introduced by Schrock, 38; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

the Department of Natural Resources.

**LEGISLATIVE BILL 505.** Introduced by Engel, 17; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds relating to the Ponca State Park Resource and Educational Complex; and to declare an emergency.

**LEGISLATIVE BILL 506.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend sections 77-4925, 77-4927, 77-4927.01, 77-4931, and 77-4933, Reissue Revised Statutes of Nebraska, and sections 77-4928, 77-4929, 77-4934.02, and 77-4935, Revised Statutes Supplement, 2000; to change incentives granted by the act; to change a termination date for applications; to provide applicability; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 507.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to provide for an audit of tax incentive programs.

**LEGISLATIVE BILL 508.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-4104 and 77-4112, Revised Statutes Supplement, 2000; to change investment requirements; to provide applicability; and to repeal the original sections.

**LEGISLATIVE BILL 509.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4103, 77-4105, 77-4112, 77-5401, and 77-5407, Revised Statutes Supplement, 2000; to change incentives provided under the Employment and Investment Growth Act and the Rural Economic Opportunities Act; to provide for applicability; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 510.** 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 tax; and to repeal the original section.

**LEGISLATIVE BILL 511.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to pharmacy; to amend sections 48-1902, 71-1,144.05, 71-1,145.01, 71-1,147.13, 71-1,147.14, 71-1,147.27,

71-1,147.32, 71-1,147.36, 71-1,147.47, 71-1,147.52, 71-5405 to 71-5407, and 71-7420, Reissue Revised Statutes of Nebraska, and sections 28-410, 28-412, 28-414, 71-101, 71-155.01, 71-1,142, 71-1,143, 71-1,145, 71-1,147, 71-1,147.31, 71-1,147.33, 71-1,147.34, 71-1,147.42 to 71-1,147.46, 71-1,147.48 to 71-1,147.51, 71-1,147.53, 71-1,147.55 to 71-1,147.61, 71-401, 71-2407, 71-2411, 71-2419, 71-7409, and 71-7416, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to pharmacies and pharmacists; to authorize delegated dispensing permits; to eliminate drug dispensing permits; to provide powers and duties; to create a fund; to change and eliminate penalties; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 71-1,147.39 to 71-1,147.41 and 71-462, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 512.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to energy resources; to state intent; to define terms; to provide powers and duties for electric utilities; to provide for a net-metering system; and to provide severability.

**LEGISLATIVE BILL 513.** Introduced by Suttle, 10; Raikes, 25.

A BILL FOR AN ACT relating to education; to amend section 13-808, Reissue Revised Statutes of Nebraska, and sections 13-2530, 77-1601, 77-1776, 77-3442, 77-3446, 79-528, 79-1003, 79-1007.01, 79-1007.02, 79-1008.02, 79-1028, 79-1029, 79-1072.01, and 79-10,105, Revised Statutes Supplement, 2000; to change provisions relating to joint entity bonds, budget and spending limitations, reports, state aid, and lease-purchase agreements; to harmonize provisions; to eliminate a hearing; to repeal the original sections; to outright repeal section 77-1601.02, Revised Statutes Supplement, 2000; and to declare an emergency.

**LEGISLATIVE BILL 514.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442 and 77-3443, Revised Statutes Supplement, 2000; to change provisions relating to levy limits; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 515.** Introduced by Hartnett, 45; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2716 and 77-3504, Revised Statutes Supplement, 2000; to provide income tax adjustments for certain retirement income; to redefine household income for homestead exemption purposes; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 516.** Introduced by Smith, 48; Aguilar, 35; Bourne, 8; Brown, 6; Bruning, 3; Burling, 33; Byars, 30; Connealy, 16; Coordsen,



32; Dierks, 40; Engel, 17; Erdman, 47; Foley, 29; Hartnett, 45; Janssen, 15; Kruse, 13; Kremer, 34; Landis, 46; Maxwell, 9; Dw. Pedersen, 39; Preister, 5; Raikes, 25; Redfield, 12; Schimek, 27; Suttle, 10; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to real property; to amend section 76-903, Revised Statutes Supplement, 2000; to change provisions relating to the disbursement of documentary stamp tax funds; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 517.** Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to court procedure; to amend sections 25-2303 and 25-2304, Revised Statutes Supplement, 2000; to change provisions relating to proceedings in forma pauperis; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-2305 to 25-2307, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 518.** Introduced by D. Pederson, 42; Cudaback, 36; Jones, 43; Kremer, 34.

A BILL FOR AN ACT relating to irrigation; to amend section 46-636, Reissue Revised Statutes of Nebraska, and section 46-637, Revised Statutes Supplement, 2000; to change provisions relating to pumping for irrigation purposes; and to repeal the original sections.

**LEGISLATIVE BILL 519.** Introduced by Jensen, 20; Bromm, 23; Jones, 43; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend section 79-1005.01, Revised Statutes Supplement, 2000; to change state aid calculations; and to repeal the original section.

**LEGISLATIVE BILL 520.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1007.01, 79-1007.02, 79-1008.01, 79-1008.02, and 79-1072.01, Revised Statutes Supplement, 2000; to change provisions relating to calculation of local system formula need; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 521.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1026, Revised Statutes Supplement, 2000; to change provisions relating to applicable allowable growth percentage; and to repeal the original section.

**LEGISLATIVE BILL 522.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1026, Revised Statutes Supplement, 2000; to change provisions relating to allowable growth rates; and to repeal the original section.

**LEGISLATIVE BILL 523.** Introduced by Wehrbein, 2; Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt and ratify the Southern Dairy Compact; and adopt enabling provisions.

**LEGISLATIVE BILL 524.** Introduced by Byars, 30; Aguilar, 35; Preister, 5; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to public health and welfare; to provide for community action services as prescribed.

**LEGISLATIVE BILL 525.** Introduced by Bourne, 8; Bruning, 3; Hilgert, 7; Redfield, 12.

A BILL FOR AN ACT relating to insurance; to amend section 44-3,128.01, Reissue Revised Statutes of Nebraska; to change provisions relating to automobile liability policy presumptions; and to repeal the original section.

**LEGISLATIVE BILL 526.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend sections 79-982, 79-990, 79-9,101, 79-9,106, and 79-1075, Reissue Revised Statutes of Nebraska, and sections 79-980, 79-981, 79-984, 79-987, 79-992, 79-998, 79-9,103, 79-9,105, and 79-1082, Revised Statutes Supplement, 2000; to change provisions relating to creditable service, retirement annuities, death benefits, cost-of-living adjustments, and investment reports; to authorize medical cost-of-living adjustments and purchase of service credit for leaves of absence for maternity purposes as prescribed; to eliminate a tax relating to prior service annuities; to provide and change powers and duties; to harmonize provisions; to repeal the original sections; to outright repeal section 79-9,112, Reissue Revised Statutes of Nebraska; and to declare an emergency.

**LEGISLATIVE BILL 527.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to real property; to amend section 76-2421, Reissue Revised Statutes of Nebraska; to change provisions relating to agency relationships; and to repeal the original section.

**LEGISLATIVE BILL 528.** Introduced by Raikes, 25.

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, 77-2715.07, and 77-2716.01, Revised Statutes Supplement, 2000; to change income tax calculations; to change income tax rates and schedules; 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.

**LEGISLATIVE BILL 529.** Introduced by Jensen, 20; Brown, 6; Preister, 5; Smith, 48.

A BILL FOR AN ACT relating to employment; to adopt the Employment Screening and Protection Act.

**LEGISLATIVE BILL 530.** Introduced by Suttle, 10; Aguilar, 35; Burling, 33; Byars, 30; Connealy, 16; Cunningham, 18; Engel, 17; Erdman, 47; Foley, 29; Dw. Pedersen, 39; Quandahl, 31; Robak, 22; Smith, 48.

A BILL FOR AN ACT relating to public health and welfare; to state findings; to create the Mental and Behavioral Health and Substance Abuse Services Task Force; to provide duties; and to provide a termination date.

**LEGISLATIVE BILL 531.** Introduced by Vrtiska, 1; Byars, 30; Coordsen, 32; Dierks, 40; Engel, 17; Erdman, 47; Hartnett, 45; Hilgert, 7; Janssen, 15; Jensen, 20; Jones, 43; Kremer, 34; D. Pederson, 42; Quandahl, 31; Raikes, 25; Redfield, 12; Schimek, 27; Smith, 48; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to amend section 81-188.04, Revised Statutes Supplement, 2000; to change provisions relating to depreciation charges; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 532.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1016 and 79-1022, Revised Statutes Supplement, 2000; to provide for changes to adjusted valuation as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 533.** Introduced by Janssen, 15; Cudaback, 36; Jensen, 20; Redfield, 12; Schimek, 27; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to the Local Civic, Cultural, and Convention Center Financing Act; to amend section 13-2705, Revised Statutes Supplement, 2000; to change grant approval conditions; and to repeal the original section.

**LEGISLATIVE BILL 534.** Introduced by Quandahl, 31; Brown, 6; Bruning, 3; Engel, 17; Jensen, 20; D. Pederson, 42.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 18-1729 and 60-4,182, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-680, Revised Statutes Supplement, 2000; to authorize local authorities to pass traffic regulation ordinances and resolutions relating to photographic evidence as prescribed; to provide penalties and procedures; to provide collection procedures for fines; to harmonize provisions; and to repeal the original sections.

### ANNOUNCEMENT

Senator Aguilar announced the Intergovernmental Cooperation Committee elected Senator Brown as Vice Chairperson.

### NOTICE OF COMMITTEE HEARINGS Government, Military and Veterans Affairs

LB 16	Thursday, January 18, 2001	1:30 PM
LB 67	Thursday, January 18, 2001	1:30 PM
LB 77	Thursday, January 18, 2001	1:30 PM
LB 125	Thursday, January 18, 2001	1:30 PM
LB 251	Thursday, January 18, 2001	1:30 PM
LB 252	Thursday, January 18, 2001	1:30 PM

(Signed) DiAnna R. Schimek, Chairperson

### Natural Resources

LB 98	Thursday, January 18, 2001	1:30 PM
LB 111	Thursday, January 18, 2001	1:30 PM
LB 130	Thursday, January 18, 2001	1:30 PM
LB 131	Thursday, January 18, 2001	1:30 PM
LB 218	Thursday, January 18, 2001	1:30 PM
LB 126	Friday, January 19, 2001	1:30 PM
LB 128	Friday, January 19, 2001	1:30 PM
LB 103	Friday, January 19, 2001	1:30 PM

(Signed) Ed Schrock, Chairperson

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 535.** Introduced by Dierks, 40; Cunningham, 18; Jones, 43; Stuhr, 24; Tyson, 19.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1018.01, Revised Statutes Supplement, 2000; to change provisions relating to other actual receipts;

and to repeal the original section.

**LEGISLATIVE BILL 536.** Introduced by Dierks, 40; Cudaback, 36; Cunningham, 18; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1330, Reissue Revised Statutes of Nebraska, and sections 66-1344 to 66-1345.02 and 66-1345.04, Revised Statutes Supplement, 2000; to create production incentives; to impose an excise tax; to require a written agreement; to state intent; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 537.** Introduced by Dierks, 40; Cudaback, 36; Cunningham, 18; Schrock, 38.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-489 and 66-4,105, Reissue Revised Statutes of Nebraska, and sections 66-482, 66-4,142, 66-1344 to 66-1345.02, and 66-1345.04, Revised Statutes Supplement, 2000; to change the tax on motor vehicle fuel; to create production incentives; to impose an excise tax; to state intent; to harmonize provisions; to provide an operative date; and to repeal the original sections.

#### **MOTION - Escort Governor**

Senator Redfield 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 and Budget Address.

The motion prevailed.

The Chair appointed Senators Bourne, Burling, Suttle, Stuhr, and Baker to serve on said committee.

#### **STATE OF THE STATE ADDRESS**

Lieutenant Governor Maurstad, Speaker Kristensen, Members of the Legislature, distinguished guests, friends, and fellow Nebraskans:

I am pleased to report that the state of our State is strong.

Our unemployment rate continues to be one of the lowest in the nation, our funding for education is among the best in the country, our population growth is exceeding expectations and our State continues to be a safe place for families. But there are some areas of concern – low commodity prices continue to negatively impact the agricultural economy while our nation as a whole is witnessing increasing signs of an economic slowdown. We should be optimistic yet cautious as we work together to build on our work of the last two years and the work of our predecessors.

For two years I have sought to advance five priorities with the objectives of improving our way of life and leaving Nebraska a better place than when I took office. Working together, we have made progress in providing property tax relief, limiting the scope of government in people's lives, building a prosperous economy for all 93 counties, protecting our families and communities from crime, and ensuring the health, safety, and success of our children.

This year I am proposing a budget and legislative package that builds on our success in these five areas.

Keeping true to my pledge of providing direct property tax relief, I am asking the Legislature to approve \$60 million dollars over the next two years for property tax relief through the State's community colleges. We have funded this method of providing direct property tax relief in each of the last two years. It has been successful and we should continue this effort.

In the area of less and more effective government, I urge the Legislature to approve legislation authorizing voluntary city-county mergers. This tool should be made available for those cities and counties where it makes sense and where voters approve the plan. It is time for us to follow up on the constitutional authorization given to us by voters in November 1998.

A top priority of my administration is to bridge the divide between our State's two economies – the prosperous urban economy of twenty to thirty counties and the struggling rural economy of sixty to seventy counties. Over the last two years we have worked hard to boost the rural economy by promoting value-added agriculture, providing incentives for rural job creation, and creating a grant program targeted to entrepreneurship in rural Nebraska. This session I am supporting a balanced package of economic development initiatives.

First, I propose creation of a program that will match Nebraska entrepreneurs with Nebraska investors, keeping both risk-taking entrepreneurs and capital investment within our State's borders. Second, we should continue funding the Affordable Housing Trust Fund which is helping to address the need for adequate and affordable housing in communities all across Nebraska – especially in our rural areas. Third, I support the Riverfront Development and Antelope Valley proposals that together will enhance the State's economy for years into the future. And finally, I support reauthorization of the Quality Jobs Act to encourage the creation of high quality, above average paying jobs across Nebraska.

I want to thank Senators Landis, Smith, Beutler, Quandahl, and Kristensen for their leadership and commitment to these economic development proposals.

In the area of ensuring public safety, adequate funding and support for the State Patrol has been a high priority for my administration. In this budget, I

propose the addition of eight new troopers, additional funding for six investigators, and state funding to replace lost federal funding for twenty-two civilian support personnel. I also propose funding for the Criminal Justice Information System and funding to begin implementation of the statewide wireless communications system. A uniform, reliable wireless system for law enforcement is a top priority to bolster the effectiveness of law enforcement which ensures public safety. I thank Senator Tyson for his good work in this area.

I am also seeking the support of this Legislature to assign troopers to the carrier division and allow current Carrier Enforcement Officers to transfer to the trooper rank while remaining in the Carrier Enforcement Division. Last year, nearly one-third of carrier enforcement officers left the division for jobs as troopers. Unfortunately, this has been a growing trend for several years.

This turnover creates serious concerns about public safety on Nebraska's roads and highways. By allowing carrier enforcement officers to transfer to trooper and remain in the carrier division, we can address retention issues and the resulting public safety concerns. It is my hope that some, if not all, of the concerns about this legislation in the last session have been resolved.

In my view, this significant public safety issue must be addressed and I thank Senator Bromm for sponsoring this initiative.

I am also submitting for your consideration and approval a substantial juvenile justice reform plan. For many years state policymakers have struggled to come to a consensus on how to proceed with much needed changes and improvements in our juvenile justice system.

This year I propose the enactment of a "gatekeeper" structure to coordinate juveniles' entry into the State system. Second, I ask you to fund an initiative that will expand the array of services available within the State juvenile system. This measure will alleviate overcrowding at the YRTC's by doubling the number of substance abuse treatment beds for juveniles and allow the development of mental health programming and aftercare services. Third, I propose the creation of a new aid formula to provide funds directly to counties for development of community-based programs for juvenile delinquents. Fourth, my budget includes funding to replace expired federal grant dollars so that current substance abuse treatment programs at both Kearney and Geneva can be sustained. Finally, I have proposed the transfer of an existing Department of Correctional Services facility to the Office of Juvenile Services for use as both a Level 5 secure youth treatment facility and as a site for development of a sex offender treatment program.

This is a comprehensive juvenile justice reform package that addresses priority needs. I look forward to working with Senators Brashear, Jensen, Thompson, Brown, Aguilar, and Dwite Pedersen and other members of this Legislature to advance juvenile justice reform this session.

I also ask this body to make a bold commitment to honor the life of the unborn. I, like many in our state, was saddened by the U.S. Supreme Court decision striking down Nebraska's law banning partial-birth abortion. My review of this decision tells me that until there is a change on the Court, there is no meaningful hope of ending this barbaric practice.

However, we are not powerless in this area, I ask you to strengthen parental notification by sending legislation introduced by Senator Quandahl to my desk for signature. And in every way possible, I ask you to help me promote adoption as an alternative to abortion. In addition, I repeat my commitment to sign into law a ban on the use of fetal cells in research that are derived from elective abortion. I also ask you to pass fetal homicide legislation for my signature as other states have done.

My budget also proposes a historic investment in education stretching from early childhood through post-secondary training.

We begin with an enhanced commitment to the health, safety, and success of our children.

I believe that a coordinated approach to the issues of early childhood development will lead to greater potential for success for all Nebraska children. That's why a year ago I created the Early Childhood Interagency Team lead by Lt. Governor Maurstad. The Team recently released a report detailing their work to date. I have endorsed several of their recommendations including their proposal to expand the Department of Education's successful Early Childhood Projects. My budget dedicates over \$3 million dollars over the biennium to accomplish this objective and other recommendations.

The collaboration between Health and Human Services and the Department of Education on early childhood issues has been productive and I am asking that they continue their good work.

Some of our State's greatest assets are public and private institutions of higher learning. It's often in higher education that our young people prepare themselves to realize dreams for their future and create our State's future. Therefore, I am pleased to make a historic commitment to higher education with the budget I submit today.

For several months the University of Nebraska leadership has made the case that they need greater resources to reach competitive status with peer institutions. To its credit, the University has undertaken critical reviews and the reallocation of resources over the last few years. That effort continues and I support the University in its task of setting priorities that will result in a more focused mission and a higher level of excellence.

The investment I propose for the University and the State Colleges is aggressive. My budget provides an increase of over \$26.6 million additional



dollars in the first year of the budget with another \$29.4 million added in the second year of the budget. At the same time, I challenge higher education in Nebraska, including the University, State Colleges, and Community Colleges, in three key areas:

- first, to encourage and actively recruit every Nebraska high school graduate to stay in Nebraska for his or her college education;
- second, to promote diversity among students and staff in higher education by actively recruiting students not only from across the United States but from around the world; and
- third, to promote collaboration, cooperation, and innovative partnerships which will ensure unparalleled educational opportunities for our students.

In addition, I applaud Senator Kristensen for continuing to lead the discussion about reorganizing higher education governance in our State. This body will have my cooperation and support in moving this debate forward.

My proposal for increased investment in higher education extends to an initiative I support to significantly bolster world-class medical research at the University of Nebraska Medical Center, Creighton University, Boys Town Research Hospital, and the University of Nebraska-Lincoln. If you visit these facilities, you will be enormously impressed by the cutting edge research that is currently underway. We have a once-in-a-lifetime opportunity to dramatically advance medical research by committing additional resources to these efforts.

Together, we should formulate a rational approach for utilizing the proceeds from the tobacco settlement. I propose that a major endowment be dedicated to biomedical research at these facilities while leaving the majority of the tobacco funds for significant public health needs.

We are so close to solving once and for all the riddles of many diseases with this research. These funds can offer a new day and a new life for Nebraskans and people around the world.

In addition to this research, there are many needs to be funded with the remaining portion of the tobacco settlement. You know as I do that there are many health care needs in Nebraska that are not being met. I would submit, however, that there is no, and I repeat, no greater priority for funding than in the area of mental health.

I have met families from across the State with heartbreaking stories of loved ones who have no services, no hope, and no future. Their issues are very real to me.

To the many families throughout our State who long ago gave up hope, our prayers are with you. Most importantly, I want them to know help is on the way.

Therefore, I propose we significantly boost funding for mental health. First, let's agree to make mental health funding the highest priority with the remaining tobacco settlement dollars. Specifically, I propose dedicating \$6 million in tobacco settlement funds for mental health over the biennium.

Second, let's join together to increase general fund support for mental health. Including the tobacco settlement funds, I propose increasing mental health aid from \$28.5 million in the current fiscal year to \$33.6 million dollars in fiscal year 2002 and to \$38.7 million dollars in fiscal year 2003. This represents a more than 35% increase over the biennium.

I recognize that even more needs to be done and so I pledge to do what I can to help Senator Jensen and the Health and Human Services Committee and Senator Wehrbein and the Appropriations Committee to identify mental health needs, prioritize them, and fund them. Maybe we can do more than what I propose today.

Altogether, I am submitting a biennial budget with a two-year average growth rate of 7.4 percent. It's a rate of growth that I am not comfortable with. I wish it were lower.

There are three items in my budget recommendations that influence this calculated rate of growth: financing the operational costs for a new prison at Tecumseh, continuing the \$30 million dollar increase in community college aid for direct property tax relief, and providing State funding to school districts when the maximum property tax levy is reduced to \$1.

Without these three items, the first year increase would be 3.2 percent and the two-year average growth rate would be 4.7 percent.

Medicaid, property tax relief, and education funding are high priorities for our State. They are not inexpensive to finance and they are driving spending growth in this budget.

Consider that total State spending on K-through-12 education, including special education, will grow from \$708.7 million dollars in this current fiscal year to \$807.9 million dollars next year and to \$846.9 million dollars the following year. Any way you look at it, this is a tremendous amount of money – a tremendous amount of State sales and State income tax dollars are being distributed to local school districts.

As I said earlier, no legislative session is entirely new – we build upon the choices of our predecessors. This legislative session is no exception. In 1996, the Legislature adopted, and the Governor approved, proposals in the areas of property tax relief and State funding for K-through-12 education and a very deliberate, conscious decision was made to set K-through-12 funding above all other State priorities. Education has always been a priority for funding. The facts demonstrate our commitment.

Nebraska ranks 12<sup>th</sup> nationally in pupil-teacher ratio – we have more teachers per student than 38 other states.

Nebraska ranks 10<sup>th</sup> per capita in state and local government expenditures for education – educating kids is a higher budget priority per person in Nebraska for state and local government combined spending than in 40 other states.

Nebraska ranks 9<sup>th</sup> per capita in local government expenditures for elementary and secondary education – educating kids is a higher spending priority at the local level in Nebraska than in 41 other states.

And Nebraska ranks 3<sup>rd</sup> – I repeat 3<sup>rd</sup> - nationally in expenditures for education as a percent of all state and local government expenditures. We rank higher than 47 other states.

Ladies and gentlemen, the dollars we are committing to K-through-12 education this year will redefine these rankings.

Today I submit a budget to you that increases our State investment in K-through-12 education to a level greater than at any point in our state's history. Although I disagree with the auto-pilot nature of the State aid formula that was enacted over my veto in 1999, I can tell you that my budget honors and fully funds the cost of the \$1.10 to \$1.00 levy drop on an aggregate basis. My budget increases TEEOSA funding by 21.7% over the course of the biennium. Further, I have increased funding for special education by \$14.3 million dollars over the biennium to assist our local school districts in meeting this rising cost.

Last session I signed legislation boosting the allowable growth rate for the State's share of special education costs. Also last year, Lt. Governor Maurstad successfully worked with our congressional delegation to move the federal government closer to fulfilling their commitment to fund a larger share of the cost of special education. I want to recognize our congressional delegation for their commitment to increased special education funding. The federal government has a long way to go in this regard, but I am optimistic that progress will continue.

With a dramatically increased State investment in K-through-12 education, it's only natural that we expect a return on our investment. We expect our young people to be prepared to pursue their dreams.

Over the last two years, and working with Commissioner Christensen and the State Board of Education, we have advanced a progressive agenda of excellence in education. From accountability, to safety, to standards, we are moving in the right direction. However, one area that remains to be addressed is school discipline. This session I urge you take up and pass

legislation that gives teachers the ability to keep control of their classrooms and foster a healthy learning environment.

As State policymakers we walk a fine line when it comes to K-through-12 education. Over time it has become a part of who we are as a State not only to demand local decision-making in K-through-12 education, but to also fight back any state or federal infringement on this philosophy. We've attempted to honor that important value over the last ten years even as the State moved from funding 25% of the cost of K-through-12 education to funding about 50% of the cost today.

In building the K-through-12 funding formula, local decision-making was honored in many ways and the money has been distributed with few strings attached. Over the next two years, over \$200 million in new money will flow to K-through-12 districts. Locally elected school boards will decide how best to spend this money based upon their own districts' priorities.

Now, we are being asked to depart from this practice in some form or fashion to address teacher salaries. An issue that historically has been handled at the local level, district by district, has been carried to the door of the Capitol.

First, I want to thank the Teacher Salary Task Force for their effort to develop recommendations on this issue. We have a much better understanding of the complexities of this issue today than a year ago because of their work.

Today I am announcing my support for some of the Task Force recommendations.

I commit funding for two programs that will help attract students into the teaching profession and improve the quality of teachers in the State of Nebraska. The Attracting Excellence to Teaching Program will provide loans to teacher education students who agree to teach in Nebraska public or private schools. Borrowers will be eligible to have loan repayment forgiven for each year they teach in Nebraska. The Master Teacher Program will provide an annual financial incentive for public and private school teachers who achieve rigorous national certification. Also, I want to thank Senator Redfield for introducing legislation at my request to adopt the mentoring program supported by the Task Force to assist teachers entering the profession.

However, the one-size fits all across-the-board bonus plan suggested by the Task Force is not a workable solution. Their work shows that teacher salaries are above the national average in some areas of our State while in other areas they are not.

This is a complex issue because there are 563 school districts in our state that have been historically free to negotiate and set their own teacher compensation packages. The system has evolved to include endless

differences in pay plans and benefit plans. But that's reflective of local control and local decision-making.

Allow me to briefly point out a few significant issues that make this point.

First, benefit packages do matter in evaluating and comparing compensation. Some districts have far superior packages for teachers than other districts. Second, while the pay for teachers in some school districts is well below the national average, pay in other districts is at or above the national average. And third, some districts have the financial capacity to pay teachers more but have chosen not to do so while other districts do not have the financial capacity.

So let's roll up our sleeves and work in this legislative session to address this issue. I suggest these guiding parameters for discussion:

- One size fits all is not the solution;
- Any solution must respect local decision-making;
- Cooperation must exist between local and state government;
- Equalization between districts is an important goal that should not be abandoned;
- The solution must fit within our current resources – I will not support a tax increase; and
- Where possible, within constitutional parameters, private school teachers should be able to participate in any state level programs.

Further, I suggest that the creation of any plan be guided by the principles laid out by the highly respected Milken Family Foundation through their Teacher Advancement Program.

The main tenets of that program are:

- 1.) teachers deserve opportunities to advance in their profession, and should be rewarded for their efforts;
- 2.) compensation should be market-driven and provide flexibility to reward performance;
- 3.) there must be performance-based accountability in hiring, and advancement decisions should be based on performance reviews;
- 4.) there must be continuous professional development; and,
- 5.) we must act to expand the supply of high quality teachers.

These are the components for a workable solution that I can support and, most importantly, that will truly address the challenge at hand.

The debate should not be about how much money we are spending on education or how much more we should spend. The fact is 52% of the state budget is dedicated to education.

The debate must be about performance, accountability, and standards. The debate must be about raising the bar.

I look forward to working with Senator Raikes, all members of this Legislature, and the many stakeholders on this issue. My door is always open. Let the dialogue begin.

In closing, I know you join me in recognizing that serving and governing is really about priorities. As I've traveled across our State and listened to Nebraskans, it is clear that property tax relief and educating our children continue to top the list of priorities.

Let's meet those priorities by providing effective, direct property tax relief with an additional \$60 million dollars through community colleges. And let's affirm our commitment to our children's future by enhancing early childhood development programs, increasing State aid to K-through-12 education by \$182 million dollars over the next two years, and by making an additional investment in higher education.

It's an agenda that provides tax relief today and sows seeds for our future.

Thank you, God bless you, and God bless Nebraska.

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 538.** Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 877, sections 9 and 10; Laws 1999, LB 880, sections 15, 28, 30, 39, 99, 108, 150, 232, 233, and 241; Laws 2000, LB 352A, section 1; Laws 2000, LB 1217, sections 69, 75, 84, 89, 94, 113, and 117; to define terms; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to state and eliminate intent; to change appropriations as prescribed; to change transfers; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 539.** Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2001-02 and FY2002-03; to define terms; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 540.** Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2001-02 and FY2002-03; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 541.** Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend sections 71-7607 and 84-612, Revised Statutes Supplement, 2000; to provide for certain transfers; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 542.** Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide for transfers; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 543.** Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2003; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

**LEGISLATIVE BILL 544.** Introduced by Connealy, 16.

A BILL FOR AN ACT relating to economic development; to adopt the Capital Access Program Act; and to create a fund.

**LEGISLATIVE BILL 545.** Introduced by Janssen, 15; Burling, 33; Cudaback, 36; Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-606.01, 9-631, 9-631.01, and 9-642.01, Reissue Revised Statutes of Nebraska, and section 9-1,104, Revised Statutes Supplement, 2000; to change provisions relating to licensure of lottery workers and sales outlet locations; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 546.** Introduced by Janssen, 15; Cunningham, 18.

A BILL FOR AN ACT relating to gambling; to amend sections 9-201, 9-211, 9-213, 9-228, 9-230.01, 9-231, 9-232.01, 9-241.05, 9-255.02, 9-255.04, 9-255.05, 9-255.08, 9-301, 9-304, 9-306.01, 9-309, 9-311,

9-324, 9-326, 9-331, 9-340.02, 9-347, 9-347.01, 9-349, 9-401, 9-410, 9-420, 9-423, 9-601, and 9-623, Reissue Revised Statutes of Nebraska, and sections 9-226, 9-232.02, 9-233, 9-255.06, 9-322, 9-328, 9-329, 9-418, 9-425, and 9-620, Revised Statutes Supplement, 2000; to change provisions relating to cease and desist orders, emergency suspension orders, special event bingo, licensure requirements, prize and expense limitations, reporting requirements, licensed distributor sales and purchases, pickle card unit deliveries, and gross proceeds; to authorize the collection and prorating of certain fees, the sale or donation of disposable paper bingo cards as prescribed, and civil actions for violations of the Nebraska County and City Lottery Act; to define and redefine terms; to provide powers and duties; to eliminate provisions relating to license and permit suspensions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 9-227, 9-323, and 9-419, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 547.** 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, 2000; to redefine terms for purposes of insurance fraud provisions; to change a fee provision; and to repeal the original sections.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 244, LB 323, LB 479, LB 512, LR 1CA, LR 2CA, and LR 14CA. No objections. So ordered.

Senator Smith asked unanimous consent to have his name added as cointroducer to LB 26, LB 338, LB 454, and LB 470. No objections. So ordered.

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 462. No objections. So ordered.

Senator Landis asked unanimous consent to have his name added as cointroducer to LB 168, LB 169, LB 170, LB 171, LB 172, LB 173, and LB 174. No objections. So ordered.

Senator Cunningham asked unanimous consent to have his name added as cointroducer to LB 421. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 114, LB 239, LB 338, and LB 425. No objections. So ordered.

Senator Cudaback asked unanimous consent to have his name added as



cointroducer to LB 273 and LB 424. No objections. So ordered.

Senator Foley asked unanimous consent to have his name added as cointroducer to LB 326. No objections. So ordered.

Senator Suttle asked unanimous consent to have her name added as cointroducer to LB 433. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Charlie Hornick and Bob and Nancy Kihlthau from Scottsbluff; and Sheriff Bill and Jessica Burgess from Geneva and Sheriff Earl Schenck from Ogallala.

### **ADJOURNMENT**

At 10:39 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Friday, January 12, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTH DAY - JANUARY 12, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 12, 2001

**PRAYER**

The prayer was offered by Pastor Keith Paff, Church of God, Cozad, 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 Landis and McDonald who were excused; and Senators Beutler, Brashear, Kristensen, Preister, Tyson, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**REFERENCE COMMITTEE REPORT**

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

<b>LB/LR</b>	<b>Committee</b>
LB 339	Transportation and Telecommunications
LB 372	Joint committees - Appropriations and Health and Human Services
LB 401	Education
LB 402	Judiciary
LB 403	Judiciary
LB 404	Natural Resources
LB 405	Natural Resources
LB 406	Government, Military and Veterans Affairs
LB 407	Nebraska Retirement Systems

LB 408	Nebraska Retirement Systems
LB 409	Natural Resources
LB 410	Government, Military and Veterans Affairs
LB 411	Health and Human Services
LB 412	Judiciary
LB 413	Judiciary
LB 414	Agriculture
LB 415	Business and Labor
LB 416	Banking, Commerce and Insurance
LB 417	Business and Labor
LB 418	Business and Labor
LB 419	Revenue
LB 420	Government, Military and Veterans Affairs
LB 421	Education
LB 422	Revenue
LB 423	Health and Human Services
LB 424	Revenue
LB 425	Transportation and Telecommunications
LB 427	Natural Resources
LB 428	Government, Military and Veterans Affairs
LB 429	Health and Human Services
LB 430	Revenue
LB 431	Education
LB 432	Health and Human Services
LB 433	Revenue
LB 434	Judiciary
LB 435	Agriculture
LB 436	Agriculture
LB 437	Agriculture
LB 438	Agriculture
LB 439	Transportation and Telecommunications
LB 440	Health and Human Services
LB 441	Revenue
LB 442	Government, Military and Veterans Affairs
LR 8CA	Education

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

**NOTICE OF COMMITTEE HEARINGS**  
**Health and Human Services**

LB 334	Friday, January 19, 2001	1:30 PM
LB 151	Friday, January 19, 2001	1:30 PM
LB 152	Friday, January 19, 2001	1:30 PM
LB 255	Friday, January 19, 2001	1:30 PM
Friday, January 19, 2001		1:30 PM

Joel Cerny - Board of Emergency Medical Services  
 Alice L. Dalton - Board of Emergency Medical Services  
 Doak Doolittle - Board of Emergency Medical Services  
 Dan Hakel - Board of Emergency Medical Services  
 Michael Miriovsky - Board of Emergency Medical  
 Services  
 Earl Rudolph - Board of Emergency Medical Services  
 Val Snyder - Board of Emergency Medical Services

(Signed) Jim Jensen, Chairperson

### Revenue

LB 20	Friday, January 19, 2001	1:30 PM
LB 57	Friday, January 19, 2001	1:30 PM
LB 123	Friday, January 19, 2001	1:30 PM
LB 139	Friday, January 19, 2001	1:30 PM
LB 292	Friday, January 19, 2001	1:30 PM
LB 309	Friday, January 19, 2001	1:30 PM
LB 172	Friday, January 19, 2001	1:30 PM

(Signed) William R. Wickersham, Chairperson

### Banking, Commerce and Insurance

LB 50	Monday, January 22, 2001	1:30 PM
LB 53	Monday, January 22, 2001	1:30 PM
LB 105	Monday, January 22, 2001	1:30 PM
LB 146	Monday, January 22, 2001	1:30 PM
LB 362	Monday, January 22, 2001	1:30 PM

(Signed) David M. Landis, Chairperson

### Business and Labor

LB 418	Monday, January 22, 2001	1:30 PM
LB 180	Monday, January 22, 2001	1:30 PM
LB 192	Monday, January 22, 2001	1:30 PM
LB 193	Monday, January 22, 2001	1:30 PM

Monday, January 22, 2001	1:30 PM
James Marvin - Nebraska Boiler Safety Code Advisory Board	
Allan Spary - Nebraska Boiler Safety Code Advisory Board	

(Signed) Matt Connealy, Chairperson

**Education**

LR 5CA	Monday, January 22, 2001	1:30 PM
LB 302	Monday, January 22, 2001	1:30 PM
LB 303	Monday, January 22, 2001	1:30 PM
LB 313	Monday, January 22, 2001	1:30 PM
LB 330	Monday, January 22, 2001	1:30 PM
LB 394	Monday, January 22, 2001	1:30 PM

Monday, January 22, 2001 1:15 PM

Charles A. Ward - Board of Educational Lands and Funds

Richard Halbert - Board of Trustees of the Nebraska State  
Colleges

Larry Teahon - Board of Trustees of the Nebraska State  
Colleges

(Signed) Ronald E. Raikes, Chairperson

**General Affairs**

LB 224	Monday, January 22, 2001	1:30 PM
LB 268	Monday, January 22, 2001	1:30 PM
LB 278	Monday, January 22, 2001	1:30 PM
LB 295	Monday, January 22, 2001	1:30 PM

(Signed) Ray Janssen, Chairperson

**Transportation and Telecommunications**

LB 166	Monday, January 22, 2001	1:30 PM
LB 167	Monday, January 22, 2001	1:30 PM
LB 375	Monday, January 22, 2001	1:30 PM
LB 376	Monday, January 22, 2001	1:30 PM
LB 387	Monday, January 22, 2001	1:30 PM

(Signed) Curt Bromm, Chairperson

**Banking, Commerce and Insurance**

LB 51	Tuesday, January 23, 2001	1:30 PM
LB 52	Tuesday, January 23, 2001	1:30 PM
LB 55	Tuesday, January 23, 2001	1:30 PM
LB 225	Tuesday, January 23, 2001	1:30 PM

(Signed) David M. Landis, Chairperson

**Transportation and Telecommunications**

LB 102	Tuesday, January 23, 2001	1:30 PM
LB 165	Tuesday, January 23, 2001	1:30 PM
LB 244	Tuesday, January 23, 2001	1:30 PM
LB 245	Tuesday, January 23, 2001	1:30 PM
LB 283	Tuesday, January 23, 2001	1:30 PM

(Signed) Curt Bromm, Chairperson

**REPORTS**

The following reports were received by the Legislature:

**Auditor of Public Accounts**

Nebraska Abstracters Board of Examiners - FY 2000  
 Nebraska Department of Agriculture - FY 2000  
 Chadron State College - FY 2000  
 Nebraska Dry Bean Commission - FY 2000  
 Nebraska Department of Environmental Quality, Attestation Examination Report - June 30, 2000  
 Nebraska Board of Geologists - FY 2000  
 Nebraska Health and Human Services System - Child Support Enforcement Program, Advisory Report - FY 2000  
 Nebraska Health and Human Services System, Grand Island Veterans' Home - FY 2000  
 Nebraska State Historical Society - FY 2000  
 Nebraska Commission of Industrial Relations - FY 2000  
 Nebraska State Board of Landscape Architect - FY 2000  
 State of Nebraska Office of the Lieutenant Governor - FY 2000  
 Nebraska Legislative Council - FY 2000  
 Nebraska Liquor Control Commission - FY 2000  
 Nebraska Lottery - FY 2000  
 Nebraska Board of Pardons and Board of Parole - FY 2000  
 Peru State College - FY 2000  
 Nebraska Supreme Court - FY 2000  
 Nebraska State Treasurer - FY 2000  
 Wayne State College - FY 2000  
 Nebraska Wheat Development, Utilization, and Marketing Board - FY 2000

**Educational Lands and Funds, Board of**

Sixty-Second Biennial Report - July 1, 1998 - June 30, 2000

**Secretary of State, Office of the**

Initiative 300 Reports - Summary of Activity 2000

**Postsecondary Education, Coordinating Commission for**

1998-2000 Biennial Report

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 548.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-516.01, Revised Statutes Supplement, 2000; to provide requirements for Alzheimer's special care units; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 549.** Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Homeless Shelter Assistance Trust Fund Act; to amend sections 68-1603, 68-1605, and 68-1607, Reissue Revised Statutes of Nebraska; to change provisions relating to administration, grants, and audits; to change an advisory committee; to redefine a term; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 550.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to pesticides; to amend sections 2-2635, 2-2638, 2-2639, and 2-2641, Reissue Revised Statutes of Nebraska, and section 2-2634, Revised Statutes Supplement, 2000; to define terms; to require notice and notification of applications; to provide exemptions; to provide duties and civil penalties; to change provisions relating to fees; to provide for severability; and to repeal the original sections.

**EASE**

The Legislature was at ease from 9:15 a.m. until 9:40 a.m.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 551.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to real estate; to amend sections 76-2416 to 76-2418, 76-2421, 76-2422, 76-2426, 81-885.20, 81-885.24, and 81-885.52, Reissue Revised Statutes of Nebraska; to change provisions relating to real estate licensees, disclosure statements, client liability, transfer fees, and continuing education requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 552.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to utilities; to amend sections 14-2138 and 15-204, Reissue Revised Statutes of Nebraska; to require payments by metropolitan utility districts and cities of the primary class for water sales;



and to repeal the original sections.

**LEGISLATIVE BILL 553.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-301 and 60-330, Revised Statutes Supplement, 2000; to redefine a term; to change provisions relating to trucks; and to repeal the original sections.

**LEGISLATIVE BILL 554.** Introduced by Schrock, 38.

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 sections 2-15,123 and 79-1018.01, Revised Statutes Supplement, 2000; to provide a sales tax on snack foods; to provide revenue for teacher's health insurance and water quality projects; to create funds; to provide duties; to adjust the school aid formula; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 555.** Introduced by Schrock, 38; Hudkins, 21; Kremer, 34; Stuhr, 24.

A BILL FOR AN ACT relating to power districts; to amend section 70-627.02, Reissue Revised Statutes of Nebraska; to provide for collection of funds for decommissioning of a nuclear power facility; and to repeal the original section.

**LEGISLATIVE BILL 556.** Introduced by Burling, 33; Hudkins, 21; Quandahl, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1359 and 77-1361, Revised Statutes Supplement, 2000; to change provisions relating to valuation of agricultural land and horticultural land; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 557.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to respiratory care; to amend section 71-1,235, Revised Statutes Supplement, 2000; to provide an exemption from licensure requirements; and to repeal the original section.

**LEGISLATIVE BILL 558.** Introduced by Vrtiska, 1; Aguilar, 35; Brown, 6; Burling, 33; Quandahl, 31; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to the Election Act; to amend sections 10-703.01, 29-1401.02, 32-303, 32-802, 32-819, 32-942, and 32-943, Reissue Revised Statutes of Nebraska, and section 29-1401, Revised Statutes Supplement, 2000; to change provisions relating to wages for election workers, petition procedures, registration of voters, notice of election, correcting errors on ballots, and absentee ballots; to harmonize

provisions; to repeal the original sections; and to outright repeal section 29-1401.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 559.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-1003 and 32-1119, Reissue Revised Statutes of Nebraska; to change provisions relating to counting and recounting votes; and to repeal the original sections.

**LEGISLATIVE BILL 560.** Introduced by Beutler, 28.

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, 2000; to provide for extended contract days; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 561.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to elections; to amend section 32-1203, Reissue Revised Statutes of Nebraska; to require the state to reimburse the counties for election expenses relating to constitutional amendments; and to repeal the original section.

**LEGISLATIVE BILL 562.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5001, Reissue Revised Statutes of Nebraska, and section 71-7614, Revised Statutes Supplement, 2000; to state intent relating to funding for mental health facilities, programs, and services; to change provisions relating to grants; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 563.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to insurance; to amend section 44-793, Revised Statutes Supplement, 2000; to change provisions relating to coverage of mental health conditions; and to repeal the original section.

**LEGISLATIVE BILL 564.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2261, 29-4002, 29-4003, 29-4004, 29-4005, 29-4006, 29-4007, 29-4009, 29-4010, and 29-4013, Revised Statutes Supplement, 2000; to change provisions relating to sex offenders and the Sex Offender Registration Act; to change and provide duties for the Nebraska State Patrol, county sheriffs, the courts, and the Department of Correctional Services; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 565.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to citations; to amend sections 18-1741.03, 29-423, and 32-1549, Reissue Revised Statutes of Nebraska; to prohibit inclusion of social security numbers on citations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 566.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to unborn children; to prohibit the use of the term "fetus" by public school employees; and to provide a penalty.

**LEGISLATIVE BILL 567.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to fetuses; to amend sections 28-329, 28-330, 30-3417, 43-504, 44-2821, and 71-6901, Reissue Revised Statutes of Nebraska, and sections 28-325 to 28-327.01, Revised Statutes Supplement, 2000; to change references to unborn child to fetus; and to repeal the original sections.

**LEGISLATIVE BILL 568.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 19-2903 and 19-2905, Reissue Revised Statutes of Nebraska, and sections 13-504, 13-506, 13-511, 77-3442, 79-10,110, and 84-304, Revised Statutes Supplement, 2000; to change budget and audit provisions; to eliminate a board that has terminated; to harmonize provisions; to repeal the original sections; to outright repeal section 13-504.01, Revised Statutes Supplement, 2000; and to declare an emergency.

**LEGISLATIVE BILL 569.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-934, 79-947.01, and 79-956, Revised Statutes Supplement, 2000; to change retirement provisions relating to death benefits, the monthly formula annuity, and benefits adjustments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 570.** Introduced by Jensen, 20; Bromm, 23; Byars, 30; Maxwell, 9; Price, 26; Robak, 22; Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Health Care Funding Act; to amend sections 71-5714, 71-6050, 71-7605, 71-7606, 71-7607 to 76-7611, and 71-7614, Revised Statutes Supplement, 2000; to change provisions relating to use of funds and names of funds; to create funds; to provide for grants and reports; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-7606.01 and 71-7613, Revised Statutes Supplement, 2000; and to declare an emergency.

**LEGISLATIVE BILL 571.** Introduced by Janssen, 15; Schrock, 38.

A BILL FOR AN ACT relating to cemeteries; to amend section 12-515, Reissue Revised Statutes of Nebraska; to change provisions relating to acquisitions by condemnation; and to repeal the original section.

**LEGISLATIVE BILL 572.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101.02 and 53-123.11, Reissue Revised Statutes of Nebraska, and section 53-103, Revised Statutes Supplement, 2000; to change provisions relating to farm wineries; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 573.** Introduced by Redfield, 12; Quandahl, 31.

A BILL FOR AN ACT relating to schools; to amend sections 79-234, 79-237, and 79-240, Reissue Revised Statutes of Nebraska, and sections 79-215 and 79-238, Revised Statutes Supplement, 2000; to change provisions relating to student enrollment; to change provisions relating to the enrollment option program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 574.** Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Brown, 6; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-462, 60-479, 60-489, 60-4,117, 60-4,120, 60-4,124, 60-4,126, 60-4,142, 60-4,150, 60-4,151, 60-4,180, and 60-1515, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-490, 60-494, 60-4,113, 60-4,114, 60-4,115, 60-4,119, 60-4,120.01, 60-4,122, 60-4,123, 60-4,127, 60-4,130, 60-4,130.02, 60-4,148, 60-4,171, 60-4,181, and 60-2904, Revised Statutes Supplement, 2000; to provide for the implementation of a digital system for issuance of motor vehicle operators' licenses and state identification cards; to change provisions relating to issuance and expiration of motor vehicle operators' licenses and state identification cards; to change fees; to harmonize provisions; and to repeal the original sections.

### EASE

The Legislature was at ease from 9:44 a.m. until 10:12 a.m.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 575.** Introduced by Aguilar, 35; Hartnett, 45; Janssen, 15; Quandahl, 31; Tyson, 19.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-669,

16-670, 19-2404, and 19-2405, Reissue Revised Statutes of Nebraska; to change provisions relating to assessments and bonds; and to repeal the original sections.

**LEGISLATIVE BILL 576.** Introduced by Price, 26.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 to 79-1003, 79-1007.02, and 79-1072.01, Revised Statutes Supplement, 2000; to change provisions relating to calculation of state aid; to provide for professional staff incentive aid; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 577.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3001 and 29-3004, Reissue Revised Statutes of Nebraska; to change provisions relating to postconviction proceedings; to provide for performance of fingerprint and forensic DNA testing; and to repeal the original sections.

**LEGISLATIVE BILL 578.** Introduced by Suttle, 10.

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, 2000; to change provisions relating to entrance requirements; and to repeal the original sections.

**LEGISLATIVE BILL 579.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to municipalities; to authorize combined utility billings.

**LEGISLATIVE BILL 580.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend sections 71-3503, 71-3508.03, 71-3517, and 71-3519, Reissue Revised Statutes of Nebraska; to change provisions relating to licensure, registration, enforcement, fees, and administrative costs; to define a term; to provide duties; to provide and change penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 581.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to husband and wife; to amend section 42-380, Reissue Revised Statutes of Nebraska; to change provisions relating to surnames; and to repeal the original section.

**LEGISLATIVE BILL 582.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-180.02, 53-180.04, and 53-180.05, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Supplement, 2000; to change provisions relating to minors' violations and license suspensions for illegal sales; to provide for compliance checks; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 583.** Introduced by Byars, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-3706, 71-3707, and 71-6115, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-111, 71-117, 71-118, 71-1,132.07, 71-374, 71-1718.01, 71-4715, and 71-6065, Revised Statutes Supplement, 2000; to provide for the Governor to appoint members to professional examining boards; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 584.** Introduced by Smith, 48; Aguilar, 35; Baker, 44; Burling, 33; Coordsen, 32; Cunningham, 18; Erdman, 47; Dw. Pedersen, 39; Quandahl, 31; Redfield, 12; Robak, 22; Schrock, 38; Tyson, 19; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to motorcycles and mopeds; to amend sections 60-4,182, 60-6,279, 60-6,280, 60-6,281, and 60-2125, Reissue Revised Statutes of Nebraska, and section 60-4,127, Revised Statutes Supplement, 2000; to require eye protection as prescribed; to change provisions relating to protective helmets and motorcycle operator licensure; to change and provide penalties; to provide duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 585.** Introduced by Engel, 17; Bromm, 23; Connealy, 16; Kremer, 34; D. Pederson, 42; Schrock, 38.

A BILL FOR AN ACT relating to telecommunications; to provide for enhanced wireless 911 service; to establish a surcharge on wireless service subscribers; to define terms; to provide powers and duties; to create an advisory board; to create a fund; to provide for confidentiality of certain records; to provide immunity as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 586.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to ground water; to amend section 46-613, Reissue Revised Statutes of Nebraska; to change provisions relating to preferences; and to repeal the original section.

**LEGISLATIVE BILL 587.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt the Agricultural

Contract Unfair Practices Act.

**LEGISLATIVE BILL 588.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt the Rural Initiative Act; and to provide a termination date.

**LEGISLATIVE BILL 589.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-193, 54-198, 54-199, 54-1,100, 54-1,102, 54-1,105, 54-1,108, and 54-1,110, Revised Statutes Supplement, 2000; to change provisions relating to publications, brands, and fees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 590.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to veterans; to amend section 37-420, Reissue Revised Statutes of Nebraska; to change exemption provisions relating to hunting and fishing permits for veterans; and to repeal the original section.

**LEGISLATIVE BILL 591.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to animal damage control; to amend sections 23-358.01, 81-2,236, 81-2,237, and 81-2,238, Reissue Revised Statutes of Nebraska; to change animal damage control program provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 592.** Introduced by Agriculture Committee: Dierks, 40, Chairperson; Burling, 33; Chambers, 11; Cunningham, 18; Schimek, 27; Schrock, 38; Vrtiska, 1; and Connealy, 16; Cudaback, 36; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4806, 2-4808, and 2-4812, Reissue Revised Statutes of Nebraska; to adopt the Agricultural Production Contract Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 593.** Introduced by Connealy, 16; Aguilar, 35; Beutler, 28; Bourne, 8; Byars, 30; Chambers, 11; Engel, 17; Schimek, 27; Thompson, 14; Wickersham, 49.

A BILL FOR AN ACT relating to law enforcement; to prohibit racial profiling as prescribed; to provide duties for the Nebraska State Patrol and other law enforcement agencies as prescribed and the Nebraska Commission on Law Enforcement and Criminal Justice; and to provide for reports.

**LEGISLATIVE BILL 594.** Introduced by Erdman, 47; Baker, 44; Coordsen, 32; Cunningham, 18; Dierks, 40; Foley, 29; Hudkins, 21;

Janssen, 15; Jones, 43; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to schools; to amend section 79-544, Revised Statutes Supplement, 2000; to change provisions relating to school board membership as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 595.** Introduced by Thompson, 14; Bourne, 8; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-251.01, 43-258, 43-274, 43-281, 43-284, 43-290, 43-2,113, and 43-408, Reissue Revised Statutes of Nebraska, and sections 43-254 and 43-286, Revised Statutes Supplement, 2000; to consolidate and change provisions relating to preadjudication and postadjudication costs associated with juveniles; to change provisions relating to disposition options and placement or commitment review; to harmonize provisions; to repeal the original sections; and to outright repeal section 43-2,101, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 596.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2027.03, Reissue Revised Statutes of Nebraska; to change a benefit relating to the cost of living; to harmonize provisions; to repeal the original section; and to declare an emergency.

### EASE

The Legislature was at ease from 10:16 a.m. until 10:27 a.m.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 597.** Introduced by Hilgert, 7; Kruse, 13; Dw. Pedersen, 39; Price, 26; Raikes, 25; Robak, 22; Schimek, 27; Stuhr, 24; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to behavioral health services; to state intent relating to pay rates; and to provide duties.

**LEGISLATIVE BILL 598.** Introduced by Dw. Pedersen, 39; at the request of the Governor.

A BILL FOR AN ACT relating to juveniles; to amend section 43-408, Reissue Revised Statutes of Nebraska; to change provisions relating to determination of placement and treatment services; and to repeal the original section.



**LEGISLATIVE BILL 599.** Introduced by Brashear, 4; at the request of the Governor.

A BILL FOR AN ACT relating to juvenile corrections; to amend sections 43-251.01, 43-258, 43-401, 43-403, 43-405, 43-407, 43-408, 43-416, 83-107.01, 83-905, and 83-905.01, Reissue Revised Statutes of Nebraska, and sections 43-245 and 43-286, Revised Statutes Supplement, 2000; to define terms; to provide for secure youth treatment facilities; to transfer a facility; to harmonize provisions; to state intent; to rename a fund; to provide operative dates; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 600.** Introduced by Coordsen, 32; Baker, 44; Bromm, 23; Burling, 33; Connealy, 16; Cunningham, 18; Dierks, 40; Erdman, 47; Janssen, 15; Jones, 43; Kremer, 34; Raikes, 25; Schrock, 38; Smith, 48; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-201, 77-1343, 77-1359, 77-1361, 77-1362, 77-1363, 77-1371, 77-5023, and 79-1016, Revised Statutes Supplement, 2000; 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, 2000.

**LEGISLATIVE BILL 601.** Introduced by Kremer, 34; Aguilar, 35; Brown, 6; Jensen, 20; Jones, 43; Smith, 48.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Prompt Payment Act.

**LEGISLATIVE BILL 602.** Introduced by Hartnett, 45; Dw. Pedersen, 39; Price, 26; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1003, Revised Statutes Supplement, 2000; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 603.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1510.01 and 77-1775, Reissue Revised Statutes of Nebraska, and sections 13-509, 77-415, 77-612, 77-684, 77-704, 77-802.02, 77-1233.06, 77-1249, 77-1311, 77-1315, 77-1315.01, 77-1330, 77-1338, 77-1344, 77-1345.01, 77-1504, 77-1507, 77-1510, 77-5007, 77-5015, 77-5016, and 79-1016, Revised Statutes Supplement, 2000; to authorize property tax arbitrators for certain property tax protests; to change appeal time frames from certain county board of equalization decisions; to change the jurisdiction of the Tax Equalization and Review Commission; to provide

training for county boards of equalization; to provide duties for the Department of Property Assessment and Taxation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 604.** Introduced by Legislative Program Evaluation Committee: Engel, 17, Chairperson; Coordsen, 32; Beutler, 28; Price, 26; Wehrbein, 2.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-915, Reissue Revised Statutes of Nebraska; to change provisions relating to investment of inmate funds and surplus trust funds; to create a fund; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 605.** Introduced by Cunningham, 18; Burling, 33; Dierks, 40; Engel, 17; Erdman, 47; Hartnett, 45; Price, 26; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to littering; to amend section 28-523, Revised Statutes Supplement, 2000; to provide additional penalties; and to repeal the original section.

**LEGISLATIVE BILL 606.** Introduced by Cunningham, 18; Brown, 6; Connealy, 16; Cudaback, 36; Dierks, 40; Erdman, 47; Janssen, 15; Jones, 43; Kremer, 34; Schrock, 38; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2000; to exempt flexible fuel motor vehicles from sales and use taxation; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 607.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-182.01, Reissue Revised Statutes of Nebraska; to change provisions relating to structured programming; and to repeal the original section.

**LEGISLATIVE BILL 608.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to juvenile justice; to amend sections 28-929, 28-930, 28-933, 43-418, and 43-421, Reissue Revised Statutes of Nebraska, and sections 28-309, 28-931, 28-931.01, and 28-932, Revised Statutes Supplement, 2000; to change provisions relating to offenses against another person and parole violation hearings; and to repeal the original sections.

**LEGISLATIVE BILL 609.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational

Opportunities Support Act; to amend sections 79-1008.01 and 79-1008.02, Revised Statutes Supplement, 2000; to change provisions relating to equalization aid and the minimum levy adjustment; and to repeal the original sections.

**LEGISLATIVE BILL 610.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to corrections; to provide duties for the Department of Correctional Services relating to prisoner release or parole; and to create a fund.

**NOTICE OF COMMITTEE HEARINGS**  
**Government, Military and Veterans Affairs**

LB 96	Friday, January 19, 2001	1:30 PM
LB 250	Friday, January 19, 2001	1:30 PM
LB 284	Friday, January 19, 2001	1:30 PM

(Signed) DiAnna R. Schimek, Chairperson

**Agriculture**

LB 414	Tuesday, January 23, 2001	1:30 PM
LB 435	Tuesday, January 23, 2001	1:30 PM
LB 273	Tuesday, January 23, 2001	1:30 PM

(Signed) Merton L. Dierks, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 15.** Introduced by Burling, 33.

WHEREAS, the Hastings St. Cecilia High School football team won the Class C-1 state football championship on November 18, 2000; and

WHEREAS, the Hastings St. Cecilia High School football team completed their season undefeated at 13-0; and

WHEREAS, this was the Bluehawk's first championship win for Coach Carl Tesmer; and

WHEREAS, throughout the season the members of the team have complemented their talents with sportsmanship, motivation, and hard work.

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

1. That the Legislature congratulates the Hastings St. Cecilia High School football team on their impressive accomplishment.

2. That a copy of this resolution be sent to the team and Coach Carl Tesmer of Hastings St. Cecilia High School.

Laid over.

**LEGISLATIVE RESOLUTION 16CA.** Introduced by Beutler, 28.

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

Section 1. At the general election in November 2002 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 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 board or commission having more than one member, and the terms of such members commence and end at different times, the compensation of all members of ~~the Legislature~~, of the judiciary, or of such 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 "(1) There is hereby created the Ethics and Compensation Review Commission. The members of the commission shall be appointed by the Governor. 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.

(2) The Ethics and Compensation Review Commission shall prepare and present to the Legislature prior to November 1, 2003, a legislative code of ethics which shall be adopted by the Legislature at the beginning of the legislative session in the year 2004 as part of its permanent rules. The code of ethics shall include procedures for implementing such code. After January 1, 2006, 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. The Legislature shall maintain the code of ethics in its permanent rules or maintain an altered code of ethics approved by the commission.

(3) After the Ethics and 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. 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 Ethics and Compensation Review Commission, to change provisions relating to compensation for members of the Legislature, and to provide for the adoption of a legislative code of ethics.

For

Against".

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 17.** Introduced by Chambers, 11.

WHEREAS, pursuant to Public Law 280, the State of Nebraska was granted criminal and civil jurisdiction over the Santee Sioux Reservation in 1953; and

WHEREAS, Public Law 90-284 adopted as an Act of Congress on April 11, 1968, contains a number of provisions dealing with civil rights and jurisdiction of Indians; and

WHEREAS, Section 403(a) of Public Law 90-284 provides that the United States is authorized to accept a retrocession of all or any measure of the jurisdiction acquired by a state pursuant to Public Law 280 of 1953; and

WHEREAS, the Santee Sioux Tribe has petitioned the State of Nebraska to effectuate retrocession of criminal and civil jurisdiction over the Santee Sioux Reservation to the United States and has demonstrated the capability to assume its portion of associated responsibilities; and

WHEREAS, the Santee Sioux Tribe's resolution petitions the State of Nebraska to retrocede the following criminal and civil jurisdiction to the United States:

"a. Criminal jurisdiction over the Santee Sioux Reservation acquired by the State of Nebraska pursuant to P.L. 280 of 1953; PROVIDED THAT THE Santee Sioux Tribe shall have jurisdiction to prosecute Indian Committing offenses involving the operations of motor vehicles on the public highways and roadways within the exterior boundaries of the Santee Sioux Reservation, and the State of Nebraska shall have jurisdiction to prosecute non-indians committing similar offenses."

"b. That amount of civil jurisdiction over Santee Sioux Reservation..no more and no less.. That is exercised exclusively by Indian Tribes in other States not subject to P.L. 280, as defined by controlling evolving case laws; whereby, the Santee Sioux Tribe shall exercise exclusive jurisdiction over those civil causes of action arising within the exterior boundaries of the Santee Sioux Reservation which affect the health, safety, welfare, and its members. The State of Nebraska and its political subdivisions shall continue to exercise jurisdiction over those civil causes of action for which the Tribe has not assumed exclusive jurisdiction through retro cession, i.e. over those civil causes of action which affect the interests of the state of Nebraska or its citizens to the point where Tribal Self-Government would be affected. The State of Nebraska shall retain exclusive jurisdiction over those causes of action arising with the Reservation where both parties are non-indians and Tribal Self-Government is not implicated."

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

1. That the Legislature retrocedes criminal and civil jurisdiction, as set forth in the WHEREAS section of this resolution, over the Santee Sioux Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953, such retrocession to be effective at 12:01 A.M., July 1, 200

2. That the State of Nebraska and its political subdivisions shall take all necessary action to effectuate this resolution, including cooperative agreements with the Santee Sioux Tribe, the Bureau of Indian Affairs, or the Department of Interior deemed by the affected parties to be necessary to enhance the efficiency and effectiveness of criminal law enforcement on the Santee Sioux Reservation.

Laid over.

**LEGISLATIVE RESOLUTION 18CA.** Introduced by Smith, 48; Engel, 17.

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

Section 1. At the general election in November 2002 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:

VII-10 "(1) The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of twelve not less than six nor more than eight regents to be designated the Board of Regents of the University of Nebraska. Eight regents; who shall be elected from and by districts as herein provided. The Governor shall appoint four regents. One appointed regent shall be a full-time student attending one of the campuses of the University of Nebraska, and one appointed regent shall serve from each of the three congressional districts. In addition, and three 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 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.

(2) The terms of office of elected members shall be ~~for~~ six years. The term of office of the appointed student regent shall be one year. The term of office of the other three appointed regents shall be three years, except that for the initial terms commencing in 2003, one regent shall be appointed for one year, one regent shall be appointed for two years, and one regent shall be appointed for three years, each. The terms of office of the nonvoting 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.

(3) 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."

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 membership of the Board of Regents of the University of Nebraska.

For

Against".

Referred to the Reference Committee.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Sec. 8, LR 17 was referred to the Reference Committee.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 611.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Department of Correctional Services; to state findings; to provide for correctional improvement studies.

**LEGISLATIVE BILL 612.** Introduced by Jensen, 20; Byars, 30; Schimek, 27; Suttle, 10.

A BILL FOR AN ACT relating to medical assistance; to state findings; to define terms; to provide for coverage for anti-obesity drugs; and to provide duties.

**LEGISLATIVE BILL 613.** Introduced by Redfield, 12; at the request of the Governor.

A BILL FOR AN ACT relating to schools; to amend sections 9-812 and 79-761, Revised Statutes Supplement, 2000; to change provisions relating to the Education Innovation Fund and the mentor teacher program; to harmonize provisions; and to repeal the original sections.



**UNANIMOUS CONSENT - Add Cointroducers**

Senator Hilgert asked unanimous consent to have his name added as cointroducer to LB 21, LB 47, and LB 312. No objections. So ordered.

Senator Cunningham asked unanimous consent to have his name added as cointroducer to LB 196. No objections. So ordered.

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 28, LB 185, and LB 306. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 15 and LB 154. No objections. So ordered.

Senator Foley asked unanimous consent to have his name added as cointroducer to LB 70 and LB 185. No objections. So ordered.

Senator Smith asked unanimous consent to have his name added as cointroducer to LB 125, LB 449, LB 485, LB 494, and LB 464. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 70. No objections. So ordered.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 11, 2001, 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, Public Affairs Group  
Nebraskans and Industry for Tourism Action

American Communications Group, Inc.  
American Heart Association  
Turn Off the Violence

Bunger, Ken  
City of Omaha, Mayor

Counts, Barry A.  
Sprint/Local Telecommunications Division

Evans, Eric A.  
Nebraska Advocacy Services, Inc.

Fahleson, Mark A.  
Linweld, Inc.

Haar, Ken  
Nebraska Democratic Party

Hansen, Hal Anthony  
Association of Students of the University of Nebraska

McKinlay, Aleisa C.  
Nebraska Advocacy Services, Inc.

Mueller, William J.  
Com-Net Ericsson Critical Radio Systems, Inc.  
Lincoln Electric System  
Western Wireless Corporation

Ruth, Larry L.  
Com-Net Ericsson Critical Radio Systems, Inc.  
Lincoln Electric System  
Western Wireless Corporation

### **VISITORS**

Visitors to the Chamber were 5 twelfth grade students and teacher from Waverly.

### **ADJOURNMENT**

At 10:36 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 10:00 a.m., Tuesday, January 16, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**NINTH DAY - JANUARY 16, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE**

**FIRST SESSION**

**NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 16, 2001

**PRAYER**

The prayer was offered by Reverend Steve Eggum, First Baptist Church, Tekamah, Nebraska.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Byars and Dierks who were excused; and Senators Brashear and Kristensen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighth day was approved.

**REFERENCE COMMITTEE REPORT**

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

<b>LB/LR</b>	<b>Committee</b>
LR 6CA	General Affairs (rereferred)
LB 185	Business and Labor (rereferred)
LB 384	Urban Affairs (rereferred)
LB 426	Judiciary
LB 443	Revenue
LB 444	Banking, Commerce and Insurance
LB 445	Executive Board
LB 446	Government, Military and Veteran Affairs
LB 447	Transportation and Telecommunications
LB 448	Natural Resources

LB 449	Revenue
LB 450	Banking, Commerce and Insurance
LB 451	Judiciary
LB 452	Health and Human Services
LB 453	Judiciary
LB 454	Government, Military and Veterans Affairs
LB 455	Banking, Commerce and Insurance
LB 456	Business and Labor
LB 457	Natural Resources
LB 458	Natural Resources
LB 459	Banking, Commerce and Insurance
LB 460	Education
LB 461	Natural Resources
LB 462	Judiciary
LB 463	Transportation and Telecommunications
LB 464	Revenue
LB 465	Revenue
LB 466	Judiciary
LB 467	Education
LB 468	Health and Human Services
LB 469	Education
LB 470	Transportation and Telecommunications
LB 471	Judiciary
LB 472	Natural Resources
LB 473	Judiciary
LB 474	Agriculture
LB 475	Nebraska Retirement Systems
LB 476	Education
LB 477	Transportation and Telecommunications
LB 478	Education
LB 479	Health and Human Services
LB 480	Urban Affairs
LB 481	Urban Affairs
LB 482	Government, Military and Veterans Affairs
LB 483	Urban Affairs
LB 484	Urban Affairs
LB 485	Government, Military and Veterans Affairs
LB 486	Education
LB 487	Revenue
LB 488	Transportation and Telecommunications
LB 489	Judiciary
LB 490	Transportation and Telecommunications
LB 491	Transportation and Telecommunications
LB 492	Business and Labor
LB 493	Urban Affairs

LB 494      Transportation and Telecommunications  
LB 495      Revenue  
LB 496      Judiciary  
LB 497      Judiciary  
LB 498      Revenue  
LR 14CA     Revenue

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### ATTORNEY GENERAL'S OPINION

#### Opinion #01001

DATE:                    January 10, 2001

SUBJECT:                Proposed Legislation Exempting Insurance Providers  
                              From the Conditions of Disclosure Requirements  
                              Prescribed by Neb. Rev. Stat. § 60-2909

REQUESTED BY:        Senator Carol Hudkins

WRITTEN BY:            Don Stenberg, Attorney General  
                              Jodi M. Fenner, Assistant Attorney General

You have requested an opinion from this office regarding proposed legislation which would exempt insurance providers from the conditions for disclosure requirements prescribed by Neb. Rev. Stat. § 60-2909. Our response to your inquiry is set forth below.

#### **I. ISSUE TO BE ADDRESSED BY PROPOSED LEGISLATION**

The proposed legislation was drafted in response to concerns from the insurance industry regarding increased cost and decreased availability of motor vehicle records for underwriting purposes. Historically, insurance providers were able to get relevant personal information from motor vehicle records for underwriting purposes from the Department of Motor Vehicles over the telephone. This information was provided in a timely manner and free of charge. Due to the enactment of the Driver's Privacy Protection Act and its amendments, Nebraska law was recently changed to require strict regulation of the release of such information. Now insurance providers must either submit a written request for such information or pay a fee to access this information on the Internet. This has imposed a hardship upon the insurance industry by increasing the time and cost involved in obtaining such information for their customers. Therefore, the proposed legislation

was drafted to allow insurance providers access to personal information from motor vehicle records in a more timely and cost efficient manner.

## II. PROPOSED LEGISLATION

The proposed legislation would amend the Uniform Motor Vehicle Records Disclosure Act as follows:

**60-2909 Conditions for Disclosure.** In addition to provisions for payment of applicable fees, the department may, prior to the disclosure of personal information as permitted under section 60-2906 or 60-2907, require the meeting of conditions by the requester for the purposes of obtaining reasonable assurance concerning the identity of the requester and, to the extent required, that the information will only be used as authorized or that the consent of the person who is the subject of the information has been obtained. Except for requests made pursuant to section 60-2907(6), such conditions shall include, but need not be limited to, the making and filing of a form containing such information and verification as the department may prescribe.

## III. THE DRIVER'S PRIVACY PROTECTION ACT

The Driver's Privacy Protection Act of 1994 ("DPPA") established a regulatory scheme that restricts a state's ability to disclose personal information about any individual obtained in connection with a motor vehicle record without the individual's consent.<sup>1</sup> The DPPA originally provided that a state could obtain an individual's consent on a case-by-case basis, or it could imply consent if the state provided drivers with an opportunity to block disclosure of personal information when they received or renewed their licenses and drivers failed to avail themselves of that

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<sup>1</sup> A state that maintains a "policy or practice of substantial noncompliance" with the DPPA may be subject to a civil penalty by the United States Attorney General of \$5,000 per day. 18 U.S.C. § 2723(b). The DPPA's 1999 amendment complicated the penalty issue, because the amendment was passed as part of an appropriations bill that appeared to condition receipt of federal highway funds upon compliance with the DPPA. However, Congress recently further amended the DPPA, again as a part of an appropriations bill, which clarifies that such federal highway funds will **not** be withheld due to noncompliance. See Public Law No. 106-346 (October 23, 2000). Therefore, the sole federal penalty for a state's noncompliance with the DPPA is the \$5,000 per day civil penalty provided for in 18 U.S.C. § 2723(b).

opportunity. 18 U.S.C. § 2721 (b)(11), (13), and (d) (1996). However, Congress amended the DPPA in 1999 to eliminate this "opt-out" alternative. Therefore, except for the permissible uses detailed in 18 U.S.C. § 2721(b), states are now required to obtain an individual's **affirmative consent** prior to disclosing their personal information from motor vehicle records.

The impetus for the DPPA and its subsequent amendments was to protect citizens from the unauthorized disclosure of their personal information, which they must necessarily provide to the Department of Motor Vehicles in order to obtain various driving privileges. Prior to the DPPA, it was common practice for states to disclose personal information from motor vehicle records without an individual's consent or knowledge, often for a profit. Such unauthorized disclosure had contributed to instances of criminal behavior, such as stalking and even murder. Therefore, the DPPA was adopted to combat the dangers of the unauthorized disclosure of an individual's personal information from motor vehicle records.

The United States Supreme Court has found the DPPA to be a proper exercise of Congress' authority to regulate interstate commerce. *Reno v. Condon*, 528 U.S. 141, 120 S.Ct. 666 (2000). The Court stated that the DPPA "does not require [states] to enact any laws or regulations, and it does not require state officials to assist in the enforcement of federal statutes regulating private individuals." *Id.* Instead, the DPPA merely requires that states wishing to engage in certain activity regulated by the DPPA take administrative or legislative action to comply with the federal standards regulating such activity. *Id.* Therefore, it is clear that the State of Nebraska **must** comply with the DPPA if it wishes to engage in any activities involving the release of personal information from motor vehicle records.

The supremacy clause of the United States Constitution mandates that federal law preempts any state regulation where there is an actual conflict between the two sets of legislation such that both cannot stand. U.S. Const. Art. VI, cl.2. Federal law supersedes state law to the extent that it would cause major damage to significant federal interests. *Kramer v. Kramer*, 252 Neb. 526, 540, 567 N.W.2d 100, 110 (1997) (citing *In re Application of Burlington Northern RR. Co.*, 249 Neb. 821, 545 N.W.2d 749 (1996); *Dowd v. First Omaha Sec. Corp.*, 242 Neb. 347, 495 N.W.2d 36 (1993)). When possible, a Nebraska statute will be construed to achieve the statute's purpose and preserve its validity. *Callan v. Balka*, 248 Neb. 469, 481, 536 N.W.2d 47, 54 (1995). Therefore, in order to be valid, Nebraska statutes regulating the release of personal information from motor vehicle records must be capable of being construed in conformity with the DPPA.

#### IV. UNIFORM MOTOR VEHICLE RECORDS DISCLOSURE ACT

The Nebraska Legislature has codified the Uniform Motor Vehicle Records Disclosure Act at Nebraska Revised Statutes, §§ 60-2901 to 60-2912 (1998, Cum. Supp. 2000). This act prohibits the disclosure of personal

information from Nebraska's motor vehicle records, subject to permissible exceptions, in conformance with the DPPA. *See* Neb. Rev. Stat. §§ 60-2905, 60-2907, 60-2909.01. The act provides for "the verification of identity and purpose of a requester" in § 60-2907 and § 60-2909.01 prior to disclosing information allegedly subject to a permissible exception. Furthermore, § 60-2909 states that conditions for disclosure may be required "for the purposes of obtaining reasonable assurance concerning the identity of the requester and, to the extent required, that the information will only be used as authorized or that the consent of the person who is the subject of the information has been obtained."

Pursuant to Neb. Rev. Stat. § 60-2911 the Nebraska Department of Motor Vehicles has adopted rules and regulations to carry out the Uniform Motor Vehicle Records Disclosure Act. These rules and regulations are found in Title 250, Nebraska Administrative Code, Chapter 2, and provide procedures for verifying the identity and purpose of a requestor. These procedures include the use of standardized forms and the payment of fees pursuant to Neb. Rev. Stat. § 60-2908.

#### V.

### THE VERIFICATION REQUIREMENT

The DPPA does not expressly require verification of the identity and purpose of a requester, but this requirement is necessarily implied by the stated standard for disclosure provided therein. The DPPA prohibits states from "knowingly" disclosing information obtained from motor vehicle records except for certain permissible uses. Whereas the original version of the DPPA allowed for a presumption that all personal information was publicly available unless otherwise requested, the 1999 amendment clarifies that all personal information is presumed to be confidential. Although the DPPA does not address liability for accidental or negligent disclosure, it clearly places the burden on the State to determine whether a request qualifies under an exception prior to disclosure. This burden is met by Nebraska's statutory requirement for verification of the identity and purpose of a requester.

#### VI.

### THE PROPOSED LEGISLATION'S COMPLIANCE WITH THE DPPA

The proposed legislation would exempt insurance providers from the conditions for disclosure requirements prescribed by Neb. Rev. Stat. § 60-2909. However, the proposed legislation does not purport to provide an alternative method for verification of the identity and purpose of a requester as required by Neb. Rev. Stat. §§ 60-2907 and 60-2909.01. Nor does the proposed legislation address the payment of fees provided for in Neb. Rev. Stat. § 60-2908.



On its face, the proposed legislation does not violate the DPPA. When possible, a statute will be construed to achieve the statute's purpose and preserve its validity. *Callan*, 248 Neb. at 481, 536 N.W.2d at 54 (1995). The DPPA merely prohibits states from disclosing an individual's personal information from motor vehicle records. The DPPA does not dictate any particular method for ensuring that information is not disclosed, but instead leaves that to the discretion of the individual states. A reasonable interpretation of the proposed legislation merely precludes the department from requiring insurance providers to complete a universal standardized form. The proposed legislation does not purport to affect Neb. Rev. Stat. §§ 60-2907 and 60-2909.01 or the first sentence of Neb. Rev. Stat. § 60-2909, all which require verification of the identity and purpose of the requester. Therefore, on its face, the proposed legislation does not violate the DPPA by allowing unauthorized disclosure of prohibited information, but instead merely limits the methods in which the department may verify the validity of a requester's purported authority to receive such information.

If the intent of the proposed legislation is to revert back to the historical practice of allowing insurance providers to obtain personal information from motor vehicle records over the telephone without any objective verification, then it would clearly violate the DPPA. This procedure, absent verification of the identity and purpose of the requester, provides no assurance that the disclosure is within an authorized exception. Such disregard for the validity of allegedly authorized disclosure would result in substantial noncompliance with the DPPA.

If enacted, the proposed legislation will require the development of an alternative verification procedure to fulfill its stated purpose of providing the insurance industry a less expensive and timely method of obtaining information from motor vehicle records. The proposed legislation exempts insurance providers from utilizing the standardized form currently prescribed for verification purposes. Therefore, an alternative method for verifying the identity and purpose of a requester must be developed to ensure continued access to motor vehicle records for insurance providers.<sup>2</sup> However, many options for streamlining the verification process would likely involve some type of standardized form, which would be prohibited by the proposed legislation.<sup>3</sup> Therefore, it may be provident to amend the proposed legislation to address an alternative method for verification and its related implementation requirements.

<sup>2</sup>Independent pre-verification procedures for insurance providers may be a feasible option which allows for timely telephone or fax requests.

<sup>3</sup>Furthermore, creating and implementing a new system for verification may involve an increased cost to the department, but the proposed legislation does not address any such funding source, nor does it exempt insurance providers from the fees provided for in Neb. Rev. Stat. § 60-2908.

Sincerely yours,

DON STENBERG

Attorney General

(Signed) Jodi M. Fenner

Assistant Attorney General

### ANNOUNCEMENT

Senator Engel announced the Legislative Program Evaluation Committee elected Senator Beutler as Vice Chairperson.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 614.** Introduced by Coordsen, 32; Burling, 33.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,160, Reissue Revised Statutes of Nebraska; to change provisions relating to the Waste Reduction and Recycling Incentive Fund; to provide powers and duties; to eliminate an obsolete provision; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 615.** Introduced by Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Health Care Funding Act; to amend sections 71-7605, 71-7606, 71-7607, 71-7608, 71-7611, and 71-7614, Revised Statutes Supplement, 2000; to change provisions relating to distribution and use of funds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 616.** Introduced by Price, 26.

A BILL FOR AN ACT relating to roads; to amend section 39-1803, Reissue Revised Statutes of Nebraska; to authorize road maintenance agreements between counties, cities, and villages as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 617.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to county government; to amend sections 23-1503.01 and 33-109, Reissue Revised Statutes of Nebraska, and sections 13-518 and 67-406, Revised Statutes Supplement, 2000; to provide funding for technology projects in county offices; to establish a filing fee; to create funds and an advisory committee; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 618.** Introduced by Bruning, 3; Brown, 6; Hilgert, 7; Jensen, 20; Suttle, 10.

A BILL FOR AN ACT relating to fiduciaries; to amend section 30-3209, Revised Statutes Supplement, 2000; to change provisions relating to investments by certain counties as prescribed; to provide powers and duties; and to repeal the original section.

**LEGISLATIVE BILL 619.** Introduced by Bruning, 3.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1005, 16-1006, 16-1013, and 18-1723, Reissue Revised Statutes of Nebraska, and sections 13-2401 and 84-1503, Revised Statutes Supplement, 2000; to change provisions relating to contributions by police officers of cities of the first class and cities of the first class; to authorize retirement systems for police officers of cities of the second class and villages; to change a vesting schedule; to provide duties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 620.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 58-529 and 77-4932, Reissue Revised Statutes of Nebraska; to adopt the Invest Nebraska Act; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 621.** Introduced by McDonald, 41; Aguilar, 35.

A BILL FOR AN ACT relating to schools; to amend section 79-234, Reissue Revised Statutes of Nebraska, and section 79-1018.01, Revised Statutes Supplement, 2000; to change provisions relating to the enrollment option program; to change provisions relating to other actual receipts under the Tax Equity and Educational Opportunities Support Act; and to repeal the original sections.

**LEGISLATIVE BILL 622.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-703, Reissue Revised Statutes of Nebraska; to change provisions relating to contributions and a fee; to provide duties; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 623.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the public health and welfare; to amend sections 71-1627 and 71-5009, Reissue Revised Statutes of Nebraska, and sections 71-1628, 71-1634, and 71-7608, Revised Statutes Supplement, 2000; to require counties to provide for public health services; to change provisions relating to disbursements from the Nebraska Tobacco Settlement

Trust Fund; to provide funding for public health services, certain mental health services, a masters program, and respite services; to create a research center at the University of Nebraska Medical Center; to eliminate termination provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-1628.01, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 624.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to schools; to amend sections 77-3442 and 79-1081, Revised Statutes Supplement, 2000; to exempt levies for school building projects from levy limits; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 625.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to schools and school districts; to adopt the Encouraging Paraeducators to Teach Program Act.

**LEGISLATIVE BILL 626.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to wages; to require minimum wages for employees of certain state contractors.

### EASE

The Legislature was at ease from 10:28 a.m. until 10:35 a.m.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 627.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to state government; to provide a minimum wage for state employees.

**LEGISLATIVE BILL 628.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1505 and 81-1506, Reissue Revised Statutes of Nebraska; to provide for regulation of dredge and fill materials as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 629.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend sections 77-4901 and 77-4928, Revised Statutes Supplement, 2000; to provide minimum wage requirements; to state applicability; to harmonize

provisions; to eliminate a limitation on applications; to repeal the original sections; and to outright repeal section 77-4935, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 630.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to state funds; to amend section 45-621, Reissue Revised Statutes of Nebraska; to provide for transfers from the Nebraska Collection Agency Fund to the General Fund; and to repeal the original section.

**LEGISLATIVE BILL 631.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Secretary of State.

**LEGISLATIVE BILL 632.** Introduced by Beutler, 28.

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 633.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to labor; to amend section 48-1203, Reissue Revised Statutes of Nebraska; to change the minimum wage; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 634.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Natural Resource Enhancement Fund; to amend sections 2-2627, 2-2635, 2-2638, 2-2641, and 81-2,162.06, Reissue Revised Statutes of Nebraska, and sections 2-15,122, 2-15,123, and 2-2634, Revised Statutes Supplement, 2000; to increase fees as prescribed; to allocate money to the fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 635.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Natural Resources.

**LEGISLATIVE BILL 636.** Introduced by Beutler, 28.

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 637.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-106, Reissue Revised Statutes of Nebraska; to change provisions relating to excepted occupations; and to repeal the original section.

**LEGISLATIVE BILL 638.** Introduced by Connealy, 16.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-141, Reissue Revised Statutes of Nebraska; to change provisions relating to modification of lump-sum settlements; and to repeal the original section.

**LEGISLATIVE BILL 639.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to medicaid; to amend section 68-1036.02, Reissue Revised Statutes of Nebraska; to change provisions relating to liability of a recipient for benefits received; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 640.** Introduced by Jensen, 20; Brown, 6; Dw. Pedersen, 39; Thompson, 14; at the request of the Governor.

A BILL FOR AN ACT relating to the Juvenile Services Act; to amend sections 43-2401 to 43-2406, 43-2408, 43-2409, 43-2412, and 43-3503, Revised Statutes Supplement, 2000; to define terms; to rename grants; to provide for a county aid program; to change and provide powers and duties; to state intent; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

#### **UNANIMOUS CONSENT - Member Excused**

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

#### **EASE**

The Legislature was at ease from 10:37 a.m. until 10:52 a.m.

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 641.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend sections 69-2109 and 69-2110, Reissue Revised

Statutes of Nebraska; to change provisions relating to fees and charges; to authorize certain incidental contract provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 642.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to child abuse; to amend section 28-725, Reissue Revised Statutes of Nebraska, and section 28-726, Revised Statutes Supplement, 2000; to provide for disclosure of certain information and immunity as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 643.** Introduced by Beutler, 28; Stuhr, 24.

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, and 79-1072.01, Revised Statutes Supplement, 2000; to provide reimbursement for summer enrichment programs and before-and-after-school programs; to define terms; to provide duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 644.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to recycling; to adopt the Electronic Equipment Recycling Act; and to provide severability.

**LEGISLATIVE BILL 645.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to electricity; to amend section 79-1035.01, Revised Statutes Supplement, 2000; to provide for a renewable portfolio standard; to provide for renewable energy credits; to provide duties for the Nebraska Power Review Board; to provide for penalties and civil actions; to change provisions relating to the permanent school fund; to provide severability; and to repeal the original section.

**LEGISLATIVE BILL 646.** Introduced by Tyson, 19; Raikes, 25.

A BILL FOR AN ACT relating to school boards; to amend section 32-570, Revised Statutes Supplement, 2000; to provide for the establishment of vacancies as a result of unexcused absences; and to repeal the original section.

**LEGISLATIVE BILL 647.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1201 and 79-1217, Revised Statutes Supplement, 2000; to assign counties to educational service units; to change provisions relating to legal voters; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 648.** Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to municipalities; to amend sections 19-2408 to 19-2411, 19-2414, and 19-2415, Reissue Revised Statutes of Nebraska; to change provisions relating to combined improvements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 649.** Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to municipal improvements; to amend sections 19-2402 and 19-2403, Reissue Revised Statutes of Nebraska; to change provisions relating to sanitary sewer extension districts and water extension districts; and to repeal the original sections.

**LEGISLATIVE BILL 650.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to education; to amend sections 79-101 and 79-215, Revised Statutes Supplement, 2000; to provide for special-purpose education programs; to provide duties for the Department of Health and Human Services and the State Department of Education; to define terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 651.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to property taxation; to amend section 32-519, Reissue Revised Statutes of Nebraska, and section 77-1340, Revised Statutes Supplement, 2000; to authorize the resumption of assessment duties in certain counties; to restrict the assumption of assessment duties to certain counties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 652.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to juveniles; to amend section 43-413, Reissue Revised Statutes of Nebraska; to change provisions relating to detention and evaluation costs; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 653.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to state funds; to amend section 9-531, Uniform Commercial Code; to provide for transfers from the Uniform Commercial Code Cash Fund to the Records Management Cash Fund; and to repeal the original section.

**LEGISLATIVE BILL 654.** Introduced by Kremer, 34.

A BILL FOR AN ACT relating to schools; to amend section 79-458,



Revised Statutes Supplement, 2000; to change provisions relating to transfer of land by petition; and to repeal the original section.

### EASE

The Legislature was at ease from 10:55 a.m. until 11:08 a.m.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 655.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to state government; to amend section 84-613, Reissue Revised Statutes of Nebraska, and section 81-179, Revised Statutes Supplement, 2000; to change provisions relating to the Building Renewal Allocation Fund and the Cash Reserve Fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 656.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Uniform Motor Vehicle Records Disclosure Act; to amend section 60-2909, Reissue Revised Statutes of Nebraska; to change provisions relating to conditions for disclosure; and to repeal the original section.

**LEGISLATIVE BILL 657.** Introduced by Beutler, 28; Quandahl, 31; at the request of the Governor.

A BILL FOR AN ACT relating to the cigarette tax; to amend section 77-2602, Revised Statutes Supplement, 2000; to change distribution of proceeds; to create funds; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 658.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to gaming; to amend sections 9-607 and 28-1101, Reissue Revised Statutes of Nebraska; to change provisions relating to lotteries and gambling; to redefine terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 659.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to adopt the DNA Testing Act.

**LEGISLATIVE BILL 660.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Tax Equity and Educational

Opportunities Support Act; to amend sections 79-1007.01, 79-1007.02, 79-1025, 79-1026, 79-1029, 79-1108.02, 79-1241.01, and 79-1243, Revised Statutes Supplement, 2000; to change provisions relating to basic allowable growth rate; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 661.** Introduced by Jensen, 20; Hudkins, 21.

A BILL FOR AN ACT relating to economic development; to provide for a task force and study of the Interstate 80 corridor; to state intent; and to declare an emergency.

**LEGISLATIVE BILL 662.** Introduced by Erdman, 47; Engel, 17; Hudkins, 21; Jones, 43; Kremer, 34; Quandahl, 31; Redfield, 12; Smith, 48; Stuhr, 24.

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, 2000; 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 663.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to insurance; to provide for notice and other requirements relating to payments under automobile liability coverage.

**LEGISLATIVE BILL 664.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend sections 44-4302 to 44-4304, 44-4313, 44-4315, and 44-4317, Reissue Revised Statutes of Nebraska, and section 44-4320, Revised Statutes Supplement, 2000; to authorize use of risk management pools for employee health, dental, accident, and life insurance purposes; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 665.** Introduced by Bourne, 8; Beutler, 28; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to railroads; to restrict or prohibit railroad company employee hours as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 666.** Introduced by Building Maintenance Committee: Vrtiska, 1, Chairperson; Hilgert, 7; Janssen, 15; Jensen, 20; D. Pederson, 42; Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to amend sections 81-188.02 and 81-1108.15, Revised Statutes Supplement, 2000; to change provisions relating to depreciation charges; to harmonize provisions; to

provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 667.** Introduced by Schrock, 38; Baker, 44; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to irrigation; to amend section 46-656.25, Revised Statutes Supplement, 2000; to provide for regulation of water wells in certain areas as prescribed; and to repeal the original section.

### EASE

The Legislature was at ease from 11:11 a.m. until 11:33 a.m.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 668.** Introduced by Kremer, 34; Aguilar, 35; Preister, 5; Quandahl, 31; Smith, 48.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-3519, Reissue Revised Statutes of Nebraska; to authorize a radon program as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 669.** Introduced by Byars, 30.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to recognize American Sign Language as a distinct and separate language; and to authorize schools to offer courses in American Sign Language as prescribed.

**LEGISLATIVE BILL 670.** Introduced by Janssen, 15; Cunningham, 18.

A BILL FOR AN ACT relating to cities of the second class 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 671.** Introduced by General Affairs Committee: Janssen, 15, Chairperson; Burling, 33; Cunningham, 18; Quandahl, 31; Schrock, 38; and Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.15 and 53-124, Reissue Revised Statutes of Nebraska, and section 53-162, Revised Statutes Supplement, 2000; to provide a shipping license for Internet sales as prescribed; to provide a fee and a tax as prescribed; to provide and change duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 672.** 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 673.** Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2402, Reissue Revised Statutes of Nebraska; to change provisions relating to transfer of real property; and to repeal the original section.

**LEGISLATIVE BILL 674.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3507 to 77-3509, Revised Statutes Supplement, 2000; to change homestead exemption income eligibility; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 675.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to change provisions relating to findings of the Commission of Industrial Relations; and to repeal the original section.

**LEGISLATIVE BILL 676.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education; to provide for transfers; and to declare an emergency.

**LEGISLATIVE BILL 677.** Introduced by D. Pederson, 42; Bourne, 8; Bromm, 23; Brown, 6; Engel, 17; Hudkins, 21; Jensen, 20; Dw. Pedersen, 39; Preister, 5; Price, 26; Redfield, 12; Robak, 22; Schimek, 27; Stuhr, 24; Suttle, 10; Thompson, 14; Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Revised Statutes Supplement, 2000; to provide for assistance as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 678.** Introduced by Maxwell, 9; Jensen, 20.

A BILL FOR AN ACT relating to physical therapists; to amend section 71-2802, Reissue Revised Statutes of Nebraska; to provide an exemption from licensure for students; and to repeal the original section.

**LEGISLATIVE BILL 679.** Introduced by Bromm, 23; Jones, 43; Tyson, 19.

A BILL FOR AN ACT relating to the Nebraska Public Safety Wireless Communication System Act; to amend section 86-1804, Reissue Revised Statutes of Nebraska; to change legislative intent; and to repeal the original section.

**LEGISLATIVE BILL 680.** Introduced by Robak, 22; Baker, 44; Cunningham, 18; Schrock, 38.

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, 2000; to eliminate a prohibition relating to the sale of lottery tickets by vending or dispensing devices; to redefine a term; and to repeal the original sections.

**LEGISLATIVE BILL 681.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to campaign contributions; to amend section 32-1608, Reissue Revised Statutes of Nebraska; to prohibit candidates from accepting campaign contributions as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 682.** Introduced by Jensen, 20; Robak, 22.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 37-424, 42-917, 44-773, 44-774, 71-5008, 71-5025, 81-2213, 83-162.02, 83-4,148, 83-1006, 83-1040, 83-1201, 83-1202, 83-1203 to 83-1211, and 83-1212.01 to 83-1226, Reissue Revised Statutes of Nebraska, and sections 9-812, 28-416, and 83-162.04, Revised Statutes Supplement, 2000; to adopt the Nebraska Behavioral Health Services Act; to repeal the Alcoholism, Drug Abuse, and Addiction Services Act, the Nebraska Comprehensive Community Mental Health Services Act, the Rehabilitation and Support Mental Health Services Incentive Act, and provisions relating to alcoholism, drug abuse, and addiction services, behavioral health services, public health services, and developmental disabilities services; to transfer the Developmental Disabilities Services Act and provisions regarding the Compulsive Gamblers Assistance Fund, the Nebraska Advisory Commission on Compulsive Gambling, the State Alcoholism and Drug Abuse Advisory Committee, the State Mental Health Planning and Evaluation Council, and the regional governing boards; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 29-434, 71-5001 to 71-5007, 71-5009, 71-5010, 71-5012 to 71-5024, 71-5026, 71-5028 71-5032, 71-5034 to 71-5052, 71-7502, 71-7502.01, 71-7514, 71-7516, 71-7517, 71-7518.01 to 71-7518.09, 71-7521, 71-7529, 83-158.01, 83-159, 83-160, 83-161.02, 83-162.01, 83-162.03, 83-163 to 83-169, 83-1202.01, and 83-1212, Reissue Revised Statutes of Nebraska, and sections 71-5009.01, 71-5027,

71-5033, 71-5053, 71-5055 to 71-5057, and 83-162.06, Revised Statutes Supplement, 2000; and to declare an emergency.

**LEGISLATIVE BILL 683.** Introduced by Hilgert, 7; Engel, 17; Foley, 29; Hartnett, 45; Kruse, 13; Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for awards under the Postsecondary Education Award Program Act.

**LEGISLATIVE BILL 684.** Introduced by Jones, 43; Baker, 44; Erdman, 47; Schrock, 38; Smith, 48; Wickersham, 49.

A BILL FOR AN ACT relating to equine activities; to amend section 25-21,253, Revised Statutes Supplement, 2000; to change provisions relating to warning signs; and to repeal the original section.

**LEGISLATIVE BILL 685.** Introduced by Jones, 43; Tyson, 19.

A BILL FOR AN ACT relating to insurance; to amend section 44-513.02, Reissue Revised Statutes of Nebraska; to change provisions relating to prescription drugs; and to repeal the original section.

**LEGISLATIVE BILL 686.** Introduced by Nebraska Retirement Systems Committee: Bruning, 3, Chairperson; Bourne, 8; Erdman, 47; Stuhr, 24; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 24-703, 79-948, 79-966, 79-968, 79-971, 79-973, 79-976, 79-977, and 81-2017, Reissue Revised Statutes of Nebraska, and sections 79-901, 79-916, 79-934, 79-947, 79-958, 79-963, and 79-967, Revised Statutes Supplement, 2000; to change provisions relating to actuarial valuations, contributions, and funds; to create a fund; to eliminate and combine certain funds and accounts; to provide duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-969, 79-970, and 79-972, Reissue Revised Statutes of Nebraska, and section 79-975, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 687.** Introduced by Nebraska Retirement Systems Committee: Bruning, 3, Chairperson; Bourne, 8; Erdman, 47; Stuhr, 24; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2307 and 84-1308, Reissue Revised Statutes of Nebraska; to provide intent; to change contributions as prescribed; to provide duties; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 688.** Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Hudkins, 21; Jones, 43; Robak, 22.

A BILL FOR AN ACT relating to motor vehicle certificates of title; to amend sections 60-117, 60-129, 60-130, 60-131, 60-315, and 60-2603, Reissue Revised Statutes of Nebraska, and sections 60-106 and 60-302, Revised Statutes Supplement, 2000; to change provisions relating to salvage certificates of title; to define and redefine terms; to provide a penalty; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 689.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1008.01, and 79-1008.02, Revised Statutes Supplement, 2000; to provide for indexed formula need; to provide for a minimum levy adjustment as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 690.** Introduced by Raikes, 25.

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, 2000; to change provisions for calculation of formula need; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 691.** Introduced by Jensen, 20; Brown, 6; Dw. Pedersen, 39; Thompson, 14; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services; and to declare an emergency.

**LEGISLATIVE BILL 692.** Introduced by Byars, 30; Cunningham, 18; Engel, 17; Erdman, 47; Jensen, 20; Maxwell, 9; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Health Care Funding Act; to amend sections 71-7605, 76-7611, and 71-7614, Revised Statutes Supplement, 2000; to change provisions relating to use of funds; to create a fund; to provide for funding for the Nebraska Lifespan Respite Services Program; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 693.** Introduced by Byars, 30; Cunningham, 18; Engel, 17; Erdman, 47; Jensen, 20; Maxwell, 9; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Health Care Funding Act; to amend sections 71-7605, 76-7611, and 71-7614, Revised Statutes Supplement, 2000; to change provisions relating to use of funds; to create a fund; to provide for funding for developmental disabilities and behavioral health services; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 694.** Introduced by Byars, 30; Cunningham, 18; Engel, 17; Erdman, 47; Jensen, 20; Maxwell, 9; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Health Care Funding Act; to amend sections 71-7605, 76-7611, and 71-7614, Revised Statutes Supplement, 2000; to change provisions relating to use of funds; to create a fund; to provide for funding for public health services; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 695.** Introduced by Connealy, 16.

A BILL FOR AN ACT relating to agriculture; and to adopt the Certified Safe Farms Act.

**LEGISLATIVE BILL 696.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to wrongful death actions; to amend section 30-810, Reissue Revised Statutes of Nebraska; to delineate the measure of recovery; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 697.** Introduced by Robak, 22; Hilgert, 7.

A BILL FOR AN ACT relating to schools; to state intent; to provide for school safety plans; to create a fund; to provide for grants; and to declare an emergency.

**LEGISLATIVE BILL 698.** Introduced by Suttle, 10.

A BILL FOR AN ACT relating to nursing facilities; to amend section 71-7609, Revised Statutes Supplement, 2000; to provide for a study of increasing costs related to medicaid patients in nursing facilities; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 699.** Introduced by Schrock, 38; Connealy, 16; Kremer, 34.

A BILL FOR AN ACT relating to natural resources; to amend sections 77-27,132 and 81-1505.01, Reissue Revised Statutes of Nebraska, and sections 2-1503.01, 2-1577, 2-1587, 37-431, 61-210, and 77-2701.02, Revised Statutes Supplement, 2000; to create a fund; to increase the sales and use tax rates; to provide for allocation of the tax proceeds to natural resources projects; to harmonize provisions; to provide an operative date; and to repeal the original sections.

## NOTICE OF COMMITTEE HEARINGS

### Education

LB 33	Tuesday, January 23, 2001	1:30 PM
LB 94	Tuesday, January 23, 2001	1:30 PM



LB 240	Tuesday, January 23, 2001	1:30 PM
LB 314	Tuesday, January 23, 2001	1:30 PM
LB 326	Tuesday, January 23, 2001	1:30 PM
LB 476	Tuesday, January 23, 2001	1:30 PM

(Signed) Ron Raikes, Chairperson

#### Urban Affairs

LB 104	Tuesday, January 23, 2001	1:30 PM
LB 179	Tuesday, January 23, 2001	1:30 PM
LB 317	Tuesday, January 23, 2001	1:30 PM
LB 323	Tuesday, January 23, 2001	1:30 PM
LB 325	Tuesday, January 23, 2001	1:30 PM

(Signed) D. Paul Hartnett, Chairperson

#### Nebraska Retirement Systems

Wednesday, January 24, 2001	12:00 PM
Kenneth Green - Nebraska Investment Council	
Chief Justice William Hastings - Public Employees Retirement Board	
Julia Moeller - Public Employees Retirement Board	
LB 109	Wednesday, January 24, 2001 12:15 PM
LB 363	Wednesday, January 24, 2001 12:15 PM
LB 186	Wednesday, January 24, 2001 12:15 PM

(Signed) Jon C. Bruning, Chairperson

#### RESOLUTION

##### **LEGISLATIVE RESOLUTION 19.** Introduced by Foley, 29.

WHEREAS, B. J. McDaniel has earned the rank of Eagle Scout; and  
 WHEREAS, B. J. has been active in the Cathedral of the Risen Christ's Boy Scout Troop 54 since March 1993; and

WHEREAS, for his Eagle Scout project, B. J. planned, made specifications, and obtained necessary permits and permission to paint and mark hand railings and handicap markings for East Presbyterian Church.

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

1. That the Legislature recognizes and congratulates B. J. McDaniel.
2. That a copy of this resolution be sent to B. J. McDaniel.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Cunningham asked unanimous consent to have his name added as cointroducer to LB 392 and LB 572. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 41. No objections. So ordered.

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 314. No objections. So ordered.

Senator Brown asked unanimous consent to have her name added as cointroducer to LB 114. No objections. So ordered.

Senator Hilgert asked unanimous consent to have his name added as cointroducer to LB 593. No objections. So ordered.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 700.** Introduced by Janssen, 15; Cudaback, 36; Jensen, 20; D. Pederson, 42; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to public buildings; to amend sections 81-175, 81-177, 81-183, 81-186, 81-191.01, 81-1108.33, 81-1709, 85-304, 85-414, 85-417, and 85-1515, Reissue Revised Statutes of Nebraska, and sections 49-506, 49-617, 72-812, 72-816, 72-2102, 77-2602, 81-101, 81-102, 81-173, 81-174, 81-176, 81-178 to 81-182, 81-184, 81-185, 81-187, 81-188.01 to 81-188.06, and 81-190, Revised Statutes Supplement, 2000; to create the Department of Building Renewal; to eliminate the Task Force for Building Renewal; to transfer powers and duties, personnel, and the Deferred Building Renewal Act; to create a fund; to change funding provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 81-1108.05, Revised Statutes Supplement, 2000; and to declare an emergency.

**VISITORS**

Visitors to the Chamber were Helen and Orval Fleischman from Tekamah; 14 seniors and teacher from Rising City; and Anne Cox and Rob Vickery from Michigan.

The Doctor of the Day was Dr. Veskrna from Lincoln.

**ADJOURNMENT**

At 11:44 a.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Wednesday, January 17, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**TENTH DAY - JANUARY 17, 2001**  
**LEGISLATIVE JOURNAL**  
**NINETY-SEVENTH LEGISLATURE**  
**FIRST SESSION**

**TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 17, 2001

**PRAYER**

The prayer was offered by Pastor Tom Hallstrom, Grace Lutheran 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 Byars who was excused; and Senators Brashear, Bromm, Erdman, Landis, Robak, and Schrock who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**REFERENCE COMMITTEE REPORT**

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

LB 26	Transportation and Telecommunications (rereferred)
LB 191	Transportation and Telecommunications (rereferred)
LB 432	Business and Labor (rereferred)
LB 499	Transportation and Telecommunications
LB 500	Judiciary
LB 501	Judiciary
LB 502	Revenue
LB 503	Judiciary
LB 504	Appropriations
LB 505	Appropriations
LB 506	Revenue

LB 507	Revenue
LB 508	Revenue
LB 509	Revenue
LB 510	Revenue
LB 511	Health and Human Services
LB 512	Natural Resources
LB 513	Education
LB 514	Revenue
LB 515	Revenue
LB 516	Government, Military and Veterans Affairs
LB 517	Judiciary
LB 518	Natural Resources
LB 519	Education
LB 520	Education
LB 521	Education
LB 522	Education
LB 523	Agriculture
LB 524	Health and Human Services
LB 525	Banking, Commerce and Insurance
LB 526	Nebraska Retirement Systems
LB 527	Banking, Commerce and Insurance
LB 528	Revenue
LB 529	Health and Human Services
LB 530	Health and Human Services
LB 531	Appropriations
LB 532	Education
LB 533	Revenue
LB 534	Judiciary
LB 535	Education
LB 536	Revenue
LB 537	Revenue
LB 538	Appropriations
LB 539	Appropriations
LB 540	Appropriations
LB 541	Appropriations
LB 542	Appropriations
LB 543	Appropriations
LB 544	Banking, Commerce and Insurance
LB 545	General Affairs
LB 546	General Affairs
LB 547	Banking, Commerce and Insurance

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

**STANDING COMMITTEE REPORTS**  
**Urban Affairs**

**LEGISLATIVE BILL 177.** Placed on General File.

**LEGISLATIVE BILL 210.** Placed on General File.

**LEGISLATIVE BILL 222.** Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Health and Human Services**

LB 322	Wednesday, January 24, 2001	1:30 PM
LB 346	Wednesday, January 24, 2001	1:30 PM
LB 400	Wednesday, January 24, 2001	1:30 PM
LB 429	Wednesday, January 24, 2001	1:30 PM
LB 440	Wednesday, January 24, 2001	1:30 PM

Wednesday, January 24, 2001 1:30 PM

Larry Eichelberger - Rural Health Advisory Commission

Janet Fletcher - Rural Health Advisory Commission

Marcia Freer - Rural Health Advisory Commission

Donald Frey - Rural Health Advisory Commission

Michael Sitorius - Rural Health Advisory Commission

Todd Stuckey - Rural Health Advisory Commission

William Welch - Rural Health Advisory Commission

LB 270	Thursday, January 25, 2001	1:30 PM
LB 238	Thursday, January 25, 2001	1:30 PM
LB 241	Thursday, January 25, 2001	1:30 PM

(Signed) Jim Jensen, Chairperson

**Revenue**

LB 115	Wednesday, January 24, 2001	1:30 PM
LB 141	Wednesday, January 24, 2001	1:30 PM
LB 282	Wednesday, January 24, 2001	1:30 PM
LB 332	Wednesday, January 24, 2001	1:30 PM
LB 433	Wednesday, January 24, 2001	1:30 PM
LB 441	Wednesday, January 24, 2001	1:30 PM
LB 487	Wednesday, January 24, 2001	1:30 PM

(Signed) William R. Wickersham, Chairperson

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 9, 10, 11, 12, and 13 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 7, 9, 10, 11, 12, and 13.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 701.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1028, Revised Statutes Supplement, 2000; to change provisions relating to applicable allowable growth rate exceptions; and to repeal the original section.

**LEGISLATIVE BILL 702.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1377, Reissue Revised Statutes of Nebraska, and sections 77-1315, 77-1327, 77-1371, and 77-1372, Revised Statutes Supplement, 2000; to change provisions relating to property assessment and valuation; to change a duty of the county assessor; to provide duties for the Property Tax Administrator; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 703.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1464, 49-1494, and 49-1495, Reissue Revised Statutes of Nebraska, and sections 49-1449, 49-1463.01, 49-1467, and 49-1483, Revised Statutes Supplement, 2000; to change provisions relating to statements of organization, campaign statements, statements regarding lobbying activities, and statements of financial interest; to change and eliminate provisions relating to reports of independent expenditures; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-1446.05, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 704.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska State Capitol Environs District; to amend section 90-303, Reissue Revised Statutes of Nebraska; to change the district specifications; and to repeal the original section.

**LEGISLATIVE BILL 705.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 706.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska State Quarter; to establish a committee and design selection process.

**LEGISLATIVE BILL 707.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to political activities; to amend sections 32-1601, 32-1603, 32-1604, and 32-1606, Reissue Revised Statutes of Nebraska, and sections 32-1604.01, 49-1463.01, 49-14,124, and 49-14,125, Revised Statutes Supplement, 2000; to redefine a term; to change provisions regarding campaign expenditures and public funds; to provide for late fees; to change powers and duties of the Nebraska Accountability and Disclosure Commission; to eliminate unconstitutional provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-1614, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 708.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to education; to amend section 9-812, Revised Statutes Supplement, 2000; to adopt the Teacher Tuition Reimbursement Act; to provide for funding; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 709.** Introduced by Stuhr, 24; Jones, 43; Kremer, 34; Vrtiska, 1.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3234, Revised Statutes Supplement, 2000; to provide eminent domain restrictions; and to repeal the original section.

**LEGISLATIVE BILL 710.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2000; to provide an income tax credit for public school teachers; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 711.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-934, 79-947.01, and 79-956, Revised Statutes Supplement, 2000; to change retirement provisions relating to death benefits, the monthly formula annuity, and benefits adjustments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 712.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Tax Commissioner; to amend section 77-3807, Reissue Revised Statutes of Nebraska; to clarify rule and regulation authority; and to repeal the original section.

**LEGISLATIVE BILL 713.** Introduced by Aguilar, 35; Erdman, 47; Foley, 29; Kremer, 34; McDonald, 41; Dw. Pedersen, 39; Smith, 48.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3501, 77-3508, and 77-3513, Revised Statutes Supplement, 2000; to provide an exemption for catastrophic illness or injury; to define a term; 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 714.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to law enforcement; to authorize powers and duties for capitol police officers; and to provide powers and duties for the Director of Administrative Services.

**LEGISLATIVE BILL 715.** Introduced by Redfield, 12; Baker, 44; Quandahl, 31; Stuhr, 24.

A BILL FOR AN ACT relating to schools; to amend section 9-812, Revised Statutes Supplement, 2000; to adopt the Recruiting Educators to Nebraska Act; to create a fund; to change provisions relating to the Education Innovation Fund; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 716.** Introduced by Connealy, 16.

A BILL FOR AN ACT relating to economic development; to adopt the Small Enterprise Growth Fund Act; and to declare an emergency.

**LEGISLATIVE BILL 717.** Introduced by Connealy, 16; Beutler, 28.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend sections 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Supplement, 2000; to change reimbursement provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 718.** Introduced by Hilgert, 7; Kruse, 13.

A BILL FOR AN ACT relating to criminal procedure; to require an advisement from a court prior to a plea of guilty or nolo contendere as prescribed.

**LEGISLATIVE BILL 719.** Introduced by Hilgert, 7; Beutler, 28.

A BILL FOR AN ACT relating to the Small Employer Health Insurance Availability Act; to amend section 44-5256, Reissue Revised Statutes of Nebraska; to provide an exemption; and to repeal the original section.

**LEGISLATIVE BILL 720.** Introduced by Hudkins, 21.



A BILL FOR AN ACT relating to public meetings; to amend section 84-1412, Reissue Revised Statutes of Nebraska; to require an audio recording; and to repeal the original section.

**LEGISLATIVE BILL 721.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to medical registries; to amend sections 81-649, 81-673, and 81-690, Reissue Revised Statutes of Nebraska; to change provisions relating to privacy rights; and to repeal the original sections.

**LEGISLATIVE BILL 722.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to military leave; to provide for a study; and to declare an emergency.

**LEGISLATIVE BILL 723.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to sentencing; to authorize applications to the Board of Pardons by inmates to commutation of sentences as prescribed; and provide duties for the Board of Parole.

**LEGISLATIVE BILL 724.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311, Revised Statutes Supplement, 2000; to provide for generic organizational license plates; to provide duties and fees; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 725.** Introduced by Hartnett, 45.

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, 2000; to change the distribution of estate tax revenue; to change the exempt amount for inheritance tax purposes; and to repeal the original sections.

**LEGISLATIVE BILL 726.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to retirement; to amend section 81-2016, Revised Statutes Supplement, 2000; to provide for the transfer of retirement benefits between state agencies as prescribed; to change provisions relating to Nebraska State Patrol retirement system membership; to provide powers and duties; and to repeal the original section.

**LEGISLATIVE BILL 727.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2702.13, Revised Statutes Supplement, 2000; to change

the manner of taxing sales of prepaid telephone calling arrangements through vending machines; to provide a penalty; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 728.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2027.03, Reissue Revised Statutes of Nebraska; to change the current benefit adjustment as prescribed; to harmonize provisions; to eliminate an obsolete reference; to repeal the original section; and to declare an emergency.

### ANNOUNCEMENT

The Chair announced today is Senator Jensen's birthday.

### SENATOR CUDABACK PRESIDING

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 729.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to zoning; to amend sections 16-901 and 16-902, Reissue Revised Statutes of Nebraska, and section 23-114, Revised Statutes Supplement, 2000; to authorize counties to cede zoning authority to cities of the first class; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 730.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-302.01, 32-534, and 32-554, Reissue Revised Statutes of Nebraska; to provide for nominating and electing some city council members at large; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 731.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to elections; to amend sections 14-2104, 23-3534, 32-567 to 32-569, 32-571, and 85-1514, Reissue Revised Statutes of Nebraska, and sections 32-570 and 79-1217, Revised Statutes Supplement, 2000; to change provisions relating to vacancies in office; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 732.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1254, 81-1255, and 81-1263, Reissue Revised

Statutes of Nebraska; to change provisions relating to funds; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 733.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-519, Reissue Revised Statutes of Nebraska; to change provisions relating to criminal mischief; and to repeal the original section.

**LEGISLATIVE BILL 734.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-901.01, Reissue Revised Statutes of Nebraska; to change provisions relating to conditions of release; and to repeal the original section.

**LEGISLATIVE BILL 735.** Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1808 and 29-1810, Reissue Revised Statutes of Nebraska; to authorize motions to quash and demurrers on account of improper venue; and to repeal the original sections.

**LEGISLATIVE BILL 736.** Introduced by Price, 26.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1115, Revised Statutes Supplement, 2000; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 737.** Introduced by Price, 26.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 23-3547 and 23-3594, Reissue Revised Statutes of Nebraska, and sections 13-303 and 35-514.02, Revised Statutes Supplement, 2000; to authorize the provision of ambulance service as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 738.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to corrections; to amend section 83-1,110, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to parole; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 739.** Introduced by Kremer, 34.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1010, Revised Statutes Supplement, 2000; to change provisions relating to incentive payments; to

repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 740.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to schools; to adopt the School Violence Prevention Act.

**LEGISLATIVE BILL 741.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor carriers; 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 742.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to municipal improvement; to adopt the Neighborhood Improvement District Act.

**LEGISLATIVE BILL 743.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend sections 69-2103 to 69-2105, 69-2108, 69-2112, 69-2113, and 69-2115, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change disclosure requirements; to change lessor liability; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 744.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1007.01, 79-1007.02, 79-1026, and 79-1028, Revised Statutes Supplement, 2000; to provide for teacher salary enhancements; to change provisions relating to allowable growth rate and exceptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 745.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-8,126, 79-8,127, 79-8,128, 79-8,130, 79-8,134, 79-8,135, and 79-8,137, Revised Statutes Supplement, 2000; to change provisions relating to the Master Teacher program and the Attracting Excellence to Teaching Program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 746.** Introduced by Raikes, 25.

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, 2000; to change provisions for calculation of

formula need; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 747.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1015.01, Revised Statutes Supplement, 2000; to change provisions relating to local effort rate; and to repeal the original section.

**LEGISLATIVE BILL 748.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1007.01, 79-1007.02, 79-1008.01, 79-1009, 79-1026, 79-1032, and 79-1072.03, Revised Statutes Supplement, 2000; to change provisions relating to calculation of state aid, allowable growth rates, and the Hardship Fund; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 749.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1007.01, 79-1007.02, 79-1026, and 79-1028, Revised Statutes Supplement, 2000; to provide for teacher salary enhancement payments; to change provisions relating to allowable growth rate and exceptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 750.** Introduced by D. Pederson, 42; Brown, 6; Dierks, 40; Hilgert, 7; Price, 26; Quandahl, 31; Smith, 48; Tyson, 19.

A BILL FOR AN ACT relating to the college savings plan; to amend sections 85-1802, 85-1804, 85-1806, 85-1808, and 85-1809, Revised Statutes Supplement, 2000; to change provisions of the plan relating to costs, beneficiaries, and cancellation; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 751.** Introduced by Schimek, 27; Chambers, 11.

A BILL FOR AN ACT relating to correctional services; to adopt the Private Prison Contracting Act.

**LEGISLATIVE BILL 752.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to courts; to amend sections 24-301 and 24-505.01, Reissue Revised Statutes of Nebraska; to change provisions relating to judge eligibility; and to repeal the original sections.

**LEGISLATIVE BILL 753.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to fetuses; to amend sections 28-329, 28-330, 30-3417, 43-504, 44-2821, and 71-6901, Reissue Revised Statutes of Nebraska, and sections 28-325 to 28-327.01, Revised Statutes Supplement, 2000; to change references to unborn child to fetus; and to repeal the original sections.

**LEGISLATIVE BILL 754.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-106, Revised Statutes Supplement, 2000; to change provisions relating to misdemeanor sentences being served in a Department of Correctional Services institution; and to repeal the original section.

**LEGISLATIVE BILL 755.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to punishment; to amend section 83-1,107, Reissue Revised Statutes of Nebraska; to define a term related to good time calculations; and to repeal the original section.

**LEGISLATIVE BILL 756.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to provide procedures relating to the testimony of a jailhouse informer.

**LEGISLATIVE BILL 757.** Introduced by Hudkins, 21; Price, 26.

A BILL FOR AN ACT relating to consumer reporting agencies; to amend section 20-149, Reissue Revised Statutes of Nebraska; to provide for registration, bond, and duties; to provide penalties; and to repeal the original section.

**LEGISLATIVE BILL 758.** Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Fertilizers and Soil Conditioners Administrative Fund; to amend section 81-2,162.27, Reissue Revised Statutes of Nebraska; to authorize an additional fund use; to state legislative findings and intent; and to repeal the original section.

**LEGISLATIVE BILL 759.** Introduced by Raikes, 25; Price, 26.

A BILL FOR AN ACT relating to early childhood education; to amend sections 79-1101 and 79-1104, Reissue Revised Statutes of Nebraska, and section 79-1103, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to a pilot project program; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 760.** Introduced by Preister, 5.

A BILL FOR AN ACT relating to tire-derived fuel; to amend section

81-15,160, Reissue Revised Statutes of Nebraska, and section 81-1532, Revised Statutes Supplement, 2000; to prohibit disbursements as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 761.** Introduced by Bourne, 8; Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 2000; to provide a property tax exemption for certain charitable organizations; and to repeal the original section.

**LEGISLATIVE BILL 762.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to environmental audits; to amend section 25-21,255, Revised Statutes Supplement, 2000; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 763.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water; to amend sections 46-241, 46-242, 46-257, and 54-2412, Revised Statutes Supplement, 2000; to change provisions relating to storage facilities and livestock waste control facilities; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 764.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to drainage; to amend sections 18-503 and 18-509, Reissue Revised Statutes of Nebraska; to grant powers to cities, villages, and natural resources districts relating to run-off waters; to change provisions relating to fees; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 765.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to motor fuel taxes; to amend sections 66-489 and 66-4,105, Reissue Revised Statutes of Nebraska; to change the motor vehicle fuel tax rates as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 766.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to agricultural vehicles; to amend section 60-328, Revised Statutes Supplement, 2000; to provide reciprocal immunity from registration and display requirements; and to repeal the original section.

**LEGISLATIVE BILL 767.** Introduced by Jensen, 20; Chambers, 11.

A BILL FOR AN ACT relating to crimes and punishments; to adopt the Substance Abuse and Crime Prevention Act; and to state intent relating to funding.

**LEGISLATIVE BILL 768.** Introduced by Schrock, 38; Kristensen, 37; Schimek, 27.

A BILL FOR AN ACT relating to the Lieutenant Governor; to amend sections 32-101, 32-619, 32-627, 32-1122, 32-1603, 32-1604, 32-1608, 32-1611, and 49-1410, Reissue Revised Statutes of Nebraska, and sections 32-606 and 32-813, Revised Statutes Supplement, 2000; to provide for the selection of the candidate for Lieutenant Governor by the candidate for Governor; to change provisions relating to campaign finance limitations and candidate committees; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 769.** Introduced by Thompson, 14; Suttle, 10.

A BILL FOR AN ACT relating to the Office of Juvenile Services; to amend sections 29-2246, 29-2250, 29-2252, 29-2253, 29-2270, 29-2273, 43-274, 43-2,113, 43-401, 43-403, 43-404, 43-405, 43-408, 43-413, 43-420, 43-421, 43-422, 43-423, 68-1732, 83-107.01, 83-108, and 83-364, Reissue Revised Statutes of Nebraska, and sections 29-2271, 29-2272, 43-260, 43-411, 43-2411, and 81-101, Revised Statutes Supplement, 2000; to create the Office of Juvenile Services as an executive department; to rename the administrator; to transfer functions; to transfer juvenile probation; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 29-2249.04 and 43-2,123.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 770.** Introduced by Jensen, 20; Hudkins, 21.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 20-164, 23-3402, 29-3705, 29-3915, 43-247, 43-248, 43-251, 43-254.01, 53-1,120, 81-1850, 83-306, 83-312, 83-321, 83-336, 83-337, 83-338, 83-339, 83-340.01, 83-349, 83-350, 83-351, 83-357, 83-380.01, 83-1001, 83-1002, 83-1004 to 83-1007.01, 83-1009, 83-1010 to 83-1012, 83-1014, 83-1017, 83-1018, 83-1020, 83-1021, 83-1022, 83-1025, 83-1027 to 83-1029, 83-1035 to 83-1046, 83-1052 to 83-1054, 83-1056, 83-1057, 83-1060, 83-1065, 83-1067, 83-1068, 83-1071 to 83-1074, 83-1078 to 83-1080, and 84-1211, Reissue Revised Statutes of Nebraska, and sections 29-1823, 43-245, 43-250, 80-605, 83-1003, 83-1008, 83-1016, 83-1019, 83-1023, 83-1024, 83-1026, 83-1047 to 83-1051, 83-1055, 83-1058, 83-1059, 83-1061, 83-1062, 83-1064, 83-1066, and 83-1069, Revised Statutes Supplement, 2000; to transfer the Nebraska Mental Health Commitment Act; to change and eliminate provisions relating to the act; to provide powers and duties relating to custody under the act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 83-318, 83-1009.01, 83-1009.02, 83-1070, and 83-1077.01, Reissue Revised Statutes of Nebraska, and sections 83-1013 and 83-1015, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 771.** Introduced by Engel, 17.



A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds for the Nebraska Development Youth Network; and to declare an emergency.

**LEGISLATIVE BILL 772.** Introduced by Wickersham, 49; Beutler, 28; Chambers, 11; Coordsen, 32; Cudaback, 36; Engel, 17; Jones, 43; Kristensen, 37; D. Pederson, 42; Suttle, 10; Wehrbein, 2.

A BILL FOR AN ACT relating to the Legislature; to create the Nebraska Futures Center.

**LEGISLATIVE BILL 773.** Introduced by Kruse, 13; Burling, 33; Engel, 17; Hartnett, 45; McDonald, 41; Preister, 5; Schrock, 38; Suttle, 10.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,196 and 60-6,197, Revised Statutes Supplement, 2000; to authorize another state's municipal driving under the influence ordinances to be used as prior convictions as prescribed; and to repeal the original sections.

**LEGISLATIVE BILL 774.** Introduced by Kruse, 13; Burling, 33; Hartnett, 45; McDonald, 41; Preister, 5; Schrock, 38; Suttle, 10.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 28-1465, 28-1466, 37-1254.01, 60-4,164, and 60-6,211.01, Reissue Revised Statutes of Nebraska, and section 60-6,196, Revised Statutes Supplement, 2000; to change provisions relating to measuring blood-alcohol or breath-alcohol concentrations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 775.** Introduced by Kruse, 13; Burling, 33; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-707 and 28-710, Revised Statutes Supplement, 2000; to change provisions relating to child abuse; and to repeal the original sections.

**LEGISLATIVE BILL 776.** Introduced by Kruse, 13; Burling, 33; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-497.01, 60-4,182, 60-6,108, and 60-6,211.02, Reissue Revised Statutes of Nebraska; to change penalties for persons under twenty-one years of age driving under the influence; to change the applicability of the Nebraska Rules of the Road; and to repeal the original sections.

**LEGISLATIVE BILL 777.** Introduced by Kremer, 34; Baker, 44; Burling, 33; Hudkins, 21; Jones, 43; Stuhr, 24.

A BILL FOR AN ACT relating to the Nongame and Endangered Species Conservation Act; to amend section 37-806, Reissue Revised Statutes of Nebraska; to change procedures for determination of a species to be endangered or threatened; and to repeal the original section.

**LEGISLATIVE BILL 778.** Introduced by Kremer, 34; Baker, 44; Burling, 33; Erdman, 47; Jones, 43; Stuhr, 24.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-801, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Supplement, 2000; to provide for the confidentiality and disclosure of certain information; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 779.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to court procedures; to provide for confidential communications in cases of domestic violence and sexual assault as prescribed.

**LEGISLATIVE BILL 780.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to legal notices; to amend section 33-142, Reissue Revised Statutes of Nebraska; to change provisions relating to legal rates for published notices; and to repeal the original section.

**LEGISLATIVE BILL 781.** Introduced by Wehrbein, 2; Jones, 43; Kremer, 34.

A BILL FOR AN ACT relating to livestock; to provide a rebuttable presumption in actions involving collisions with livestock.

**LEGISLATIVE BILL 782.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Reissue Revised Statutes of Nebraska; to adopt the Community Scholarship Partnership Program Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 783.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to job training grants; to amend sections 81-1203 and 81-1204, Reissue Revised Statutes of Nebraska; to provide additional disclosure requirements; and to repeal the original sections.

**LEGISLATIVE BILL 784.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to divorce; to amend sections 42-364, 43-2,113, 43-2911, and 43-2915, Reissue Revised Statutes of Nebraska; to

change child custody determination, parenting plan, and costs provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 785.** Introduced by Erdman, 47; Jones, 43; Redfield, 12; Smith, 48; Tyson, 19.

A BILL FOR AN ACT relating to railroads; to amend section 74-308, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain; and to repeal the original section.

**LEGISLATIVE BILL 786.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-913, Reissue Revised Statutes of Nebraska; to provide penalties for introducing contraband into a detention facility; to change provisions relating to implements of escape; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 787.** Introduced by Jones, 43; Bruning, 3; Hudkins, 21; Kremer, 34; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-455, Reissue Revised Statutes of Nebraska; to change provisions relating to limited permits; and to repeal the original section.

**LEGISLATIVE BILL 788.** Introduced by Thompson, 14; Bromm, 23; Coordsen, 32; Hartnett, 45; Jones, 43; Kremer, 34; Maxwell, 9; Price, 26; Quandahl, 31; Raikes, 25; Redfield, 12; Robak, 22; Smith, 48; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to blind or visually impaired persons; to amend sections 63-106, 71-8601 to 71-8603, 71-8605 to 71-8616, and 73-205, Revised Statutes Supplement, 2000; to adopt the Blind and Visually Impaired Services Act; to eliminate the Commission for the Blind and Visually Impaired; to transfer powers and duties to the Department of Health and Human Services; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 71-8604, Revised Statutes Supplement, 2000; and to declare an emergency.

**LEGISLATIVE BILL 789.** Introduced by Smith, 48; Erdman, 47; Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for mental health services as prescribed; and to declare an emergency.

**LEGISLATIVE BILL 790.** Introduced by Schrock, 38; Kremer, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-318, 37-336, 37-345, 37-1009, 77-2704.10, 77-2704.24, and 77-27,132,

Reissue Revised Statutes of Nebraska, and sections 2-15,123 and 81-15,174, Revised Statutes Supplement, 2000; to provide a sales tax on soft drinks; to provide revenue for environmental projects and recreational purposes as prescribed; to eliminate park and trail entry fees as prescribed; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 37-437, 37-441, and 37-442, Reissue Revised Statutes of Nebraska, and sections 37-434 to 37-436, 37-438 to 37-440, and 37-443 to 37-446, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 791.** Introduced by Janssen, 15; Baker, 44; Cunningham, 18; Engel, 17; Hartnett, 45; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-812, Revised Statutes Supplement, 2000; to change provisions relating to the transfer of funds; and to repeal the original section.

**LEGISLATIVE BILL 792.** Introduced by Jensen, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 43-1321 and 77-4008, Reissue Revised Statutes of Nebraska, and sections 2-15,122, 71-5177, 71-5714, 71-8237, and 77-2602, Revised Statutes Supplement, 2000; to change cigarette tax rate and revenue distribution provisions; to create funds; to provide duties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 793.** Introduced by Kremer, 34; Hudkins, 21; Price, 26; Quandahl, 31; Raikes, 25; Stuhr, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1008.02, and 79-1028, Revised Statutes Supplement, 2000; to provide for teacher salary enhancement payments; to change provisions relating to the minimum levy adjustment; to provide for an exception to growth rate limitations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 794.** Introduced by Landis, 46; Aguilar, 35; Kremer, 34; Tyson, 19.

A BILL FOR AN ACT relating to public funds; to amend sections 2-4214, 13-817, 14-556, 14-563, 14-1237, 14-1719, 15-845, 15-846, 15-847, 15-848, 15-849, 16-712, 16-713, 16-714, 16-715, 16-716, 17-607, 17-720, 18-2473, 18-2732, 46-146, 46-1,139, 46-1,140, 72-1268.04, 77-2312, 77-2313, 77-2314, 77-2317, 77-2318, 77-2318.01, 77-2319, 77-2320, 77-2323, 77-2325, 77-2326.02, 77-2326.03, 77-2326.04, 77-2326.06, 77-2326.07, 77-2326.08, 77-2326.09, 77-2329, 77-2340, 77-2342, 77-2343, 77-2344, 77-2345, 77-2346, 77-2350, 77-2350.01, 77-2351, 77-2352, 77-2353, 77-2353.01, 77-2354, 77-2355, 77-2357,

77-2358, 77-2361, 77-2362, 77-2363, 77-2369, 77-2370, 77-2371, 77-2374, 77-2375, 77-2376, 77-2377, 77-2378, 77-2381, 77-2383, 77-2385, 77-2388, 77-2389, 77-2392, 77-2393, 77-2394, and 77-2396, Reissue Revised Statutes of Nebraska, and sections 2-3227, 3-506, 3-616, 3-709, 13-1305, 13-2538, 18-2102.01, 30-3209, 46-1,141, 77-2387, 77-2390, 77-2391, 77-2395, 77-2398, 77-2399, 77-23,100, 77-23,101, 77-23,102, 77-23,103, 77-23,104, 77-23,105, and 77-23,106, Revised Statutes Supplement, 2000; to provide for the deposit of funds in qualifying mutual savings institutions as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 795.** Introduced by Beutler, 28; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1201, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2000; to prescribe methods of firearm storage; to provide duties for retail sellers of firearms; to provide penalties; to harmonize provisions; to provide for applicability; and to repeal the original sections.

**LEGISLATIVE BILL 796.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elected officials; to amend sections 19-616, 32-1303, and 32-1304, Reissue Revised Statutes of Nebraska, and section 32-628, Revised Statutes Supplement, 2000; to provide for vacancies in office for unexcused absences from municipal meetings; to change provisions relating to recall petitions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 797.** Introduced by Education Committee: Raikes, 25, Chairperson; Coordsen, 32; Price, 26; Stuhr, 24; Suttle, 10; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-313, 79-4,101, 79-563, 79-573, 79-583, 79-817, 79-1092, 85-1641, 85-1642, and 85-1657, Reissue Revised Statutes of Nebraska, and sections 9-812, 13-511, 77-1601.02, 79-214, 79-413, 79-442, 79-458, 79-4,108, 79-528, 79-1003, 79-1007.01, 79-1008.01, 79-1008.02, 79-1009, 79-1010, 79-1015.01, 79-1018.01, 79-1024, 79-1026, 79-1027, 79-1028, 79-1032, 79-1035, 79-1036, 79-1044, 79-1047, 79-1051, 79-1072.01, 79-1072.02, 79-1072.03, 79-1083.03, 79-1089, 79-1125, 79-1132, 79-1142, 79-1155, 79-1162, 79-1202, 79-1217, and 79-1241.02, Revised Statutes Supplement, 2000; to change provisions relating to duties of the Excellence in Education Council, budget revisions, tax request hearings, entrance requirements, the State Board of Education, reorganization of school districts, unified systems, reports, meetings, warrants, contract forms, state aid, budget statements, budget restrictions, the School Finance Review Committee, apportionment and distribution of federal school funds,

temporary mitigation funds, the Hardship Fund, budgets of Class I districts, audits, money payable from certain cities, special education, educational service units, and the Tuition Recovery Cash Fund; to redefine terms; to eliminate provisions relating to Reserve Teachers, certification of aid for 1998, and a nonresident tuition fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-8,102 to 79-8,105, Reissue Revised Statutes of Nebraska, and sections 79-1022.01 and 79-1076, Revised Statutes Supplement, 2000.

**LEGISLATIVE BILL 798.** Introduced by Kremer, 34; Aguilar, 35; Bourne, 8; Bruning, 3; Smith, 48.

A BILL FOR AN ACT relating to insurance; to amend sections 44-371 and 44-1089, Reissue Revised Statutes of Nebraska; to change provisions relating to claims of creditors; and to repeal the original sections.

**LEGISLATIVE BILL 799.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-8,126, 79-8,127, 79-8,128, 79-8,130, 79-8,134, 79-8,135, 79-8,137, 79-1001, 79-1003, 79-1007.01, 79-1007.02, 79-1026, and 79-1028, Revised Statutes Supplement, 2000; to change provisions relating to the Master Teacher Program and the Attracting Excellence to Teaching Program; to provide for differential salaries under the Tax Equity and Educational Opportunities Support Act; to change provisions relating to allowable growth rate and exceptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 800.** Introduced by Vrtiska, 1; Baker, 44; Beutler, 28; Brown, 6; Dierks, 40; Foley, 29; Hudkins, 21; Jones, 43.

A BILL FOR AN ACT relating to telephone solicitation; to amend sections 75-134 and 75-156, Revised Statutes Supplement, 2000; 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 sections.

**LEGISLATIVE BILL 801.** Introduced by Coordsen, 32; Chambers, 11; Kristensen, 37.

A BILL FOR AN ACT relating to retirement; to adopt the Employees of Elected Constitutional Offices Supplemental Retirement Plan Act; to provide retirement benefits for employees of constitutional offices; and to provide a penalty.

**LEGISLATIVE BILL 802.** Introduced by Robak, 22; Janssen, 15.

A BILL FOR AN ACT relating to gambling; to amend sections 9-301, 9-303, 9-307, 9-313, 9-317, 9-331 to 9-334, 9-336, 9-337, 9-340, 9-340.02, 9-345.02, 9-348, 9-349 to 9-352, 9-607, 9-651, and 28-1101, Reissue

Revised Statutes of Nebraska, and sections 9-315, 9-322, 9-329, 9-329.02, 9-338, 9-345.01, 9-345.03, and 9-346, Revised Statutes Supplement, 2000; to change provisions relating to the Nebraska Pickle Card Lottery Act and the Nebraska County and City Lottery Act; to authorize the use of electronic pickle card devices and lottery equipment as prescribed; to change provisions relating to keno; to define and redefine terms; to provide and change powers and duties; to harmonize provisions; to provide severability; and to repeal the original sections.

**LEGISLATIVE BILL 803.** Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cunningham, 18; Schimek, 27; Schrock, 38; Vrtiska, 1; and Jones, 43; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to adopt the Nebraska Pork Industry Development Act.

**LEGISLATIVE BILL 804.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend section 2-5305, Revised Statutes Supplement, 2000; to change provisions relating to carbon sequestration; and to repeal the original section.

**LEGISLATIVE BILL 805.** Introduced by Dierks, 40; Baker, 44; Quandahl, 31.

A BILL FOR AN ACT relating to petitions; to amend sections 32-629 to 32-630, 32-1404, 32-1409, and 32-1546, Reissue Revised Statutes of Nebraska, and section 32-628, Revised Statutes Supplement, 2000; to change provisions relating to signers, circulators, and verification of petitions; to change penalty provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 806.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4601, Reissue Revised Statutes of Nebraska; to rename the act; and to repeal the original section.

**LEGISLATIVE BILL 807.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4601, Reissue Revised Statutes of Nebraska; to rename the act; and to repeal the original section.

**LEGISLATIVE BILL 808.** Introduced by Urban Affairs Committee:

Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to the Volunteer Emergency Responders Recruitment and Retention Act; to amend sections 35-1301, 35-1303, 35-1309, 35-1311 to 35-1313, 35-1316, 35-1318, 35-1320, 35-1321, 35-1324, 35-1326, 35-1327, 35-1330, and 84-1503, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to volunteer emergency responders; to eliminate a board and a fund; to provide standard criteria for qualified active service; to transfer powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 35-1304 to 35-1308, 35-1325, and 35-1328, Revised Statutes Supplement, 2000.

### **SENATOR DIERKS PRESIDING**

**LEGISLATIVE BILL 809.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to parking; to amend sections 18-1738.01, 18-1738.02, 18-1739, and 18-1741, Reissue Revised Statutes of Nebraska, and sections 18-1736, 18-1737, 18-1738, 18-1741.01, and 81-1108.15, Revised Statutes Supplement, 2000; to change provisions relating to permits for handicapped or disabled persons; to change provisions relating to enforcement of permit violations; to provide duties for the Department of Motor Vehicles; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 810.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-730, and 31-739, Reissue Revised Statutes of Nebraska; to change provisions relating to district actions and formation, trustees, and the deposit of funds; to create a fund; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 811.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12; and Tyson, 19.

A BILL FOR AN ACT relating to building codes; to amend sections 18-132, 18-1915, 23-172, 71-6403, 71-6405, and 81-2104, Reissue Revised Statutes of Nebraska; to incorporate and adopt different standards under the state building code; to harmonize provisions; and to repeal the original sections.



**LEGISLATIVE BILL 812.** Introduced by Cunningham, 18; Baker, 44; Burling, 33; Dierks, 40; Erdman, 47; Jones, 43; Raikes, 25; Smith, 48; Stuhr, 24; Tyson, 19.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.01, Revised Statutes Supplement, 2000; to change provisions relating to adjusted formula students; and to repeal the original section.

**LEGISLATIVE BILL 813.** Introduced by Cunningham, 18; Janssen, 15; Stuhr, 24; Tyson, 19; 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, 2000; 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 814.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-177, Revised Statutes Supplement, 2000; to change provisions relating to the sale of alcoholic liquor near churches, colleges, and universities as prescribed; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 815.** Introduced by Schrock, 38; Brown, 6; Jensen, 20; Kremer, 34; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to drug paraphernalia; to amend section 28-439, Reissue Revised Statutes of Nebraska; to include anhydrous ammonia as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 816.** Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to elevator safety; to amend sections 48-418 to 48-418.11, Reissue Revised Statutes of Nebraska; to adopt the Elevator Regulation Act; to transfer and eliminate provisions relating to elevators; to provide an operative date; to repeal the original sections; and to outright repeal sections 48-418.12 and 48-418.14, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 817.** Introduced by Kristensen, 37; Coordsen, 32.

A BILL FOR AN ACT relating to redistricting; to amend sections 24-201.02 and 24-201.04, Reissue Revised Statutes of Nebraska; to change provisions relating to Supreme Court judicial districts; and to repeal the original sections.

**LEGISLATIVE BILL 818.** Introduced by Kristensen, 37; Coordsen, 32.

A BILL FOR AN ACT relating to redistricting; to amend sections 75-101.01 to 75-101.03, Reissue Revised Statutes of Nebraska; to change provisions relating to public service commissioner districts; and to repeal the original sections.

**LEGISLATIVE BILL 819.** Introduced by Kristensen, 37; Coordsen, 32.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-511, 79-311, and 79-312, Reissue Revised Statutes of Nebraska; to change provisions relating to the districts for the State Board of Education; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 820.** Introduced by Kristensen, 37; Coordsen, 32.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-510, 85-103.01, and 85-103.02, Reissue Revised Statutes of Nebraska; to change provisions relating to election districts for the Board of Regents of the University of Nebraska; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 821.** Introduced by Kristensen, 37; Coordsen, 32.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to change provisions relating to congressional districts; and to repeal the original sections.

**LEGISLATIVE BILL 822.** Introduced by Kristensen, 37; Coordsen, 32.

A BILL FOR AN ACT relating to redistricting; to amend sections 50-1101, 50-1151, and 50-1152, Reissue Revised Statutes of Nebraska; to change provisions relating to legislative districts; and to repeal the original sections.

**LEGISLATIVE BILL 823.** Introduced by Foley, 29; Aguilar, 35; Baker, 44; Bromm, 23; Bruning, 3; Burling, 33; Coordsen, 32; Cudaback, 36; Dierks, 40; Engel, 17; Erdman, 47; Hartnett, 45; Hilgert, 7; Hudkins, 21; Jensen, 20; Jones, 43; Kremer, 34; Maxwell, 9; Dw. Pedersen, 39; Preister, 5; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to wrongful death; to amend section 30-809, Reissue Revised Statutes of Nebraska; to provide that the term person includes an unborn child for purposes of wrongful death actions; and to repeal the original section.

**LEGISLATIVE BILL 824.** Introduced by Foley, 29; Aguilar, 35; Baker, 44; Bromm, 23; Bruning, 3; Burling, 33; Coordsen, 32; Cudaback, 36; Cunningham, 18; Dierks, 40; Engel, 17; Erdman, 47; Hartnett, 45; Hilgert,

7; Hudkins, 21; Jensen, 20; Jones, 43; Kremer, 34; Maxwell, 9; Dw. Pedersen, 39; Preister, 5; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19; Vrtiska, 1.

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, 2000; to redefine the term person to include an unborn child; to provide certain exceptions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 825.** Introduced by Foley, 29.

A BILL FOR AN ACT relating to insurance; to require coverage for reproductive health care.

**LEGISLATIVE BILL 826.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to state government; to amend section 84-1604, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for state insurance benefits; and to repeal the original section.

**LEGISLATIVE BILL 827.** Introduced by Bromm, 23; Wickersham, 49.

A BILL FOR AN ACT relating to telecommunications; to amend sections 70-704, 70-1409, 86-1406, and 86-1407, Reissue Revised Statutes of Nebraska, and sections 70-625, 75-604, and 86-1405, Revised Statutes Supplement, 2000; to provide for the sale or lease of dark fiber by governmental entities; to define a term; to provide duties and procedures; to provide funding for broadband internet service; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

**LEGISLATIVE BILL 828.** Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 2000; to provide for a presumption relating to minors; to provide for compliance checks as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 829.** Introduced by Cudaback, 36; Dierks, 40; D. Pederson, 42; Robak, 22; Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-2734.03, Revised Statutes Supplement, 2000; to provide a tax credit for fees related to Small Business Administration loans; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 830.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.11, Revised Statutes Supplement, 2000; to change provisions relating to personalized message license plates; and to repeal the original section.

**LEGISLATIVE BILL 831.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Telephone Consumer Slamming Prevention Act; to amend sections 86-1905, 86-1907, and 86-1908, Reissue Revised Statutes of Nebraska, and section 86-1909, Revised Statutes Supplement, 2000; to change provisions relating to the unauthorized change in telecommunications service providers; to provide duties for the Public Service Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 832.** 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 833.** Introduced by Bromm, 23; Engel, 17; Kremer, 34.

A BILL FOR AN ACT relating to schools; to amend sections 9-812 and 79-1310, Revised Statutes Supplement, 2000; to change a date relating to the connection of a statewide computer information network; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 834.** Introduced by Bromm, 23; Cunningham, 18; Dierks, 40.

A BILL FOR AN ACT relating to agriculture research; to state intent; to provide for double damages for saboteurs and acts of terrorism.

**LEGISLATIVE BILL 835.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Political Subdivisions Self-Funding Benefits Act; to amend sections 13-1601 to 13-1603, 13-1608, 13-1609, 13-1613, 13-1615, 13-1617 to 13-1623, and 13-1625, Reissue Revised Statutes of Nebraska, and section 13-1614, Revised Statutes Supplement, 2000; to authorize joint plan sponsored employee benefit plans; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 836.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to public utilities; to amend sections 14-2143 and 15-223, Reissue Revised Statutes of Nebraska; to create a water fund; to change provisions relating to water taxes for metropolitan

utilities districts and cities of the primary class; to provide and change powers and duties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 837.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend sections 46-233, 46-239, 46-640, 46-641, and 61-206, Revised Statutes Supplement, 2000; to change provisions relating to notice and hearings; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 838.** Introduced by Foley, 29; Beutler, 28.

A BILL FOR AN ACT relating to political expenditures; to amend section 49-1401, Revised Statutes Supplement, 2000; to require disclosure of information regarding certain expenditures; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 839.** Introduced by Foley, 29; Beutler, 28.

A BILL FOR AN ACT relating to telecommunications; to amend section 75-156, Revised Statutes Supplement, 2000; to require certain telecommunications companies to provide an informational statement as prescribed; to provide duties for the Public Service Commission; and to repeal the original section.

**LEGISLATIVE BILL 840.** Introduced by Foley, 29; Beutler, 28.

A BILL FOR AN ACT relating to telephone solicitation; to amend sections 75-134 and 75-156, Revised Statutes Supplement, 2000; 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 sections.

**LEGISLATIVE BILL 841.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.17, 77-2704.07, 77-2704.13, 77-2704.24, 77-3506.02, 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, 77-2702.07, 77-2702.13 to 77-2702.15, 77-2703, 77-2715.02, 77-2715.07, 77-3501, 77-3510, 77-3512 to 77-3514, 77-3516, 77-3523, and 77-5304, Revised Statutes Supplement, 2000; to change income tax, sales and use tax, and homestead provisions; to eliminate sales tax exemptions as prescribed; to create an income tax credit; to change income tax rates; to provide a homestead exemption; to harmonize provisions; to provide severability; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.03, 77-2704.04, 77-2704.22, and 77-2704.36 to 77-2704.38, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 842.** Introduced by Brashear, 4.

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

**LEGISLATIVE BILL 843.** Introduced by Brashear, 4; Bourne, 8.

A BILL FOR AN ACT relating to agents; to adopt the Uniform Athlete Agents Act; to provide penalties; to provide an operative date; and to provide severability.

**LEGISLATIVE BILL 844.** Introduced by Brashear, 4; Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-112, Revised Statutes Supplement, 2000; to change provisions relating to enhanced penalties and procedure; and to repeal the original section.

**LEGISLATIVE BILL 845.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to court procedure; to amend section 25-1332, Reissue Revised Statutes of Nebraska; to provide for certain discovery subpoenas; to change provisions relating to summary judgment motions; and to repeal the original section.

**LEGISLATIVE BILL 846.** 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 847.** Introduced by Brashear, 4; Beutler, 28; Bromm, 23; Smith, 48.

A BILL FOR AN ACT relating to crimes; to amend sections 81-1423, 81-1841, 81-1844, 81-1845, and 81-1848, Reissue Revised Statutes of Nebraska, and section 29-119, Revised Statutes Supplement, 2000; to change provisions relating to victim's rights; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 848.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to attorneys at law; to amend section 7-102, Reissue Revised Statutes of Nebraska; to change admission requirements; and to repeal the original section.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 20CA.** Introduced by Landis, 46.

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

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 6 to Article XI, and repeal Article XI, sections 2 to 5:

XI-6 "Municipalities and counties are granted the power and authority, not inconsistent with the laws of this state, to determine their own local affairs and government. The Legislature shall determine which matters are those of statewide concern.

The Legislature may by law delegate its power so that matters of local concern are handled by municipalities and counties without the necessity of further action by the Legislature. The rule or proposition of law that a municipality or county possesses and can exercise only those powers granted in express words is not part of the law of this state."

"Article XI, sections 2 to 5, 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 authorize municipalities and counties to exercise greater powers in matters of local concern, with the Legislature to determine which matters are of statewide concern, and to eliminate home rule charters.

For  
Against".

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 21CA.** Introduced by McDonald, 41.

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

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 1:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish. Employees of political subdivisions of the state, including employees of school districts, shall not be considered executive officers for purposes of this section.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and State Treasurer shall be chosen at the general election held in November 1974, and in each alternate even-

numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

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

"A constitutional amendment to state that employees of political subdivisions, including employees of school districts, are not executive officers under Article IV, section 1, of the Nebraska Constitution.

For  
Against".

Referred to the Reference Committee.

### **STANDING COMMITTEE REPORTS** **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 49.** Placed on General File.

**LEGISLATIVE BILL 54.** Placed on General File.

**LEGISLATIVE BILL 68.** Placed on General File.

**LEGISLATIVE BILL 138.** Placed on General File.

(Signed) David M. Landis, Chairperson

### **Transportation and Telecommunications**

**LEGISLATIVE BILL 36.** Placed on General File.

(Signed) Curt Bromm, Chairperson

### **Agriculture**

**LEGISLATIVE BILL 194.** Placed on General File.



**LEGISLATIVE BILL 197.** Placed on General File.

**LEGISLATIVE BILL 198.** Placed on General File.

(Signed) Merton L. Dierks, Chairperson

**MOTION - Print in Journal**

Senator Wickersham filed the following motion to LB 569:

Withdraw LB 569.

**NOTICE OF COMMITTEE HEARINGS  
Government, Military and Veterans Affairs**

LB 97	Wednesday, January 24, 2001	1:30 PM
LB 143	Wednesday, January 24, 2001	1:30 PM
LB 183	Wednesday, January 24, 2001	1:30 PM
LB 257	Wednesday, January 24, 2001	1:30 PM
LB 226	Thursday, January 25, 2001	1:30 PM
LB 253	Thursday, January 25, 2001	1:30 PM
LB 395	Thursday, January 25, 2001	1:30 PM
LB 428	Thursday, January 25, 2001	1:30 PM

(Signed) DiAnna R. Schimek, Chairperson

**Natural Resources**

LB 129	Wednesday, January 24, 2001	1:30 PM
LB 404	Wednesday, January 24, 2001	1:30 PM
LB 457	Wednesday, January 24, 2001	1:30 PM
LB 472	Wednesday, January 24, 2001	1:30 PM
LB 182	Thursday, January 25, 2001	1:30 PM
LB 337	Thursday, January 25, 2001	1:30 PM
LB 409	Thursday, January 25, 2001	1:30 PM

(Signed) Ed Schrock, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Erdman and Smith asked unanimous consent to have their names added as cointroducers to LB 340, LB 341, and LB 342. No objections. So ordered.

Senators Dw. Pedersen, Burling, Kruse, and Erdman asked unanimous consent to have their names added as cointroducers to LB 114. No objections. So ordered.

Senators Hudkins, Coordsen, Dierks, Baker, Erdman, Connealy, Kremer,

Vrtiska, Bromm, Wickersham, and Jones asked unanimous consent to have their names added as cointroducers to LB 378. No objections. So ordered.

Senator Dierks asked unanimous consent to have his name added as cointroducer to LB 443. No objections. So ordered.

Senator Kremer asked unanimous consent to have his name added as cointroducer to LB 621. No objections. So ordered.

Senator Foley asked unanimous consent to have his name added as cointroducer to LB 443 and LB 479. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 661. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 34 and LB 682. No objections. So ordered.

Senator McDonald asked unanimous consent to have his name added as cointroducer to LB 461. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 115. No objections. So ordered.

Senators Kremer, Hudkins, Bruning, Cunningham, Cudaback, Hilgert, and Schimek asked unanimous consent to have their names added as cointroducers to LB 114. No objections. So ordered.

Senator Hilgert asked unanimous consent to have his name added as cointroducer to LB 515. No objections. So ordered.

Senator Burling asked unanimous consent to have his name added as cointroducer to LB 597. No objections. So ordered.

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 30. No objections. So ordered.

### VISITORS

Visitors to the Chamber were Denise Wright from Scottsbluff, Jean Jensen from Lewellen and Kim Engel from Hemmingford; Faye Schellpeper from Stanton; Virginia Stamm from Eddyville and Vikki Stamm from Kearney; Jeanette and Ray C. Schneider from Kennard; and Jeff and Judy Rosehart from Aurora.

**ADJOURNMENT**

At 11:36 a.m., on a motion by Senator Maxwell, the Legislature adjourned until 9:00 a.m., Thursday, January 18, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**ELEVENTH DAY - JANUARY 18, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 18, 2001

**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., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Brashear, Bromm, Brown, Kristensen, Landis, Raikes, and Schrock 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:

<b>LB/LR</b>	<b>Committee</b>
LB 248	Education (rereferred)
LB 548	Health and Human Services
LB 549	Health and Human Services
LB 550	Agriculture
LB 551	Banking, Commerce and Insurance
LB 552	Urban Affairs
LB 553	Transportation and Telecommunications
LB 554	Revenue
LB 555	Natural Resources
LB 556	Revenue
LB 557	Health and Human Services

LB 558	Government, Military and Veterans Affairs
LB 559	Government, Military and Veterans Affairs
LB 560	Education
LB 561	Government, Military and Veterans Affairs
LB 563	Banking, Commerce and Insurance
LB 564	Judiciary
LB 565	Judiciary
LB 566	Judiciary
LB 567	Judiciary
LB 568	Revenue
LB 569	Nebraska Retirement Systems
LB 571	General Affairs
LB 572	General Affairs
LB 573	Education
LB 574	Transportation and Telecommunications
LB 575	Urban Affairs
LB 576	Education
LB 577	Judiciary
LB 578	Education
LB 579	Urban Affairs
LB 580	Health and Human Services
LB 581	Judiciary
LB 582	General Affairs
LB 583	Health and Human Services
LB 584	Transportation and Telecommunications
LB 585	Transportation and Telecommunications
LB 586	Natural Resources
LB 587	Agriculture
LB 588	Agriculture
LB 589	Agriculture
LB 590	Natural Resources
LB 591	Agriculture
LB 592	Agriculture
LB 593	Judiciary
LB 594	Education
LB 595	Judiciary
LB 596	Nebraska Retirement Systems
LB 597	Health and Human Services
LB 598	Judiciary
LB 599	Judiciary
LB 600	Revenue
LB 601	Banking, Commerce and Insurance
LB 602	Education
LB 603	Revenue
LB 604	Judiciary
LB 605	Judiciary
LB 606	Revenue
LB 607	Judiciary
LB 608	Judiciary

LB 609 Education  
 LB 610 Judiciary  
 LB 611 Judiciary  
 LB 612 Health and Human Services  
 LB 613 Education  
 LR 16CA Executive Board  
 LR 17 Judiciary  
 LR 18CA Education

(Signed) George Coordsen, Chairperson  
 Legislative Council  
 Executive Board

### REPORT OF THE EXECUTIVE BOARD

Senator Coordsen, Chairperson of the Executive Board, reported the following individuals were appointed to the Redistricting Committee:

First Congressional District: Senator Beutler  
 Senator Bromm  
 Senator Schimek

Second Congressional District: Senator Bourne  
 Senator Brashear  
 Senator Chambers

Third Congressional District: Senator Coordsen (Chairperson)  
 Speaker Kristensen  
 Senator Wickersham

### STANDING COMMITTEE REPORTS

#### Education

**LEGISLATIVE RESOLUTION 1CA.** Placed on General File as amended.

Standing Committee amendment to LR 1CA:  
 AM0012

1 1. On page 1, line 3, strike "a special election on May  
 2 14, 2002," and insert "the general election in November 2002"; in  
 3 line 10 strike the period and insert "and such language shall be  
 4 used in the public schools."; and in line 11 strike the new matter.

**LEGISLATIVE BILL 181.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

**NOTICE OF COMMITTEE HEARING**  
**Revenue**

LB 603	Thursday, January 25, 2001	1:30 PM
LB 170	Thursday, January 25, 2001	1:30 PM
LB 171	Thursday, January 25, 2001	1:30 PM
LB 45	Thursday, January 25, 2001	1:30 PM
LB 59	Thursday, January 25, 2001	1:30 PM
LB 465	Thursday, January 25, 2001	1:30 PM
LB 464	Thursday, January 25, 2001	1:30 PM
LB 419	Thursday, January 25, 2001	1:30 PM

(Signed) William R. Wickersham, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 2.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 3.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 4.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 5.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 6.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 7.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not



voting, and 6 excused and not voting.

**LEGISLATIVE BILL 8.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 9.** Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

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

**LEGISLATIVE BILL 71.** Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 340, LB 341, and LB 342. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 33 fifth through eighth grade students, teachers, and sponsors from Zion Lutheran School and Church, Omaha; David, Doris, and Jonathan MacDonald from Scottsbluff; Mary Lawson from Ogallala and Shirley Alberts from McCook; Senator Stuhr's daughter-in-law and grandson, Laurie and Austin Stuhr from Bradshaw; and Linda Peacock from O'Neill.

**ADJOURNMENT**

At 9:24 a.m., on a motion by Senator Redfield, the Legislature adjourned until 9:00 a.m., Friday, January 19, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWELFTH DAY - JANUARY 19, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 19, 2001

**PRAYER**

The prayer was offered by Pastor Irwin Edwards, Nazarene Church, Cozad, 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 McDonald and Hilgert who were excused; and Senators Bromm, Brown, Cudaback, Hartnett, Jensen, Jones, Kristensen, Raikes, Schrock, Wehrbein, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eleventh day was approved.

**UNANIMOUS CONSENT - Member Excused**

Senator Dw. Pedersen 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 bills:

<b>LB/LR</b>	<b>Committee</b>
LB 614	Natural Resources
LB 616	Transportation and Telecommunications
LB 617	Government, Military and Veterans Affairs
LB 618	Nebraska Retirement Systems
LB 619	Nebraska Retirement Systems

LB 620	Revenue
LB 621	Education
LB 622	Nebraska Retirement Systems
LB 624	Revenue
LB 625	Education
LB 626	Business and Labor
LB 627	Business and Labor
LB 628	Natural Resources
LB 629	Revenue
LB 630	Appropriations
LB 631	Appropriations
LB 632	Natural Resources
LB 633	Business and Labor
LB 634	Natural Resources
LB 635	Appropriations
LB 636	Transportation and Telecommunications
LB 637	Business and Labor
LB 638	Business and Labor
LB 639	Health and Human Services
LB 640	Health and Human Services
LB 641	Banking, Commerce and Insurance
LB 642	Judiciary
LB 643	Education
LB 644	Natural Resources
LB 645	Natural Resources
LB 646	Education
LB 647	Education
LB 648	Urban Affairs
LB 649	Urban Affairs
LB 650	Education
LB 651	Revenue
LB 652	Health and Human Services
LB 653	Appropriations
LB 654	Education
LB 655	Appropriations
LB 656	Transportation and Telecommunications
LB 657	Appropriations
LB 658	General Affairs
LB 659	Judiciary
LB 660	Education
LB 661	Transportation and Telecommunications
LB 662	Revenue
LB 663	Banking, Commerce and Insurance
LB 664	Banking, Commerce and Insurance
LB 665	Business and Labor
LB 666	Appropriations
LB 667	Natural Resources
LB 668	Health and Human Services
LB 669	Education

LB 670	Urban Affairs
LB 671	General Affairs
LB 672	Banking, Commerce and Insurance
LB 673	Banking, Commerce and Insurance
LB 674	Revenue
LB 675	Business and Labor
LB 676	Appropriations
LB 677	Health and Human Services
LB 678	Health and Human Services
LB 679	Transportation and Telecommunications
LB 680	General Affairs
LB 681	Government, Military and Veterans Affairs
LB 682	Health and Human Services
LB 683	Appropriations
LB 684	Judiciary
LB 685	Banking, Commerce and Insurance
LB 686	Nebraska Retirement Systems
LB 687	Nebraska Retirement Systems
LB 688	Transportation and Telecommunications
LB 689	Education
LB 690	Education
LB 691	Appropriations
LB 695	Agriculture
LB 696	Judiciary
LB 697	Education
LB 698	Health and Human Services
LB 699	Revenue
LB 700	Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### ANNOUNCEMENTS

Senator D. Pederson designates LB 677 as his priority bill.

Senator Price designates LB 759 as her priority bill.

Senator Tyson designates LB 496 as his priority bill.

### MOTION - Print in Journal

Senator Price filed the following motion to LB 239:  
Withdraw LB 239.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 22.** Introduced by Erdman, 47.

WHEREAS, the Nebraska Cornhusker volleyball team won the Division I NCAA national championship on December 16, 2000; and

WHEREAS, Nebraska finished the season with a perfect thirty-four wins and zero losses to become only the second school in NCAA history to go undefeated throughout the season and win a national championship; and

WHEREAS, Coach John Cook, in his first year as Nebraska head coach, won the AVCA Coach-of-the-Year award after leading his team to a Big Twelve Championship, a national championship, and a perfect season; and

WHEREAS, sophomore setter Greichaly Cepero won AVCA Player-of-the-Year honors, making her only the third sophomore in NCAA history to win the national award, and also won the Honda Award for volleyball, awarded to the top collegiate student-athlete in the sport; and

WHEREAS, three Cornhuskers won AVCA All-America honors: Cepero, sophomore outside hitter Laura Pilakowski, and sophomore middle blocker Amber Holmquist; and

WHEREAS, Nebraska seniors Angie Oxley of Ogallala, Kim Behrends of Chappell, and Jill McWilliams saw tremendous success during their four-year careers, compiling a 141-15 overall record and garnering numerous individual honors; and

WHEREAS, the 2000 Nebraska volleyball team represented the state with the utmost in excellence and sportsmanship.

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

1. That the Legislature congratulates the Nebraska Cornhusker volleyball team on its remarkable season and national championship.

2. That a copy of this resolution be sent to the team and Coach John Cook of the University of Nebraska at Lincoln.

Laid over.

**LEGISLATIVE RESOLUTION 23.** Introduced by Erdman, 47.

WHEREAS, the Ogallala Indians volleyball team won the Nebraska Class B state volleyball championship on November 11, 2000; and

WHEREAS, Ogallala went undefeated throughout the season, compiling a 28-0 record under Head Coach Steve Morgan; and

WHEREAS, the 2000 championship gives Ogallala High School its third state volleyball championship; and

WHEREAS, English Brodbeck won All Class B Captain and All State honors, and Jayme Eichner won All Class B honors; and

WHEREAS, the Ogallala High School volleyball team represented the community with excellence and sportsmanship.

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

1. That the Legislature congratulates the Ogallala Indians volleyball team on their successful season.

2. That a copy of this resolution be sent to the team and Coach Steve Morgan of Ogallala High School.

Laid over.

**LEGISLATIVE RESOLUTION 24.** Introduced by Thompson, 14.

WHEREAS, the Papillion-La Vista volleyball team earned its 11th consecutive trip to and its 17th time overall in the Class A state tournament in 2000; and

WHEREAS, on November 11, 2000, the Papillion-La Vista volleyball team won its first-ever Class A state championship; and

WHEREAS, Head Coach Gwen Egbert and the members of the Papillion-La Vista volleyball team achieved this outstanding accomplishment through their hard work, fortitude, and determination.

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

1. That the Legislature recognizes and congratulates the coaches and members of the 2000 Papillion-La Vista Monarchs volleyball team for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Papillion-La Vista volleyball team and Head Coach Gwen Egbert.

Laid over.

**LEGISLATIVE RESOLUTION 25.** Introduced by Thompson, 14.

WHEREAS, the Papillion-La Vista girls' softball team entered the 2000 season as the five-time defending Class A Nebraska state champions; and

WHEREAS, on October 13, 2000, the Papillion-La Vista girls' softball team won its sixth consecutive Class A state championship and its 21st consecutive state championship tournament game; and

WHEREAS, Head Coach Mike Govig and the members of the Papillion-La Vista girls' softball team achieved this outstanding accomplishment through their hard work, determination, and team play.

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

1. That the Legislature recognizes and congratulates coaches and members of the 2000 Papillion-La Vista Monarchs girls' softball team for their outstanding accomplishments.

2. That a copy of this resolution be sent to the Papillion-La Vista girls' softball team and Head Coach Mike Govig.

Laid over.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 18, 2001, 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

Alberts, Dan

American Corn Growers Association

Anderson, Robert L.

Anderson Management Services, Inc.  
Nebraska Fertilizer & Ag-Chemical Institute, Inc.

Berg, Amy R.

Voices for Children

Chermok, Ruth

National Electrical Contractors Association

Clark, Douglas R.

Utilicorp United

Gady, Dick

Greater Omaha Chamber of Commerce

Grove, Marion M.

ABATE of Nebraska, Inc.

Harvey, William F.

Big Red Lottery Services, Ltd.

Licht, Alice L.

Anderson Management Services, Inc.  
Automotive Recycling Industry of Nebraska  
Nebraska Aviation Trade Association  
Nebraska Coalition for Interior Design  
Nebraska Fertilizer & Ag-Chemical Institute, Inc.  
Nebraska Hotel & Motel Association, Inc.  
Nebraska State Pest Control Association

Lynch, Daniel C.

Blue Cross & Blue Shield of Nebraska

Scarpello, Sam M.

Nebraska State Council of Electrical Workers  
Nebraska State Utility Workers Conference  
Omaha Building & Construction Trades Council  
Omaha Federation of Labor

Schmidt, Charles E.

Alliance of American Insurers

## REPORTS

The following reports were received by the Legislature:



**Energy Office, Nebraska**

Municipal Natural Gas Regulation Revolving Loan Fund Quarterly Reports

Nebraska Energy Statistics, 1960-1997

**Health and Human Services System**

New Hire Report

License Suspension Annual Report - Year 2000

**STANDING COMMITTEE REPORTS****Urban Affairs**

**LEGISLATIVE BILL 101.** Placed on General File as amended.

Standing Committee amendment to LB 101:

AM0017

- 1 1. On page 2, strike beginning with "Members" in line 27
- 2 through line 28.
- 3 2. On page 3, strike line 1 through "(4)" in line 6 and
- 4 show the old matter as stricken.

(Signed) D. Paul Hartnett, Chairperson

**Revenue**

**LEGISLATIVE BILL 122.** Placed on General File.

**LEGISLATIVE BILL 169.** Placed on General File.

**LEGISLATIVE BILL 168.** Placed on General File as amended.

Standing Committee amendment to LB 168:

AM0024

- 1 1. On page 9, line 4, reinstate the stricken "and"; and
- 2 strike beginning with the underscored comma in line 7 through
- 3 "year" in line 11.

**LEGISLATIVE BILL 267.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 177.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 222.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 49.** Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

**LEGISLATIVE BILL 54.** 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 68.** 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 138.** 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 36.** Title read. Considered.

Senators Bruning and Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 194.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 197.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 198.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

**LEGISLATIVE BILL 1.** Placed on Select File as amended.  
E & R amendment to LB 1:  
AM7000

- 1 1. Insert the following new sections:  
 2 "Section 1. Section 71-7501, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 71-7501. Sections 71-7501 to ~~71-7529~~ 71-7528 shall be  
 5 known and may be cited as the Community Health Care Act.  
 6 Sec. 2. Original section 71-7501, Reissue Revised  
 7 Statutes of Nebraska, is repealed."  
 8 2. On page 1, line 1, after the semicolon insert "to  
 9 amend section 71-7501, Reissue Revised Statutes of Nebraska;" and  
 10 in line 2 after the semicolon insert "to harmonize provisions; to  
 11 repeal the original section;"  
 12 3. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 2.** Placed on Select File.

**LEGISLATIVE BILL 3.** Placed on Select File.

**LEGISLATIVE BILL 4.** Placed on Select File.

**LEGISLATIVE BILL 5.** Placed on Select File.

**LEGISLATIVE BILL 6.** Placed on Select File.

**LEGISLATIVE BILL 7.** Placed on Select File as amended.

E & R amendment to LB 7:

AM7002

- 1 1. On page 12, line 7, strike "sections" and show as  
 2 stricken.

**LEGISLATIVE BILL 8.** Placed on Select File as amended.

E & R amendment to LB 8:

AM7001

- 1 1. On page 2, line 6, after "abet" insert an underscored  
 2 comma; and strike beginning with "the" in line 10 through "of" in  
 3 line 11 and show as stricken.

**LEGISLATIVE BILL 9.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

## STANDING COMMITTEE REPORTS

### Natural Resources

**LEGISLATIVE BILL 130.** Placed on General File.

**LEGISLATIVE BILL 134.** Placed on General File.

**LEGISLATIVE BILL 136.** Placed on General File.

**LEGISLATIVE BILL 137.** Placed on General File.

**LEGISLATIVE BILL 135.** Placed on General File as amended.

Standing Committee amendment to LB 135:

AM0019

- 1 1. On page 8, line 22, after "(7)" insert "If the  
 2 district has included controls delineated in subdivision (1)(k) of  
 3 this section in its management plan, but has not implemented such  
 4 controls within two years after the initial public hearing on the

5 controls, the district shall hold a public hearing, as provided in  
 6 section 46-656.19, regarding the controls before implementing  
 7 them."

8 2. On page 9, lines 9 and 18, strike the new matter and  
 9 reinstate the stricken matter.

(Signed) Ed Schrock, Chairperson

### Health and Human Services

**LEGISLATIVE BILL 247.** Placed on General File.

**LEGISLATIVE BILL 279.** Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 67.** Placed on General File.

**LEGISLATIVE BILL 252.** Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

### Natural Resources

**LEGISLATIVE BILL 111.** Placed on General File as amended.

Standing Committee amendment to LB 111:

AM0035

1 1. Strike section 10 and insert the following new  
 2 section:

3 "Sec. 10. This act becomes operative on January 1,  
 4 2002."

5 2. On page 10, line 11, strike "or leases".

6 3. On page 12, line 18, strike "37-455, and 37-1227,"  
 7 and insert "and 37-455,".

**LEGISLATIVE BILL 131.** Placed on General File as amended.

Standing Committee amendment to LB 131:

AM0034

1 1. Insert the following new section:

2 "Sec. 3. Section 37-1227, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 37-1227. In the event of loss or destruction of the  
 5 certificate of number, the owner of the vessel shall apply to the  
 6 county treasurer or designated county official on forms provided by  
 7 the commission for replacement of such lost certificate of number.

8 Upon satisfactory proof of loss and the payment to the county  
 9 treasurer or designated county official of a fee of not less than  
 10 one dollar and not more than ~~one dollar and fifty cents~~ five

11 dollars, as established by the commission, pursuant to section  
 12 ~~37-327~~, the county treasurer or designated county official shall  
 13 issue a duplicate certificate of number."

14 2. On page 3, line 22, after "37-1218," insert  
 15 "37-1227,".

16 3. Renumber the remaining sections accordingly.

(Signed) Ed Schrock, Chairperson

**Revenue**

**LEGISLATIVE BILL 118.** Placed on General File.

**LEGISLATIVE BILL 156.** Placed on General File.

**LEGISLATIVE BILL 365.** Placed on General File.

**LEGISLATIVE BILL 275.** Placed on General File as amended.

Standing Committee amendment to LB 275:

AM0032

1 1. On page 2, line 5, strike "5" and insert "1".

**LEGISLATIVE BILL 233.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 125.** Placed on General File as amended.

Standing Committee amendment to LB 125:

AM0033

1 1. On page 2, line 5, strike the new matter and insert

2 "two hundred".

(Signed) DiAnna R. Schimek, Chairperson

**Health and Human Services**

**LEGISLATIVE BILL 209.** Placed on General File.

**LEGISLATIVE BILL 214.** Placed on General File as amended.

Standing Committee amendment to LB 214:

AM0020

1 1. Strike sections 3 to 5.

2 2. On page 11, strike beginning with "71-407" in line 25  
 3 through the first comma in line 26.

4 3. Renumber the remaining sections accordingly.

(Signed) Jim Jensen, Chairperson

**AMENDMENT - Print in Journal**

Senator Beutler filed the following amendment to LB 54:

FA4

Strike section 6

**ANNOUNCEMENT**

Pursuant to the Rules, Rule 3, Section 12, Senator Preister, Vice Chairperson of the Committee on Committees, temporarily appoints Senator Doug Kristensen to the Government, Military and Veterans Affairs for today, January 19, 2001.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 21 and LB 471. No objections. So ordered.

Senator Burling asked unanimous consent to have his name added as cointroducer to LB 369 and LB 781. No objections. So ordered.

Senator Smith asked unanimous consent to have his name added as cointroducer to LB 28 and LB 556. No objections. So ordered.

Senator Quandahl asked unanimous consent to have his name added as cointroducer to LB 677. No objections. So ordered.

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 26, LB 185, LB 291, LB 338, and LR 18CA. No objections. So ordered.

Senator Byars asked unanimous consent to have his name added as cointroducer to LB 24. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 36. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Dental Hygienists from across Nebraska.

**ADJOURNMENT**

At 10:27 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 10:00 a.m., Monday, January 22, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTEENTH DAY - JANUARY 22, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 22, 2001

**PRAYER**

The prayer was offered by Dr. Myrvin Christopherson, Dana College, Blair, 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 Brashear, Brown, and Robak who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twelfth day was approved.

**REFERENCE COMMITTEE REPORT**

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

<b>LB/LR</b>	<b>Committee</b>
LB 562	Joint committees - Appropriations and Health and Human Services
LB 570	Joint committees - Appropriations and Health and Human Services
LB 615	Joint committees - Appropriations and Health and Human Services
LB 618	Banking, Commerce and Insurance (referred)
LB 623	Joint committees - Appropriations and Health and Human Services
LB 684	Agriculture (referred)
LB 692	Joint committees - Appropriations and Health and Human Services

LB 693	Joint committees - Appropriations and Health and Human Services
LB 694	Joint committees - Appropriations and Health and Human Services
LB 701	Education
LB 702	Revenue
LB 703	Government, Military and Veterans Affairs
LB 704	Government, Military and Veterans Affairs
LB 705	Appropriations
LB 706	Executive Board
LB 707	Government, Military and Veterans Affairs
LB 708	Education
LB 709	Natural Resources
LB 710	Revenue
LB 711	Nebraska Retirement Systems
LB 712	Revenue
LB 713	Revenue
LB 714	Government, Military and Veterans Affairs
LB 715	Education
LB 716	Banking, Commerce and Insurance
LB 717	Natural Resources
LB 718	Judiciary
LB 719	Banking, Commerce and Insurance
LB 720	Government, Military and Veterans Affairs
LB 721	Health and Human Services
LB 722	Government, Military and Veterans Affairs
LB 723	Judiciary
LB 724	Transportation and Telecommunications
LB 725	Revenue
LB 726	Nebraska Retirement Systems
LB 727	Revenue
LB 728	Nebraska Retirement Systems
LB 729	Urban Affairs
LB 730	Urban Affairs
LB 731	Government, Military and Veterans Affairs
LB 732	Government, Military and Veterans Affairs
LB 733	Judiciary
LB 734	Judiciary
LB 735	Judiciary
LB 736	Education
LB 737	Health and Human Services
LB 738	Judiciary
LB 739	Education
LB 740	Education
LB 741	Transportation and Telecommunications
LB 742	Urban Affairs
LB 743	Banking, Commerce and Insurance
LB 744	Education
LB 745	Education



LB 746	Education
LB 747	Education
LB 748	Education
LB 749	Education
LB 750	Education
LB 751	Judiciary
LB 752	Judiciary
LB 753	Judiciary
LB 754	Judiciary
LB 755	Judiciary
LB 756	Judiciary
LB 757	Judiciary
LB 758	Appropriations
LB 759	Education
LB 760	Natural Resources
LB 761	Revenue
LB 762	Natural Resources
LB 763	Natural Resources
LB 764	Natural Resources
LB 765	Revenue
LB 766	Transportation and Telecommunications
LB 767	Judiciary
LB 768	Government, Military and Veterans Affairs
LB 769	Judiciary
LB 770	Health and Human Services
LB 771	Appropriations
LB 772	Executive Board
LB 773	Transportation and Telecommunications
LB 774	Transportation and Telecommunications
LB 775	Judiciary
LB 776	Transportation and Telecommunications
LB 777	Natural Resources
LB 778	Natural Resources
LB 779	Judiciary
LB 780	Government, Military and Veterans Affairs
LB 781	Judiciary
LB 782	Education
LB 783	Business and Labor
LB 784	Judiciary
LB 785	Judiciary
LB 786	Judiciary
LB 787	Natural Resources
LB 788	Health and Human Services
LB 789	Appropriations
LB 790	Revenue
LB 791	General Affairs
LB 792	Revenue
LB 793	Education
LB 794	Banking, Commerce and Insurance

LB 795	Judiciary
LB 796	Government, Military and Veterans Affairs
LB 797	Education
LB 798	Banking, Commerce and Insurance
LB 799	Education
LB 800	Transportation and Telecommunications
LB 801	Nebraska Retirement Systems
LB 802	General Affairs
LB 803	Agriculture
LB 804	Agriculture
LB 805	Government, Military and Veterans Affairs
LB 806	Urban Affairs
LB 807	Urban Affairs
LB 808	Urban Affairs
LB 809	Urban Affairs
LB 810	Urban Affairs
LB 811	Urban Affairs
LB 812	Education
LB 813	Government, Military and Veterans Affairs
LB 814	General Affairs
LB 815	Judiciary
LB 816	Business and Labor
LB 817	Redistricting
LB 818	Redistricting
LB 819	Redistricting
LB 820	Redistricting
LB 821	Redistricting
LB 822	Redistricting
LB 823	Judiciary
LB 824	Judiciary
LB 825	Banking, Commerce and Insurance
LB 826	Banking, Commerce and Insurance
LB 827	Transportation and Telecommunications
LB 828	General Affairs
LB 829	Revenue
LB 830	Transportation and Telecommunications
LB 831	Transportation and Telecommunications
LB 832	Banking, Commerce and Insurance
LB 833	Education
LB 834	Judiciary
LB 835	Urban Affairs
LB 836	Revenue
LB 837	Natural Resources
LB 838	Government, Military and Veterans Affairs
LB 839	Transportation and Telecommunications
LB 840	Transportation and Telecommunications
LB 841	Revenue
LB 842	Judiciary
LB 843	Judiciary

LB 844      Judiciary  
 LB 845      Judiciary  
 LB 846      Judiciary  
 LB 847      Judiciary  
 LB 848      Judiciary  
 LR 20CA     Urban Affairs  
 LR 21CA     Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson  
 Legislative Council  
 Executive Board

### ANNOUNCEMENTS

Senator Engel designates LB 585 as his priority bill.

Senator Burling designates LB 461 as his priority bill.

### NOTICE OF COMMITTEE HEARINGS Banking, Commerce and Insurance

LB 211	Monday, January 29, 2001	1:30 PM
LB 215	Monday, January 29, 2001	1:30 PM
LB 527	Monday, January 29, 2001	1:30 PM
LB 551	Monday, January 29, 2001	1:30 PM
LB 298	Tuesday, January 30, 2001	1:30 PM
LB 300	Tuesday, January 30, 2001	1:30 PM
LB 359	Tuesday, January 30, 2001	1:30 PM
LB 360	Tuesday, January 30, 2001	1:30 PM

(Signed) David M. Landis, Chairperson

### Transportation and Telecommunications

LB 34	Monday, January 29, 2001	1:30 PM
LB 106	Monday, January 29, 2001	1:30 PM
LB 108	Monday, January 29, 2001	1:30 PM
LB 191	Monday, January 29, 2001	1:30 PM
LB 254	Monday, January 29, 2001	1:30 PM
LB 477	Monday, January 29, 2001	1:30 PM
LB 574	Monday, January 29, 2001	1:30 PM
LB 41	Tuesday, January 30, 2001	1:30 PM
LB 89	Tuesday, January 30, 2001	1:30 PM
LB 90	Tuesday, January 30, 2001	1:30 PM
LB 463	Tuesday, January 30, 2001	1:30 PM
LB 827	Tuesday, January 30, 2001	1:30 PM

LB 70	Monday, February 5, 2001	1:30 PM
LB 147	Monday, February 5, 2001	1:30 PM
LB 148	Monday, February 5, 2001	1:30 PM
LB 160	Monday, February 5, 2001	1:30 PM
LB 265	Monday, February 5, 2001	1:30 PM
LB 291	Monday, February 5, 2001	1:30 PM
LB 312	Monday, February 5, 2001	1:30 PM
LB 425	Monday, February 5, 2001	1:30 PM
LB 494	Monday, February 5, 2001	1:30 PM
LB 636	Monday, February 5, 2001	1:30 PM
LB 724	Monday, February 5, 2001	1:30 PM
LB 830	Monday, February 5, 2001	1:30 PM

(Signed) Curt Bromm, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 26.** Introduced by Erdman, 47.

WHEREAS, Greg Terry of Sidney earned the Boy Scouts' highest honor and rank of Eagle Scout and was awarded the Eagle Award on Sunday, January 7, 2001; and

WHEREAS, Greg has served in Troop 90 in Sidney since 1999 and for his Eagle Scout project, planted trees outside of the soccer field complex in east Sidney and also at the arboretum east of the Bertrum O'Connor Swimming Pool; and

WHEREAS, Greg, a sophomore at Sidney High School, also holds the Cub Scouts' highest honor, the Arrow of Light; and

WHEREAS, fewer than two percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Greg Terry has achieved great success as an exemplary member of the Scouting program and has represented his community and troop with excellence.

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

1. That the Legislature congratulates Greg Terry on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Sidney.

2. That a copy of this resolution be sent to Greg Terry and his family.

Laid over.

### STANDING COMMITTEE REPORTS Health and Human Services

**LEGISLATIVE BILL 151.** Placed on General File.

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.

Child Abuse Prevention Fund Board  
Michael C. Arnold

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Cunningham, Maxwell, and Erdman. Nay: None. Absent: None.

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.

Director of Finance and Support, HHSS  
Stephen B. Curtiss

VOTE: Aye: Senators Byars, Suttle, Price, Cunningham, Maxwell, and Erdman. Nay: None. Present and not voting: Senator Jensen. 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.

Nebraska Healthcare Council  
Phil Harr  
Janice Thayer  
Daniel Worthing

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Cunningham, Maxwell, and Erdman. 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.

State Board of Health  
Gary Bieganski  
Linda Heiden  
Charles Ihle  
Andrea Nelson  
Robert Sandstrom  
Leslie Spry  
Steve Wooden

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Cunningham, Maxwell, and Erdman. 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

Joel Cerny  
Alice L. Dalton  
Doak Doolittle  
Dan Hakel  
Michael Miriovsky  
Earl Rudolph  
Val Snyder

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Cunningham, Maxwell, and Erdman. Nay: None. Absent: None.

(Signed) Jim Jensen, Chairperson

**MOTION - Withdraw LB 569**

Senator Wickersham renewed his pending motion, found on page 337, to withdraw LB 569.

The Wickersham motion to withdraw prevailed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**MOTION - Withdraw LB 239**

Senator Price renewed her pending motion, found on page 349, to withdraw LB 239.

The Price motion to withdraw prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 210.** Title read. Considered.

Advanced to E & R for review with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE RESOLUTION 1CA.** Read. Considered.

The Standing Committee amendment, AM0012, found on page 343, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:

FA5

Line 8, strike "declared" and insert "recommended"

Senator Chambers withdrew his amendment.

Senator Chambers requested a record vote on the advancement of the resolution.

Voting in the affirmative, 35:

Aguilar	Bromm	Bruning	Byars	Connealy
Coordsen	Cudaback	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jones	Kremer	Kristensen	Kruse	Maxwell
McDonald	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 8:

Baker	Beutler	Burling	Chambers	Cunningham
Landis	Preister	Tyson		

Present and not voting, 4:

Bourne	Jensen	Pedersen, Dw.	Pederson, D.
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Excused and not voting, 2:

Brashear	Brown
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Advanced to E & R for review with 35 ayes, 8 nays, 4 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 71.** 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.

### NOTICE OF COMMITTEE HEARINGS Business and Labor

LB 308	Monday, January 29, 2001	1:30 PM
LB 397	Monday, January 29, 2001	1:30 PM
LB 415	Monday, January 29, 2001	1:30 PM
LB 432	Monday, January 29, 2001	1:30 PM
LB 816	Monday, January 29, 2001	1:30 PM

Monday, January 29, 2001	1:30 PM
Dale Starr - Nebraska Boiler Safety Code Advisory Board	
Martin Kasl - Nebraska Boiler Safety Code Advisory Board	

LB 417	Monday, February 5, 2001	1:30 PM
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LB 456	Monday, February 5, 2001	1:30 PM
LB 637	Monday, February 5, 2001	1:30 PM
LB 638	Monday, February 5, 2001	1:30 PM
LB 216	Monday, February 5, 2001	1:30 PM
LB 185	Monday, February 12, 2001	1:30 PM
LB 665	Monday, February 12, 2001	1:30 PM
LB 29	Monday, February 12, 2001	1:30 PM
LB 72	Monday, February 12, 2001	1:30 PM
LB 153	Monday, February 12, 2001	1:30 PM
LB 350	Monday, February 26, 2001	1:30 PM
LB 370	Monday, February 26, 2001	1:30 PM
LB 492	Monday, February 26, 2001	1:30 PM
LB 675	Monday, February 26, 2001	1:30 PM
LB 220	Monday, February 26, 2001	1:30 PM
LB 626	Monday, March 5, 2001	1:30 PM
LB 627	Monday, March 5, 2001	1:30 PM
LB 633	Monday, March 5, 2001	1:30 PM
LB 783	Monday, March 5, 2001	1:30 PM

(Signed) Matt Connealy, Chairperson

#### **Education**

LB 305	Monday, January 29, 2001	1:30 PM
LB 560	Monday, January 29, 2001	1:30 PM
LB 576	Monday, January 29, 2001	1:30 PM
LB 744	Monday, January 29, 2001	1:30 PM

(Signed) Ron Raikes, Chairperson

#### **General Affairs**

LB 280	Monday, January 29, 2001	1:30 PM
LB 358	Monday, January 29, 2001	1:30 PM
LB 571	Monday, January 29, 2001	1:30 PM
LB 671	Monday, January 29, 2001	1:30 PM
LB 791	Monday, January 29, 2001	1:30 PM

(Signed) Ray Janssen, Chairperson

#### **Agriculture**

LB 474	Tuesday, January 30, 2001	1:30 PM
LB 804	Tuesday, January 30, 2001	1:30 PM
LB 550	Tuesday, January 30, 2001	1:30 PM
LB 436	Tuesday, January 30, 2001	1:30 PM

(Signed) Merton L. Dierks, Chairperson



**STANDING COMMITTEE REPORTS**  
**Natural Resources**

**LEGISLATIVE BILL 128.** Placed on General File.

(Signed) Ed Schrock, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 162.** Placed on General File as amended.  
Standing Committee amendment to LB 162:

AM0013

- 1 1. On page 2, line 14, reinstate the stricken matter;
- 2 and in line 15 strike "nature, quality," and ", or utility" and
- 3 show as stricken.
- 4 2. On page 3, line 17, strike "for real estate appraisal
- 5 activity", show as stricken, and insert "as a real estate
- 6 appraiser".
- 7 3. On page 4, line 10, strike the new matter and
- 8 reinstate the stricken matter; and in line 11 strike "estate".
- 9 4. On page 6, line 17, strike "or" and show as stricken;
- 10 and in line 28 before the period insert "; or
- 11 (7) Any owner of real estate, employee of the owner, or
- 12 attorney licensed to practice law in the State of Nebraska
- 13 representing the owner who renders an estimate or opinion of value
- 14 of the real estate or any interest in the real estate when such
- 15 estimate or opinion is offered in connection with a legal matter
- 16 involving real property".
- 17 5. On page 41, line 9, strike the new matter and insert
- 18 "advertises or holds himself or herself out to the general public
- 19 as a real estate appraiser".

(Signed) David M. Landis, Chairperson

**Health and Human Services**

**LEGISLATIVE BILL 24.** Placed on General File as amended.  
Standing Committee amendment to LB 24:

AM0042

- 1 1. Insert the following new section:
- 2 "Sec. 6. This act terminates on January 1, 2003."
- 3 2. On page 1, line 3, after the semicolon insert "to
- 4 provide a termination date;"
- 5 3. On page 4, line 28, strike beginning with
- 6 "appointments" through "of".
- 7 4. On page 5, strike beginning with "this" in line 1
- 8 through "the" in line 2; in line 4, strike the comma and insert
- 9 "shall provide staff support for the task force with assistance
- 10 from the"; in line 5 strike ", and" and insert "and the"; and in
- 11 line 6 strike beginning with "shall" through "force" and insert "as

12 may be necessary".

13 5. Renumber the remaining section accordingly.

(Signed) Jim Jensen, Chairperson

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 125 and LB 148. No objections. So ordered.

Senator Byars asked unanimous consent to have his name added as cointroducer to LB 29, LB 151, LB 152, and LB 255. No objections. So ordered.

Senator Robak asked unanimous consent to have her name added as cointroducer to LB 223. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 552. No objections. So ordered.

Senator Foley asked unanimous consent to have his name added as cointroducer to LB 705. No objections. So ordered.

Senator Cunningham asked unanimous consent to have his name added as cointroducer to LB 677 and LB 765. No objections. So ordered.

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 556. No objections. So ordered.

Senator Price asked unanimous consent to have her name added as cointroducer to LB 740 and LB 795. No objections. So ordered.

### **VISITORS**

Visitor to the Chamber was Charles Ward from Valentine.

### **ADJOURNMENT**

At 11:36 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, January 23, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**FOURTEENTH DAY - JANUARY 23, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 23, 2001

**PRAYER**

The prayer was offered by Father Tom Ryan, St. Mary's Cathedral Church, Grand Island, 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 Engel, Jensen, and Kremer who were excused; and Senators Bromm, Brown, Landis, and Robak who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirteenth day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 177.** Placed on Select File as amended.  
E & R amendment to LB 177:  
AM7004

- 1 1. On page 2, line 23, strike "by", show as stricken,
- 2 and insert "from".
- 3 2. On page 5, line 12, strike "such", show as stricken,
- 4 and insert "a metropolitan utilities"; and in line 28 before
- 5 "district" insert "metropolitan utilities".
- 6 3. On page 6, line 10, before "district" insert
- 7 "metropolitan utilities".

**LEGISLATIVE BILL 222.** Placed on Select File.  
**LEGISLATIVE BILL 49.** Placed on Select File.

**LEGISLATIVE BILL 54.** Placed on Select File as amended.  
E & R amendment to LB 54:

AM7006

- 1 1. On page 3, line 17, reinstate the stricken "such".
- 2 2. On page 6, line 18, strike the colon and "(a) The";
- 3 and in line 23 reinstate the stricken "(a) the".
- 4 3. On page 7, lines 9 and 20, reinstate the stricken
- 5 comma.
- 6 4. On page 17, line 3, strike "was"; and in line 16
- 7 strike the second comma and show as stricken.
- 8 5. On page 24, lines 9 and 11; and page 25, line 17,
- 9 after "company" strike the underscored comma.
- 10 6. On page 26, line 21, strike the first "and" and show
- 11 as stricken; and in line 23 after "person" insert an underscored
- 12 comma.
- 13 7. On page 32, line 16, after "54-201," insert "and" and
- 14 after the last comma insert "Reissue Revised Statutes of
- 15 Nebraska,"; and in line 17 after "14" insert ", Reissue Revised
- 16 Statutes of Nebraska".
- 17 8. On page 49, line 28, strike "Chapter 52," and show as
- 18 stricken.
- 19 9. On page 50, line 1, strike "article" and show as
- 20 stricken, strike "10" and show as stricken, and before "or" insert
- 21 "the Uniform Federal Lien Registration Act".
- 22 10. On page 53, line 27; and page 54, line 12, after
- 23 "77-3903" insert ", Reissue Revised Statutes of Nebraska".

**LEGISLATIVE BILL 68.** Placed on Select File.

**LEGISLATIVE BILL 138.** Placed on Select File.

**LEGISLATIVE BILL 36.** Placed on Select File as amended.  
E & R amendment to LB 36:

AM7003

- 1 1. On page 1, line 3, after the semicolon insert "to
- 2 eliminate a penalty;".

**LEGISLATIVE BILL 194.** Placed on Select File as amended.  
E & R amendment to LB 194:

AM7005

- 1 1. Insert the following new section:
- 2 "Section 1. Section 2-3948, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-3948. Sections 2-3948 to 2-3964 and section 3 of this
- 5 act shall be known and may be cited as the Dairy Industry
- 6 Development Act."
- 7 2. On page 1, line 1, after "sections" insert "2-3948
- 8 and"; and in line 4 after the semicolon insert "to harmonize
- 9 provisions;".
- 10 3. On page 4, line 3; and page 5, line 15, strike "2"

- 11 and insert "3".  
 12 4. On page 5, line 21, after "sections" insert "2-3948  
 13 and".  
 14 5. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 197.** Placed on Select File.

**LEGISLATIVE BILL 198.** Placed on Select File as amended.

E & R amendment to LB 198:

AM7007

- 1 1. On page 1, line 9, strike beginning with the first  
 2 "to" through the semicolon.  
 3 2. On page 3, line 3, strike "appendices" and insert  
 4 "appendixes".  
 5 3. On page 23, line 25, strike the underscored comma.

(Signed) Philip Erdman, Chairperson

## STANDING COMMITTEE REPORTS

### Revenue

**LEGISLATIVE BILL 124.** Placed on General File.

**LEGISLATIVE BILL 173.** Placed on General File as amended.

(Standing Committee amendment, AM0036, 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

## ANNOUNCEMENT

Senator Robak designates LB 563 as her priority bill.

## NOTICE OF COMMITTEE HEARING

### Education

LB 469	Tuesday, January 30, 2001	1:30 PM
LB 643	Tuesday, January 30, 2001	1:30 PM
LB 749	Tuesday, January 30, 2001	1:30 PM
LB 793	Tuesday, January 30, 2001	1:30 PM
LB 799	Tuesday, January 30, 2001	1:30 PM

(Signed) Ron Raikes, Chairperson

## MOTION - Print in Journal

Senator Tyson filed the following motion to LB 496:

To suspend the rules Rule 6, Section 3 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 496 without further amendment or debate.

### RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 15 was adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 15.

### GENERAL FILE

**LEGISLATIVE BILL 101.** Title read. Considered.

The Standing Committee amendment, AM0017, found on page 353, lost with 17 ayes, 23 nays, 6 present and not voting, and 3 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 33 ayes, 4 nays, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 122.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 169.** Title read. 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 168.** Title read. Considered.

The Standing Committee amendment, AM0024, found on page 353, 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 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

### STANDING COMMITTEE REPORTS

#### Natural Resources

**LEGISLATIVE BILL 126.** Placed on General File as amended.

Standing Committee amendment to LB 126:

AM0043

- 1 1. Strike original sections 1, 3, and 4.
- 2 2. On page 17, reinstate the stricken matter beginning
- 3 with "Prior" in line 2 through the period in line 11; in line 11
- 4 after the reinstated period insert "Such notice shall be given in
- 5 accordance with the Administrative Procedure Act."; and in line 22
- 6 reinstate the stricken matter.
- 7 3. On page 18, lines 13 and 22; and page 20, line 14,
- 8 strike the new matter and reinstate the stricken matter.
- 9 4. On page 23, strike beginning with "sections" in line
- 10 13 through "85-15,162.01" in line 14 and insert "section 13-2041";
- 11 and in line 14 strike "are" and insert "is".
- 12 5. Renumber the remaining sections accordingly.

(Signed) Ed Schrock, Chairperson

### General Affairs

**LEGISLATIVE BILL 278.** Placed on General File.

**LEGISLATIVE BILL 295.** Placed on General File as amended.  
Standing Committee amendment to LB 295:  
AM0066

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 2-1203, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-1203. The State Racing Commission shall have power to
- 5 prescribe and enforce rules and regulations governing horseraces
- 6 and race meetings licensed as provided in sections 2-1201 to
- 7 2-1242. Such rules and regulations shall contain criteria to be
- 8 used by the commission for decisions on approving and revoking
- 9 track licenses and licenses for telercacing facilities and
- 10 telephonic wagering and setting racing dates.
- 11 The commission may revoke or suspend licenses issued to
- 12 racing industry participants and may, in lieu of or in addition to
- 13 such suspension or revocation, impose a fine in an amount not to
- 14 exceed one thousand dollars upon a finding that a rule or
- 15 regulation has been violated by a licensed racing industry
- 16 participant. The exact amount of the fine shall be proportional to
- 17 the seriousness of the violation and the extent to which the
- 18 licensee derived financial gain as a result of the violation. All
- 19 fines collected under this section shall be paid into a fund for
- 20 alcohol and drug rehabilitation services for horseracing industry
- 21 participants, which fund is hereby created remitted to the State
- 22 Treasurer for credit to the permanent school fund. Any fund for
- 23 alcohol and drug rehabilitation services for horseracing industry
- 24 participants created under this section prior to the effective date
- 1 of this act shall terminate on the effective date of this act. Any
- 2 money in such fund on the effective date of this act shall be
- 3 transferred to the permanent school fund on such date.

- 4 The commission may delegate to a board of stewards such  
 5 of the commission's powers and duties as may be necessary to carry  
 6 out and effectuate the purposes of sections 2-1201 to 2-1242. Any  
 7 decision or action of such board of stewards may be appealed to the  
 8 commission or reviewed by the commission on its own initiative.  
 9 Sec. 3. Original section 2-1203, Reissue Revised  
 10 Statutes of Nebraska, is repealed."  
 11 2. Insert underscoring in section 1.

(Signed) Ray Janssen, Chairperson

### Education

**LEGISLATIVE BILL 302.** Placed on General File as amended.  
 Standing Committee amendment to LB 302:  
 AM0064

- 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."  
 4 2. On page 3, line 4, strike "each school board", show  
 5 as stricken, and insert "the school board of each affected  
 6 district"; in line 5, strike "between" through "and" and insert  
 7 "from a Class I school district to"; in lines 6 and 7 strike "or V"  
 8 and insert "V, or VI"; and in lines 6 and 7 before "with" insert  
 9 "of which the parcel is not a part or".

(Signed) Ron Raikes, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 27.** Introduced by Cunningham, 18.

WHEREAS, Daniel Warren Gardner spent forty-one years at the M.G. Waldbaum Co. in Wakefield, as manager and chief executive officer before retiring in 1993; and

WHEREAS, Mr. Gardner, a native of New York City, came to Nebraska in 1952 to run the company at the request of his Syracuse University classmate Milton Waldbaum; and

WHEREAS, during his time leading the egg company, the sales grew from \$1 million to \$200 million; and

WHEREAS, during his career Gardner was the director of the Poultry and Egg Institute of America, the Midwest Egg Producers, the United Egg Producers, and the Egg Clearinghouse Inc.; and

WHEREAS, Gardner was elected to the Nebraska Poultry Industries Hall of Fame in 1981; and

WHEREAS, Gardner has received the AK-SAR-BEN Good Neighbor Award and the Wagon Master Award and was inducted into the Wayne State College Hall of Fame; and

WHEREAS, he established the Gardner Foundation in 1990 to provide



assistance to tax-exempt organizations involved in charitable, scientific, literary, or educational activities; and

WHEREAS, Daniel Gardner died on Friday, January 19, 2001, at the age of 75 and will be remembered for his professional accomplishments, his charitable contributions, his outstanding service to agriculture, and his community leadership.

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

1. That the Legislature extends its sympathy to the family of Daniel Warren Gardner.

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

Laid over.

### NOTICE OF COMMITTEE HEARINGS Health and Human Services

LB 227	Wednesday, January 31, 2001	1:30 PM
LB 287	Wednesday, January 31, 2001	1:30 PM
LB 399	Wednesday, January 31, 2001	1:30 PM
LB 411	Wednesday, January 31, 2001	1:30 PM
LB 423	Wednesday, January 31, 2001	1:30 PM
LB 13	Thursday, February 1, 2001	1:30 PM
LB 21	Thursday, February 1, 2001	1:30 PM
LB 479	Thursday, February 1, 2001	1:30 PM
LB 530	Thursday, February 1, 2001	1:30 PM
LB 682	Thursday, February 1, 2001	1:30 PM
LB 770	Thursday, February 1, 2001	1:30 PM
LB 230	Friday, February 2, 2001	1:30 PM
LB 452	Friday, February 2, 2001	1:30 PM
LB 557	Friday, February 2, 2001	1:30 PM
LB 678	Friday, February 2, 2001	1:30 PM

(Signed) Jim Jensen, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 130.** Title read. Considered.

Senator Chambers offered the following amendment:

FA6

Strike Section 7

The Chambers amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not

voting, and 3 excused and not voting.

Senators Coordsen and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 134.** 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 136.** 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 137.** 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.

#### **SENATOR CUDABACK PRESIDING**

**LEGISLATIVE BILL 135.** Title read. Considered.

The Standing Committee amendment, AM0019, found on page 355, was adopted with 33 ayes, 0 nays, 11 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 247.** 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 67.** Title read. Considered.

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 252.** Title read. Considered.

Senator Cunningham asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 2 nays, 11 present and not voting, and 7 excused and not voting.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 111.** Title read. Considered.

The Standing Committee amendment, AM0035, found on page 356, was adopted with 34 ayes, 0 nays, 8 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.

**LEGISLATIVE BILL 131.** Title read. Considered.

The Standing Committee amendment, AM0034, found on page 356, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 118.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 156.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 365.** Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senators Hartnett, McDonald, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 275.** Title read. Considered.

The Standing Committee amendment, AM0032, found on page 357, 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 27 ayes, 0 nays, 14 present and not

voting, and 8 excused and not voting.

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

**LEGISLATIVE BILL 209.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 214.** Title read. Considered.

The Standing Committee amendment, AM0020, found on page 357, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 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.

### **AMENDMENTS - Print in Journal**

Senators Landis and Beutler filed the following amendment to LB 54:  
AM0053

- 1 1. Strike original section 6 and insert the following
- 2 new section:
- 3 "Sec. 33. The following section is outright repealed:
- 4 Section 52-503, Reissue Revised Statutes of Nebraska."
- 5 2. On page 54, line 19, strike "52-503,".
- 6 3. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB 71:  
AM0065

- 1 1. Strike section 2 and insert the following new
- 2 sections:
- 3 "Section 1. Section 14-201.03, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 14-201.03. The election commissioner in any county in
- 6 which is situated a city of the metropolitan class shall divide the
- 7 city into seven city council districts of compact and contiguous
- 8 territory. Such districts shall be numbered consecutively from one
- 9 to seven. One council member shall be elected from each such
- 10 district. ~~The election commissioner shall redraw the boundaries of~~
- 11 ~~such districts, maintaining the compact and contiguous nature of~~
- 12 ~~each, when such districts are no longer substantially equal in~~
- 13 ~~population~~ city council shall be responsible for redrawing the city
- 14 council district boundaries pursuant to section 32-553.
- 15 Sec. 3. Section 32-553, Reissue Revised Statutes of
- 16 Nebraska, is amended to read:
- 17 32-553. (1) When any political subdivision except a

18 public power district nominates or elects members of the governing  
19 board by districts, such districts shall be substantially equal in  
20 population as determined by the most recent federal decennial  
21 census. Any such political subdivision which has districts in  
22 place on the date the census figures used in drawing district  
23 boundaries for the Legislature are required to be submitted to the  
24 state by the United States Department of Commerce, Bureau of the  
1 Census, shall, if necessary to maintain substantial population  
2 equality as required by this subsection, have new district  
3 boundaries drawn within six months after the passage and approval  
4 of the legislative bill providing for reestablishing legislative  
5 districts. Any such political subdivision in existence on the date  
6 the census figures used in drawing district boundaries for the  
7 Legislature are required to be submitted to the state by the United  
8 States Department of Commerce, Bureau of the Census, and which has  
9 not established any district boundaries shall establish district  
10 boundaries pursuant to this section within six months after such  
11 date. If the deadline for drawing or redrawing district boundary  
12 lines imposed by this section is not met, the procedures set forth  
13 in section 32-555 shall be followed.

14 (2) The governing board of each such political  
15 subdivision shall be responsible for drawing its own district  
16 boundaries and shall, as nearly as possible, follow the precinct  
17 lines created by the election commissioner or county clerk after  
18 each federal decennial census, except that ~~the election~~  
19 ~~commissioner of any county in which a city of the metropolitan~~  
20 ~~class is located shall draw district boundaries for such city as~~  
21 ~~required under this section and section 14-201.03~~ and the election  
22 commissioner of any county in which a Class IV or V school district  
23 is located shall draw district boundaries for such school district  
24 as provided in this section and section 32-552.

25 Sec. 4. Section 32-555, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 32-555. (1) Except as provided in subsection (4) of this  
1 section, if the governing board of any city, village, county, or  
2 school district which nominates or elects members to the board by  
3 district or ward fails to draw district boundaries by the date  
4 established in subsection (1) of section 32-553 or subsection (4)  
5 of section 32-554, the county attorney of the county in which the  
6 board is located shall file an action in the district court for the  
7 purpose of ordering the board to draw district boundaries. If  
8 within six months after the receipt of such order the board does  
9 not comply, the members of the board shall be subject to removal  
10 and the court shall order the Secretary of State to draw district  
11 boundaries in accordance with the most recent federal decennial  
12 census. Any vacancy resulting from such removal from office shall  
13 be filled as provided by law.

14 (2) If the county attorney fails to file the action  
15 required by subsection (1) of this section, he or she shall be

16 subject to removal from office. If the county attorney fails to  
 17 file such action, any citizen within the jurisdiction of the  
 18 governing board may file the action. The court shall order the  
 19 board to pay any costs and attorney's fees involved in such action.  
 20 (3) If an election commissioner required to draw district  
 21 boundaries for a ~~city of the metropolitan class~~ any county having  
 22 more than three hundred thousand inhabitants pursuant to ~~section~~  
 23 sections 23-151 and 32-553 fails to do so, the election  
 24 commissioner shall be subject to (a) suit by the county attorney  
 25 for the purpose of ordering the drawing of district boundaries, (b)  
 26 removal from office pursuant to section 32-214 for failure to  
 27 comply with an order to draw district boundaries within six months  
 1 of receipt of such order, and (c) suit by any citizen for the  
 2 purpose of ordering the drawing of district boundaries and shall be  
 3 obligated to pay any costs and attorney's fees involved in any such  
 4 action.  
 5 (4) If the county board of any county having more than  
 6 three hundred thousand inhabitants fails to complete the process of  
 7 drawing district boundaries as provided for in sections 23-151 and  
 8 32-553, the procedures set forth in subdivision (3)(b) of section  
 9 23-151 shall be followed.  
 10 Sec. 5. Original sections 14-201.03, 32-538, 32-553, and  
 11 32-555, Reissue Revised Statutes of Nebraska, are repealed.  
 12 Sec. 6. Since an emergency exists, this act takes effect  
 13 when passed and approved according to law."  
 14 2. Renumber the remaining section accordingly.

### MOTION - Print in Journal

Senator Kristensen filed the following motion to LB 252:  
 Bracket LB 252 until January 10, 2002.

### NOTICE OF COMMITTEE HEARING Urban Affairs

LB 31	Tuesday, January 30, 2001	1:30 PM
LB 483	Tuesday, January 30, 2001	1:30 PM
LB 484	Tuesday, January 30, 2001	1:30 PM
LB 552	Tuesday, January 30, 2001	1:30 PM
LB 579	Tuesday, January 30, 2001	1:30 PM
LB 730	Tuesday, January 30, 2001	1:30 PM
LB 809	Tuesday, January 30, 2001	1:30 PM

(Signed) D. Paul Hartnett, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 168A.** Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to transfer funds to aid in carrying out the provisions of Legislative Bill 168, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

**STANDING COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 105.** Placed on General File.

**LEGISLATIVE BILL 362.** Placed on General File.

(Signed) David M. Landis, Chairperson

**Education**

**LEGISLATIVE BILL 313.** Placed on General File as amended.

Standing Committee amendment to LB 313:

AM0021

- 1 1. Insert the following new section:
- 2 "Sec. 5. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 10, lines 17 and 23, strike "one", show as
- 5 stricken, and insert "two".

(Signed) Ron Raikes, Chairperson

**MOTION - Print in Journal**

Senator Dierks filed the following motion to LB 590:

Withdraw LB 590.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 159. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 57 fourth grade students and teachers from Eagle; and a delegation of government officials studying democracy from Nigeria.

The Doctor of the Day was Dr. Scott Abrams from Lincoln.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator D. Pederson, the Legislature adjourned until 9:00 a.m., Wednesday, January 24, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTEENTH DAY - JANUARY 24, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 24, 2001

**PRAYER**

The prayer was offered by Pastor Lauren Ekdahl, Trinity 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 Brown, Hilgert, Preister, and Robak who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fourteenth day was approved.

**REFERENCE COMMITTEE REPORT**

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

<b>LB/LR</b>	<b>Committee</b>
LB 597	Appropriations (rereferred)
LB 673	Judiciary (rereferred)
LB 835	Banking, Commerce and Insurance (rereferred)

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

**NOTICE OF COMMITTEE HEARINGS****Revenue**

LB 568	Wednesday, January 31, 2001	2:30 PM
LB 702	Wednesday, January 31, 2001	2:30 PM
LB 712	Wednesday, January 31, 2001	2:30 PM
LB 449	Wednesday, January 31, 2001	2:30 PM
LB 149	Wednesday, January 31, 2001	2:30 PM
LB 200	Thursday, February 1, 2001	1:30 PM
LB 201	Thursday, February 1, 2001	1:30 PM
LB 202	Thursday, February 1, 2001	1:30 PM
LB 203	Thursday, February 1, 2001	1:30 PM
LB 204	Thursday, February 1, 2001	1:30 PM
LB 205	Thursday, February 1, 2001	1:30 PM
LB 206	Thursday, February 1, 2001	1:30 PM
LB 207	Thursday, February 1, 2001	1:30 PM
LB 765	Friday, February 2, 2001	1:30 PM
LB 390	Friday, February 2, 2001	1:30 PM
LB 424	Friday, February 2, 2001	1:30 PM
LB 536	Friday, February 2, 2001	1:30 PM
LB 537	Friday, February 2, 2001	1:30 PM
LB 606	Friday, February 2, 2001	1:30 PM
LB 430	Wednesday, February 7, 2001	2:30 PM
LB 443	Wednesday, February 7, 2001	2:30 PM
LB 495	Wednesday, February 7, 2001	2:30 PM
LB 502	Wednesday, February 7, 2001	2:30 PM
LB 727	Wednesday, February 7, 2001	2:30 PM
LB 556	Thursday, February 8, 2001	1:30 PM
LB 120	Thursday, February 8, 2001	1:30 PM
LB 392	Thursday, February 8, 2001	1:30 PM
LB 290	Thursday, February 8, 2001	1:30 PM
LB 600	Thursday, February 8, 2001	1:30 PM
LB 422	Thursday, February 8, 2001	1:30 PM
LR 3CA	Friday, February 9, 2001	1:30 PM
LB 289	Friday, February 9, 2001	1:30 PM
LR 14CA	Friday, February 9, 2001	1:30 PM
LB 761	Friday, February 9, 2001	1:30 PM
LB 61	Friday, February 9, 2001	1:30 PM
LB 91	Wednesday, February 14, 2001	2:30 PM
LB 508	Wednesday, February 14, 2001	2:30 PM
LB 509	Wednesday, February 14, 2001	2:30 PM
LB 510	Wednesday, February 14, 2001	2:30 PM
LB 533	Wednesday, February 14, 2001	2:30 PM

LB 78	Thursday, February 15, 2001	1:30 PM
LB 100	Thursday, February 15, 2001	1:30 PM
LB 119	Thursday, February 15, 2001	1:30 PM
LB 620	Thursday, February 15, 2001	1:30 PM
LB 629	Thursday, February 15, 2001	1:30 PM
LB 506	Thursday, February 15, 2001	1:30 PM
LB 507	Thursday, February 15, 2001	1:30 PM

(Signed) William R. Wickersham, Chairperson

### RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 19 was adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 19.

### GENERAL FILE

**LEGISLATIVE BILL 151.** 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.

Senators Engel and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 128.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 162.** Title read. Considered.

Senators Cunningham and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, AM0013, found on page 369, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 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 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 24.** Title read. Considered.

The Standing Committee amendment, AM0042, found on page 369, was considered.

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

AM0086

(Amendments to Standing Committee amendments, AM0042)

- 1 1. Strike amendment 3 and insert the following new
- 2 amendments:
- 3 "3. On page 2, line 18, strike 'Two representatives' and
- 4 insert 'One representative'.
- 5 4. On page 3, line 4, after 'Association' insert 'who is
- 6 also a member of the Nebraska Academy of Family Physicians'; and
- 7 strike beginning with 'physician' in line 7 through 'Physicians' in
- 8 line 8 and insert 'representative of the Nebraska Pharmacists
- 9 Association'.
- 10 5. On page 4, line 6, strike 'Two persons' and insert
- 11 'One person'; strike beginning with the period in line 7 through
- 12 'license' in line 9; in line 14 strike 'and'; in line 18 after
- 13 'industry' insert '; and
- 14 (f) One licensed practical nurse'; and in line 27 after
- 15 the period insert 'The member of the Health and Human Services
- 16 Committee of the Legislature appointed under subdivision (1) of
- 17 this section and the members of the task force appointed under
- 18 subdivisions (2), (3)(a), (3)(c), (3)(e), (3)(h), (3)(i), (3)(k),
- 19 (3)(m), and (3)(s) of this section shall make up the core committee
- 20 of the task force and shall be responsible for carrying out the
- 21 duties of the task force described in sections 3 to 5 of this act.
- 22 The remaining members of the task force shall serve in an advisory
- 23 capacity to the core committee.'; and in line 28 strike beginning
- 1 with 'appointments' through 'of'."
- 2 2. Renumber the remaining amendments accordingly.

The Suttle 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 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 124.** Title read. Considered.**PRESIDENT MAURSTAD PRESIDING**

Failed to advance to E & R for review with 13 ayes, 17 nays, 15 present and

not voting, and 4 excused and not voting.

Senators McDonald and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 173.** Title read. Considered.

The Standing Committee amendment, AM0036, printed separately and referred to on page 373, was considered.

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

AM0090

- 1 1. In the Standing Committee amendments, AM0036:
- 2 a. On page 2, lines 2 through 5, strike the new matter
- 3 and insert "This section shall not be construed to affect the
- 4 obligation of a lessee to pay taxes if taxes are due under sections
- 5 77-202, 77-202.11, and 77-202.12."; and
- 6 b. On page 4, lines 3 through 6 and 17 through 20; page
- 7 8, lines 15 through 18; page 9, lines 2 through 5; and page 12,
- 8 lines 8 through 11 and 22 through 25, strike the new matter and
- 9 insert ". This subdivision shall not be construed to affect the
- 10 obligation of a lessee to pay taxes if taxes are due under sections
- 11 77-202, 77-202.11, and 77-202.12.".
- 12 2. On page 4, lines 22 through 25; and page 5, lines 21
- 13 through 24, strike the new matter and insert "This section shall
- 14 not be construed to affect the obligation of a lessee to pay taxes
- 15 if taxes are due under sections 77-202, 77-202.11, and 77-202.12.".

The Wickersham amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, 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 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

**LEGISLATIVE BILL 210.** Placed on Select File.

**LEGISLATIVE RESOLUTION 1CA.** Placed on Select File as amended.  
E & R amendment to LR 1CA:

AM7008

- 1 1. Strike sections 1 and 2 and all amendments thereto
- 2 and insert the following new sections:
- 3 "Section 1. At the general election in November 2002 the

4 following proposed amendment to the Constitution of Nebraska shall  
 5 be submitted to the electors of the State of Nebraska for approval  
 6 or rejection:

7 To amend Article I, section 27:

8 I-27 "The English language is hereby declared to be the  
 9 official language of this state. ~~All ; and all official~~  
 10 proceedings, records, and publications shall be in such language,  
 11 and such language shall be used in the public schools. ; and the  
 12 ~~common school branches shall be taught in said language in public,~~  
 13 ~~private, denominational and parochial schools."~~

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

17 "A constitutional amendment to clarify English language  
 18 requirements in schools.

19 For

20 Against".

**LEGISLATIVE BILL 71.** Placed on Select File.

**LEGISLATIVE BILL 101.** Placed on Select File.

**LEGISLATIVE BILL 122.** Placed on Select File.

**LEGISLATIVE BILL 169.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 128:  
 AM0088

1 1. On page 3, line 15, after "to" insert "(a)"; in line  
 2 19 after "abandonment" insert "or (b) cities of the second class  
 3 and villages for disposal costs from demolition of abandoned,  
 4 unsafe, or condemned buildings"; and in line 26 strike "five", show  
 5 as stricken, and insert "ten".

Senators Beutler and Bromm filed the following amendment to LB 247:  
 AM0079

1 1. On page 4, line 12, after the period insert  
 2 "Transfers from the fund to the General Fund may be made at the  
 3 direction of the Legislature.".

### NOTICE OF COMMITTEE HEARINGS Natural Resources

Wednesday, January 31, 2001

1:30 PM

James Stuart, Jr. - Game and Parks Commission

LB 243 Wednesday, January 31, 2001

1:30 PM

LB 373 Wednesday, January 31, 2001

1:30 PM

LB 374	Wednesday, January 31, 2001	1:30 PM
LB 461	Thursday, February 1, 2001	1:30 PM
LB 555	Thursday, February 1, 2001	1:30 PM
LB 762	Thursday, February 1, 2001	1:30 PM
	Friday, February 2, 2001	1:30 PM
	Charles J. "Tod" Broderson - Nebraska Ethanol Board	
	Mark McColley - Nebraska Ethanol Board	
LB 75	Friday, February 2, 2001	1:30 PM

(Signed) Ed Schrock, Chairperson

### General Affairs

Thursday, February 1, 2001	8:00 AM
Terry Ferguson - Nebraska Arts Council	
Nancy Schwertley - Nebraska Arts Council	
Fred Simon - Nebraska Arts Council	
Donna Woods - Nebraska Arts Council	
Louise Bahr - Nebraska Arts Council	
Janet Korell - Nebraska Arts Council	

(Signed) Ray Janssen, Chairperson

### STANDING COMMITTEE REPORT General Affairs

**LEGISLATIVE BILL 268.** Placed on General File as amended.  
Standing Committee amendment to LB 268:  
AM0073

- 1 1. Insert the following new sections:
- 2 "Sec. 3. This act becomes operative on July 1, 2001.
- 3 Sec. 5. Since an emergency exists, this act takes effect
- 4 when passed and approved according to law."
- 5 2. On page 2, line 13, strike "three" and insert "one"
- 6 and strike "permits", show as stricken, and insert "permit".
- 7 3. On page 4, line 16, strike "three" and insert "one"
- 8 and strike "bingos", show as stricken, and insert "bingo".
- 9 4. Renumber the remaining section accordingly.

(Signed) Ray Janssen, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 128A.** 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 128, Ninety-seventh Legislature, First Session, 2001.

**GENERAL FILE****LEGISLATIVE BILL 126.** Title read. Considered.

The Standing Committee amendment, AM0043, found on page 374, 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 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 278.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 295.** Title read. Considered.

The Standing Committee amendment, AM0066, found on page 375, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 302.** Title read. Considered.

The Standing Committee amendment, AM0064, found on page 376, 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 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 105.** Title read. Considered.

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

**LEGISLATIVE BILL 362.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.



**LEGISLATIVE BILL 313.** Title read. Considered.

The Standing Committee amendment, AM0021, found on page 383, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senators Landis and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

**SENATOR CUDABACK PRESIDING**

Pending.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 168.** Placed on Select File as amended.

E & R amendment to LB 168:

AM7011

- 1 1. On page 1, strike beginning with "to" in line 7 through the semicolon in line 9.
- 3 2. On page 6, line 2, after "electronically" insert an
- 4 underscored period.

**LEGISLATIVE BILL 130.** Placed on Select File as amended.

E & R amendment to LB 130:

AM7009

- 1 1. On page 1, line 2; and page 6, lines 23 and 24,
- 2 strike "37-624, and 60-646" and insert "and 37-624".
- 3 2. On page 1, lines 8 and 9, strike "to redefine a
- 4 term;".

**LEGISLATIVE BILL 134.** Placed on Select File.

**LEGISLATIVE BILL 136.** Placed on Select File as amended.

E & R amendment to LB 136:

AM7013

- 1 1. On page 5, line 22, after "existing" insert
- 2 "improvement".

**LEGISLATIVE BILL 137.** Placed on Select File.

**LEGISLATIVE BILL 135.** Placed on Select File as amended.

E & R amendment to LB 135:

AM7012

- 1 1. On page 1, line 6, after the semicolon insert "to
- 2 harmonize provisions;".
- 3 2. On page 2, line 6, strike "and", show as stricken,
- 4 and insert an underscored comma; and in line 25 strike "act", show
- 5 as stricken, and insert "Nebraska Ground Water Management and
- 6 Protection Act".

**LEGISLATIVE BILL 247.** Placed on Select File as amended.  
E & R amendment to LB 247:  
AM7010

1 1. On page 4, line 5, strike "under subsection (3) of  
2 this section".

**LEGISLATIVE BILL 67.** Placed on Select File.

**LEGISLATIVE BILL 252.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Government, Military and Veterans Affairs**

Wednesday, January 31, 2001 1:30 PM  
Roger Lempke - Military Director

LB 10	Wednesday, January 31, 2001	1:30 PM
LB 262	Wednesday, January 31, 2001	1:30 PM
LB 286	Wednesday, January 31, 2001	1:30 PM
LB 368	Wednesday, January 31, 2001	1:30 PM

LB 366	Thursday, February 1, 2001	1:30 PM
LB 406	Thursday, February 1, 2001	1:30 PM
LB 420	Thursday, February 1, 2001	1:30 PM
LB 482	Thursday, February 1, 2001	1:30 PM
LB 446	Thursday, February 1, 2001	1:30 PM

LB 127	Friday, February 2, 2001	1:30 PM
LB 32	Friday, February 2, 2001	1:30 PM
LB 93	Friday, February 2, 2001	1:30 PM
LB 263	Friday, February 2, 2001	1:30 PM

(Signed) DiAnna R. Schimek, Chairperson

**Judiciary**

LB 73	Wednesday, January 31, 2001	1:30 PM
LB 219	Wednesday, January 31, 2001	1:30 PM
LB 221	Wednesday, January 31, 2001	1:30 PM
LB 351	Wednesday, January 31, 2001	1:30 PM
LB 496	Wednesday, January 31, 2001	1:30 PM
LB 795	Wednesday, January 31, 2001	1:30 PM

LB 23	Thursday, February 1, 2001	1:30 PM
LB 451	Thursday, February 1, 2001	1:30 PM
LB 466	Thursday, February 1, 2001	1:30 PM
LB 471	Thursday, February 1, 2001	1:30 PM
LB 598	Thursday, February 1, 2001	1:30 PM

LB 599	Thursday, February 1, 2001	1:30 PM
LB 42	Friday, February 2, 2001	1:30 PM
LB 74	Friday, February 2, 2001	1:30 PM
LB 80	Friday, February 2, 2001	1:30 PM
LB 321	Friday, February 2, 2001	1:30 PM
LB 327	Friday, February 2, 2001	1:30 PM
LB 489	Friday, February 2, 2001	1:30 PM
LB 781	Friday, February 2, 2001	1:30 PM

(Signed) Kermit A. Brashear, Chairperson

### Education

LB 708	Monday, February 5, 2001	1:30 PM
LB 715	Monday, February 5, 2001	1:30 PM
LB 745	Monday, February 5, 2001	1:30 PM
LB 613	Monday, February 5, 2001	1:30 PM
LB 625	Monday, February 5, 2001	1:30 PM
LB 521	Tuesday, February 6, 2001	1:30 PM
LB 522	Tuesday, February 6, 2001	1:30 PM
LB 602	Tuesday, February 6, 2001	1:30 PM
LB 660	Tuesday, February 6, 2001	1:30 PM
LB 701	Tuesday, February 6, 2001	1:30 PM
LB 486	Monday, February 12, 2001	1:30 PM
LB 532	Monday, February 12, 2001	1:30 PM
LB 573	Monday, February 12, 2001	1:30 PM
LB 621	Monday, February 12, 2001	1:30 PM
LB 759	Monday, February 12, 2001	1:30 PM
LB 513	Tuesday, February 13, 2001	1:30 PM
LB 519	Tuesday, February 13, 2001	1:30 PM
LB 609	Tuesday, February 13, 2001	1:30 PM
LB 748	Tuesday, February 13, 2001	1:30 PM
LB 812	Tuesday, February 13, 2001	1:30 PM
LB 478	Tuesday, February 20, 2001	1:30 PM
LB 520	Tuesday, February 20, 2001	1:30 PM
LB 689	Tuesday, February 20, 2001	1:30 PM
LB 690	Tuesday, February 20, 2001	1:30 PM
LB 746	Tuesday, February 20, 2001	1:30 PM
LB 248	Monday, February 26, 2001	1:30 PM
LB 378	Monday, February 26, 2001	1:30 PM
LB 421	Monday, February 26, 2001	1:30 PM
LB 535	Monday, February 26, 2001	1:30 PM
LB 747	Monday, February 26, 2001	1:30 PM

LR 8CA	Tuesday, February 27, 2001	1:30 PM
LR 18CA	Tuesday, February 27, 2001	1:30 PM
LB 364	Tuesday, February 27, 2001	1:30 PM
LB 401	Tuesday, February 27, 2001	1:30 PM
LB 750	Tuesday, February 27, 2001	1:30 PM
LB 782	Tuesday, February 27, 2001	1:30 PM
LB 315	Monday, March 5, 2001	1:30 PM
LB 578	Monday, March 5, 2001	1:30 PM
LB 650	Monday, March 5, 2001	1:30 PM
LB 669	Monday, March 5, 2001	1:30 PM
LB 736	Monday, March 5, 2001	1:30 PM
LB 369	Tuesday, March 6, 2001	1:30 PM
LB 380	Tuesday, March 6, 2001	1:30 PM
LB 431	Tuesday, March 6, 2001	1:30 PM
LB 467	Tuesday, March 6, 2001	1:30 PM
LB 654	Tuesday, March 6, 2001	1:30 PM
LB 739	Tuesday, March 6, 2001	1:30 PM
LB 460	Monday, March 12, 2001	1:30 PM
LB 594	Monday, March 12, 2001	1:30 PM
LB 646	Monday, March 12, 2001	1:30 PM
LB 647	Monday, March 12, 2001	1:30 PM
LB 271	Tuesday, March 13, 2001	1:30 PM
LB 697	Tuesday, March 13, 2001	1:30 PM
LB 740	Tuesday, March 13, 2001	1:30 PM
LB 797	Tuesday, March 13, 2001	1:30 PM
LB 833	Tuesday, March 13, 2001	1:30 PM

(Signed) Ron Raikes, Chairperson

### **STANDING COMMITTEE REPORTS**

#### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 51.** Placed on General File.

**LEGISLATIVE BILL 225.** Placed on General File.

**LEGISLATIVE BILL 53.** Placed on General File as amended.

(Standing Committee amendment, AM0061, 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 50.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

### Urban Affairs

**LEGISLATIVE BILL 104.** Placed on General File.

**LEGISLATIVE BILL 317.** Placed on General File.

**LEGISLATIVE BILL 179.** Placed on General File as amended.

Standing Committee amendment to LB 179:

AM0085

1 1. Strike section 1 and insert the following new  
 2 section:  
 3 "Section 1. Section 14-408, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 14-408. The city council may provide for the appointment  
 6 of a board of appeals consisting of ~~six~~ five regular members. Two  
 7 additional alternate members shall be appointed and designated as  
 8 alternate members, either or both of whom may attend any meeting  
 9 and may serve as voting and participating members of the board with  
 10 the authority of a regular board member at any time when less than  
 11 the full number of regular board members is present and capable of  
 12 voting. If both alternate members are present when only a single  
 13 regular member is absent, the presiding board member shall decide  
 14 which alternate member may serve for the balance of the meeting. ;  
 15 to be appointed and selected as follows: Commencing on September  
 16 10, 1975, one member shall be appointed for a term of one year; one  
 17 member shall be appointed for a term of two years; one member shall  
 18 be appointed for a term of three years; one member shall be  
 19 appointed for a term of four years; one member shall be appointed  
 20 for a term of five years; and one member shall be appointed and  
 21 designated as an alternate member for a term of five years, who  
 22 shall attend and serve only when one of the other members fails or  
 23 is unable to attend for any reason. Upon the expiration of the  
 24 initial terms of such appointed regular and alternate members, all  
 1 members and alternates shall be appointed for a term of five years.  
 2 The appointing authority shall have the power to remove any regular  
 3 or alternate member of the board for cause and after public  
 4 hearing. Vacancies shall be filled for the unexpired term of a  
 5 regular or alternate member whose place has become vacant. All  
 6 meetings of the board of appeals shall be held at the call of the  
 7 chairman chairperson and at such other times as such board may  
 8 determine. Such chairman chairperson, or in his or her absence the  
 9 acting chairman chairperson, may administer oaths and compel the  
 10 attendance of witnesses. All meetings of such board shall be open  
 11 to the public. Such board shall keep minutes of its proceedings,  
 12 showing the vote of each member upon every question, or if absent  
 13 or failing to vote, indicating such fact, and shall also keep  
 14 records of its examinations and other official actions. Every rule  
 15 or regulation, every amendment or repeal thereof, and every order,  
 16 requirement, decision, or determination of the board shall  
 17 immediately be filed in the office of the board and shall be a

18 public record.".

(Signed) D. Paul Hartnett, Chairperson

### Education

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

Board of Educational Lands and Funds

Charles A. Ward

VOTE: Aye: Senators Brashear, Maxwell, Price, Raikes, Stuhr, Suttle, and Wickersham. Nay: None. Absent: Senator Coordsen.

(Signed) Ron Raikes, Chairperson

### AMENDMENT - Print in Journal

Senator Bourne filed the following amendment to LB 177:  
AM0052

1 1. Insert the following new sections:  
2 "Section 1. Section 14-542, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 14-542. When public improvements are made upon a street  
5 or part thereof and there are lots or grounds belonging to the city  
6 but held or used as a part of any utility system or plant owned by  
7 it, either abutting upon or adjacent to such street or embraced  
8 within any improvement district, such property shall not be subject  
9 to special assessments for the costs of the improvement, but the  
10 costs of improving one-half, or such parts of the costs as might  
11 otherwise be assessed against such property, shall be paid out of  
12 the water fund, gas fund, or other fund available for such purpose  
13 and created to pay the costs of operation of such utility. The  
14 board or body having charge of such fund is directed to pay such  
15 costs of such improvement upon the completion thereof to the city  
16 treasurer, and the amount so paid shall be applied to pay the  
17 partial costs of such improvement. Whenever any water main is laid  
18 by a metropolitan utilities district in a street of a city of the  
19 metropolitan class and there are lots or grounds abutting upon such  
20 street or embraced within any improvement district which are owned  
21 and controlled by the city, one-half the cost of constructing such  
22 water main in front of such lot or grounds, if special benefits  
23 equal such an amount, to be determined by the metropolitan  
24 utilities district, but not to exceed fifty cents per lineal front  
1 foot, shall be paid out of the general fund of the city. The city  
2 council shall provide for the payment of such costs to the  
3 treasurer of the metropolitan utilities district.

- 4 Sec. 2. Section 14-554, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:  
 6 14-554. (1) The county in which any city of the  
 7 metropolitan class is located shall receive as full compensation  
 8 for collection and disbursement of all funds of such city an amount  
 9 equal to one percent of all money collected from taxation. Such  
 10 fee shall be paid monthly out of the general funds of the city.  
 11 (2) Such county shall receive as full compensation for  
 12 the collection and disbursement of all money from taxation and  
 13 pursuant to section 77-3523 coming to the board of education an  
 14 amount equal to one percent thereof, to be paid out of the general  
 15 fund.  
 16 (3) ~~Such county shall receive as full compensation for~~  
 17 ~~the collection and disbursement of the funds of the metropolitan~~  
 18 ~~utilities district an amount equal to one percent of all money~~  
 19 ~~collected by the county treasurer.~~  
 20 (4) The county treasurer, as ex officio city treasurer,  
 21 shall receive as additional salary and compensation for the  
 22 performance of his or her duty as such officer the sum of one  
 23 thousand dollars per annum from the city to be payable quarterly  
 24 from the funds of the city."  
 25 2. On page 7, line 8, after "sections" insert "14-542,  
 26 14-554,".  
 27 3. Renumber the remaining sections accordingly.

**2000 INTERIM REPORT  
 ON THE DISPOSITION OF  
 INTERIM STUDY RESOLUTIONS**

**Agriculture**

<b>LR</b>	<b>Subject</b>	<b>Completed: Report Issued</b>	<b>Completed: No Report Issued</b>	<b>Deferred</b>
453	Labeling for GMO Products			X
454	Contract Producers Bill of Rights		X	
455	Ledger Contracts			X
456	Internet Training Courses			X
457	Interstate Ag Legislative Resource Compact			X
458	Examine funding of basic agricultural research		X	
459	Examine options for retaining price discrimination protection			X
460	Examine opportunities for economic cooperation between packers and producers		X	
487	Examine University of Nebraska commitment to maintaining status and budget commitment to IANR		X	
498	Examine need for legislation to resolve lease disputes between railroads and certain tenants on		X	

railroad property

**Appropriations**

<b>LR</b>	<b>Subject</b>	<b>Completed: Report Issued</b>	<b>Completed: No Report Issued</b>	<b>Deferred</b>
369	Divert hazardous materials*		X	
370	Prevent water contamination*		X	
423	Examine state leased space		X	
500	Promotion of Ethanol*		X	

\*Joint assignment

**Banking, Commerce and Insurance**

<b>LR</b>	<b>Subject</b>	<b>Completed: Report Issued</b>	<b>Completed: No Report Issued</b>	<b>Deferred</b>
361	Health insurance coverage of prescription contraceptives			X
401	Uniform Principal & Income Act (1997)		X	
402	Delayed deposit services		X	
403	Licensing of insurance agents & brokers		X	
404	Gramm-Leach-Bliley and regulation of insurance		X	
405	Public funds deposit security			X
435	Territorial rating for automobile liability insurance			X
483	Gramm-Leach-Bliley and regulation of financial services		X	

**Business and Labor**

<b>LR</b>	<b>Subject</b>	<b>Completed: Report Issued</b>	<b>Completed: No Report Issued</b>	<b>Deferred</b>
476	Workforce Investment Act	X		
486	Volunteer Emergency Medical Response Personnel	X		
480	Workers' Compensation/First Aid Exemption	X		
479	Workers' Compensation/Fraud and Loss of Earning Power	X		
478	Genetic Discrimination	X		
475	Farm Labor Contractors Act	X		
477	Drug-Free Workplace Legislation	X		
335	Elevator Inspection Program			X

**Education**

<b>LR</b>	<b>Subject</b>	<b>Completed: Report Issued</b>	<b>Completed: No Report Issued</b>	<b>Deferred</b>
329	Electronic tracking			X



	of postsecondary students			
358	Early education			X
359	Trespassing on school property			X
425	Annexation		X	
430	School finance options for teacher salaries	X		
431	Educational issues			X
432	ESU's			X
443	Teacher salaries	X		
444	School facilities serving students on Indian lands		X	
474	Career preparation and technical education	X		
487	IANR study	X*		
489	Recruitment of women and minority faculty at UN	X		

\*Report to be submitted by the Agriculture Committee

**General Affairs**

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
350	Structure of the Lottery		X	
366	Importation of Alcohol and taxes		X	
371	Use of Alcohol and Tobacco by Minors		X	
338*	Native American Tribal Sovereignty and Gaming	X		

\*Joint assignment

**Government, Military and Veterans Affairs**

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
333	Interim study of statutory authority for additional construction delivery systems for public schools.		X	
338*	Interim study of issues relating to Indian tribes in Nebraska.	X		
339	Interim study of issues relating to hazardous materials.		X	
341	Interim study to identify all state or federal cemetery facilities available to veterans statewide.	X		
406	Interim study to examine what the State of Nebraska can do relative to Gulf War Syndrome.		X	
450	Interim study of implications of requiring assessment of zoning and land use planners through certification, licensing or registration systems.		X	

\*Joint assignment

## Health and Human Services

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
351	Alternative options for increased availability of centers for independent living for disabled persons		X	
353	Cost of prescription drugs		X	
354	Implementation of federal Medicaid substance abuse and alcoholism option		X	
355	Health plan grievance systems and managed care consumer protection		X	
356	Regulation of child care centers		X	
357	Childhood immunizations and vaccines		X	
363	Quality control in nursing homes, assisted living units and Alzheimer's special care units		X	
364	End-of-life health care		X	
365	Nursing Shortage		X	
392	Need for hepatitis B and chicken pox vaccines for children entering day care		X	
394	Methamphetamine specific treatment		X	
397	Tobacco smoke and public health		X	
398	Feasibility of establishing an organ and tissue donor registry		X	
399	Cost associated with use of immunosuppressive medications by organ transplant recipients		X	
400	Development of Children's Services Councils in Nebraska		X	
407	Creating a program by which certain unwanted infants could be left with a hospital in a confidential and safe manner		X	
439	Funding sources provided to Department of Health and Human Services Regulation and Licensure licensed facilities that provide alternative care		X	
442	Availability and quality of long-term care for Nebraskans with Alzheimer's disease		X	
470	Certificate of need program and growing number of health care facilities		X	
471	Health and Human Services issues		X	
472	Obesity		X	
488	Costs-benefits analysis of extending subsidized adoption coverage to include less restrictive levels of		X	

care for special-needs foster children

**Judiciary**

<b>LR</b>	<b>Subject</b>	<b>Completed: Report Issued</b>	<b>Completed: No Report Issued</b>	<b>Deferred</b>
328	Interim study to examine standards for attorneys appointed to represent indigent persons		X	
396	Interim study to examine the high incarceration rate of youth in juvenile correctional facilities		X	
428	Interim study to examine the statutes relating to theft, fraud, and destruction of property		X	
429	Interim study to examine the existing definition of the crime of burglary		X	
433	Interim study to examine establishing a Nebraska voluntary sentencing guidelines commission		X	
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		X	
393	Interim study to examine providing privileged communication in domestic violence or sexual abuse cases		X	
481	Interim study to examine issues relating to joint custody options		X	
449	Interim study of the public policy and implications of a Pay-for-Stay program in county and state incarceration facilities		X	
437	Extend sympathy to all individuals who have suffered due to gun violence in the State of Nebraska		X	
416	Interim study of civil procedure custody statutes as they relate to individuals who are intoxicated and dangerous to themselves or others		X	
417	Interim study of community corrections in Nebraska		X	
441	Interim study of the operating		X	

	structure and legal authority of diversion programs for traffic offenses	
469	Interim study of the policies, procedures, operation, and fairness of the Department of Correctional Services	X
362	Interim study relating to parents being held responsible for actions of their children and determination of compensation	X
395	Interim study to review how current substance abuse treatment dollars are being expended in Nebraska	X
464	Interim study of the implications of authorizing the state to enforce child care expenses under child support orders	X
415	Interim study to determine whether the definition of earnings should be amended relating to bankruptcy proceedings	X
481	Interim study to examine issues relating to joint custody options	X
427	Interim study to investigate issues raised by legislation introduced this session concerning the use of traffic enforcement systems (photo monitoring devices) at intersections controlled by traffic control signals	X

#### Natural Resources

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
334	Study the Petroleum Release Remedial Action Act		X	
352	Study the powers of Nebraska Power Review Board to hold hearings under its statutory authority		X	
368	Examine statutes dealing with ground water transfers		X	
369	Plan to divert lead and other hazardous materials from landfills and environment and costs associated with such a plan		X	
370	Plan to prevent contamination from entering waters of the state and costs associated with such a plan.		X	
373	Financial responsibilities		X	

	of Nebraska's public electric utility industry relating to expenses of nuclear power plants.			
374	Review need to provide authority to the NDEQ to accept voluntary fees paid by applicants for processing of permits	X		
375	Study of the financial and environmental implications of removal of environmental contaminants from buildings	X		
376	Examine NDEQ's authority to protect cold water class A streams	X		
377	Study of air pollutants from agriculture processing wastewater treatment lagoons	X		
379	Study to enhance public awareness of the Nebraska Environmental Trust Act and its mission	X		
380	Study to examine current laws regarding mountain lions in Nebraska	X		
381	Study to examine possibilities of developing water banking program	X		
383	Study of solid waste collection services as they relate to the Integrated Solid Waste Management Act	X		
384	Study possibility of allowing NDEQ to assess administrative fines	X		
385	Review policies on scrap tire management	X		
386	Study to examine creation of Environmental Stewardship program for Nebraska			Deferred
387	Examine goals of the Integrated Solid Waste Management Act	X		
418	Study feasibility of providing compensation from Nebraska Environmental Trust Fund to individuals engaged in agriculture for development of buffer strips	X		
420	Examine implementation and funding authority for municipalities to comply with federal mandates requiring development of storm water management programs	X		
445	Examine funding for air quality permit program administered by NDEQ and caps on emission fees	X		
447*	Study of the electric utility industry *Joint assignment	X		

**Nebraska Retirement Systems**

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
336	General Principles Guide	X		

337	Public Employees Retirement Board		X
412	State Patrol's Retirement Benefits	See Report on LR 336	

**Revenue**

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
342	Economic development incentives	X		
343	Sales tax system	X		
344	Tax Equalization and Review Commission	X		
345	Comprehensive Guide	By January 3 <sup>rd</sup>		
346	Property tax exemption procedures	X		
347	Income tax structure	By January 3 <sup>rd</sup>		
348	Corporate occupation tax	X		
349	City occupation taxes	X		
340	Funding rail crossing improvements			X
360	Sales tax on privately sold vehicles			X
409	Lodging tax			X
414	Tax incentives for historical preservation	X		
434	Sales tax on postage			X
440	State aid distribution			X
443	Teacher salaries			X

**Transportation and Telecommunications**

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
330	Equal access to advanced telecommunications services		X	
331	Unsolicited electronic mail advertising		X	
378	Limitations on trucking industry		X	
389	Seat belts		X	
390	Seat belts on school buses		X	
408	Triple-trailer towing		X	
419	Message plates		X	
421	Prevention of fires near railroad tracks			X
422	Time frame on railroad claims			X
424	Changes in state highway needs		X	
446	Personnel structure needs of DOR		X	
447	Electric utility industry		X	
448	Closing of railroad crossings			X

452	Theft of cable services	X	
461	Public Service Commission		X
462	Reissuance of license plates	X	
463	Theft of Telecommunications services		X
465	Railroad crossing funding		X
466	Railroad crossing safety		X
467	PSC application fees		X
468	Carrier enforcement		X
473	Driver's License	X	
503	Telecommunications excessive charges	X	

**Urban Affairs**

<b>LR</b>	<b>Subject</b>	<b>Completed: Report Issued</b>	<b>Completed: No Report Issued</b>	<b>Deferred</b>
485	Review statutes governing the structure and operations of various classes of municipalities		X	
411	Examine potential alternative revenue sources for sanitary and improvement districts		X	
484	Examine the extension of natural gas service to unserved Nebraska municipalities		X	
414*	Examine the need for tax incentives/tax abatement for historic preservation		X	
372	Examine extraterritorial jurisdiction of Nebraska municipalities of the rights of residents of those areas		X	
413	Determine the appropriateness of permitting cities and villages to adopt the 2000 International Codes (Building)		X	
410	Review of general issues and potential legislation within the subject-matter jurisdiction of Urban Affairs Commission		X	

\*Joint Assignment

**Select Committee on LR 110**

<b>LR</b>	<b>Subject</b>	<b>Completed: Report Issued</b>	<b>Completed: No Report Issued</b>	<b>Deferred</b>
110	Gender Equity Study	X		

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Quandahl asked unanimous consent to have his name added as cointroducer to LB 476. No objections. So ordered.

Senator Bourne asked unanimous consent to have his name added as cointroducer to LB 584. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 271. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were students from Longfellow Elementary School, Hastings.

The Doctor of the Day was Dr. Richard Hanisch from St. Paul.

### **ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Thursday, January 25, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTEENTH DAY - JANUARY 25, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 25, 2001

**PRAYER**

The prayer was offered by Pastor Jarvis Hochstedler, Beemer Mennonite Church, Beemer, 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, Brown, Kristensen, and Dw. Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 185, line 39, strike "Urban Affairs" and insert "Judiciary".  
The Journal for the fourth day was approved as corrected.

The Journal for the fifteenth day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 111.** Placed on Select File as amended.  
E & R amendment to LB 111:  
AM7017

- 1 1. On page 1, line 2, after the second comma insert
- 2 "and" and strike "and 37-1227,"; and in line 8 after the second
- 3 semicolon insert "to provide an operative date;".
- 4 2. On page 6, line 21, strike "(2)", show as stricken,
- 5 and insert "(3)".

**LEGISLATIVE BILL 131.** Placed on Select File as amended.  
E & R amendment to LB 131:  
AM7014

1. On page 1, line 2, after the second comma insert
- 2 "37-1227,"; and in line 5 after the first comma insert "fees,".

**LEGISLATIVE BILL 118.** Placed on Select File.

**LEGISLATIVE BILL 156.** Placed on Select File.

**LEGISLATIVE BILL 365.** Placed on Select File.

**LEGISLATIVE BILL 275.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### **NOTICE OF COMMITTEE HEARINGS Urban Affairs**

LB 493	Tuesday, February 13, 2001	1:30 PM
LB 648	Tuesday, February 13, 2001	1:30 PM
LB 649	Tuesday, February 13, 2001	1:30 PM
LB 670	Tuesday, February 13, 2001	1:30 PM
LB 729	Tuesday, February 13, 2001	1:30 PM
LB 742	Tuesday, February 13, 2001	1:30 PM
LB 811	Tuesday, February 13, 2001	1:30 PM
LB 384	Tuesday, February 6, 2001	1:30 PM
LB 480	Tuesday, February 6, 2001	1:30 PM
LB 481	Tuesday, February 6, 2001	1:30 PM
LB 575	Tuesday, February 6, 2001	1:30 PM
LB 808	Tuesday, February 6, 2001	1:30 PM
LB 810	Tuesday, February 6, 2001	1:30 PM
LR 20CA	Tuesday, February 27, 2001	1:30 PM
LB 806	Tuesday, February 27, 2001	1:30 PM
LB 807	Tuesday, February 27, 2001	1:30 PM

(Signed) D. Paul Hartnett, Chairperson

### **REPORTS**

The following reports were received by the Legislature:

**Ethanol Board, Nebraska**

Ethanol Production Incentive Cash Fund Summary

Ethanol Production Incentive Credit Summary

EPIC Fund Cash Flow Projection

### **MOTION - Approve Appointments**

Senator Byars moved the adoption of the report of the Health and Human Services Committee for the following appointment found on page 364: Child Abuse Prevention Fund Board - Michael C. Arnold.

Voting in the affirmative, 37:

Aguilar	Bourne	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kruse
Maxwell	McDonald	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wickersham			

Voting in the negative, 0.

Present and not voting, 8:

Baker	Beutler	Bromm	Chambers	Janssen
Landis	Robak	Wehrbein		

Excused and not voting, 4:

Brashear	Brown	Kristensen	Pedersen, Dw.	
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The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator Byars moved the adoption of the report of the Health and Human Services Committee for the following appointment found on page 365: Director of Finance and Support, HHSS - Stephen B. Curtiss.

Voting in the affirmative, 32:

Aguilar	Bourne	Bruning	Burling	Byars
Connealy	Coordsen	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hudkins	Jones
Kremer	Kruse	Landis	Maxwell	McDonald
Pederson, D.	Price	Quandahl	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Wehrbein			

Voting in the negative, 0.

Present and not voting, 13:

Baker	Beutler	Bromm	Chambers	Cudaback
Hilgert	Janssen	Jensen	Preister	Raikes
Robak	Vrtiska	Wickersham		

Excused and not voting, 4:

Brashear      Brown      Kristensen      Pedersen, Dw.

The appointment was confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

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

Senator Byars moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 365: Nebraska Healthcare Council - Phil Harr, Janice Thayer, and Daniel Worthing.

Voting in the affirmative, 36:

Aguilar	Baker	Bourne	Bruning	Burling
Byars	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hilgert
Janssen	Jensen	Jones	Kremer	Kruse
Landis	Maxwell	McDonald	Pederson, D.	Price
Quandahl	Raikes	Redfield	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska				

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Bromm	Chambers	Hartnett	Hudkins
Preister	Robak	Wehrbein	Wickersham	

Excused and not voting, 4:

Brashear      Brown      Kristensen      Pedersen, Dw.

The appointments were 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 appointments found on page 365: State Board of Health - Gary Bieganski, Linda Heiden, Charles Ihle, Andrea Nelson, Robert Sandstrom, Leslie Spry, and Steve Wooden.

Voting in the affirmative, 36:

Aguilar	Baker	Bourne	Brashear	Bruning
Burling	Byars	Connealy	Coordsen	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Janssen	Jensen	Jones	Kremer
Kruse	Landis	Maxwell	McDonald	Pederson, D.
Price	Raikes	Redfield	Schimek	Schrock

Smith	Suttle	Thompson	Tyson	Vrtiska
Wehrbein				

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Bromm	Chambers	Cudaback	Hudkins
Pedersen, Dw.	Preister	Quandahl	Robak	Stuhr
Wickersham				

Excused and not voting, 2:

Brown	Kristensen
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The appointments were confirmed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Byars moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 365: Board of Emergency Medical Services - Joel Cerny, Alice L. Dalton, Doak Doolittle, Dan Hakel, Michael Miriovsky, Earl Rudolph, and Val Snyder.

Voting in the affirmative, 41:

Aguilar	Bourne	Brashear	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kruse	Landis	Maxwell
McDonald	Pedersen, Dw.	Pederson, D.	Price	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 6:

Baker	Beutler	Chambers	Preister	Quandahl
Robak				

Excused and not voting, 2:

Brown	Kristensen
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The appointments were confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**MOTION - Withdraw LB 590**

Senator Dierks renewed his pending motion, found on page 383, to withdraw LB 590.

The Dierks motion to withdraw prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**PRESIDENT MAURSTAD PRESIDING****GENERAL FILE**

**LEGISLATIVE BILL 168A.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 128A.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1.** E & R amendment, AM7000, found on page 354, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 2.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 3.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 4.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 5.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 6.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 7.** E & R amendment, AM7002, found on page 355, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 8.** E & R amendment, AM7001, found on page 355, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 9.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 177.** E & R amendment, AM7004, found on page 371, was adopted.

Senator Bourne renewed his pending amendment, AM0052, found on page 398.

The Bourne amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 222.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 49.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 54.** E & R amendment, AM7006, found on page 372, was adopted.

Senator Beutler withdrew his pending amendment, FA4, found on page 357.

Senators Landis and Beutler renewed their pending amendment, AM0053, found on page 380.

The Landis-Beutler amendment was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 138.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 36.** E & R amendment, AM7003, found on page 372, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 194.** E & R amendment, AM7005, found on page 372, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 197.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 198.** E & R amendment, AM7007, found on page 373, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 210.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 122.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 169.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 168.** E & R amendment, AM7011, found on page 393, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 130.** E & R amendment, AM7009, found on page 393, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 134.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 136.** E & R amendment, AM7013, found on page 393, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 137.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 135.** E & R amendment, AM7012, found on page 393, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 247.** E & R amendment, AM7010, found on page 394, was adopted.

Senators Beutler and Bromm renewed their pending amendment, AM0079, found on page 390.

The Beutler-Bromm amendment was adopted with 36 ayes, 0 nays, and 13 present and not voting.

Advanced to E & R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 313.** Considered.

Senator Beutler offered the following amendment:  
AM0112

- 1 1. On page 2, line 10; page 8, line 23; page 9, line 10;
- 2 and page 10, line 27, strike the new matter and reinstate the
- 3 stricken matter.
- 4 2. On page 7, line 10; page 8, lines 4 and 14; and page
- 5 10, line 20, strike "each year".
- 6 3. On page 7, line 11, strike the new matter and insert
- 7 "year 2001-02 for".
- 8 4. On page 8, lines 4 and 15; and page 10, line 20,
- 9 strike "years" and insert "year".



10 5. On page 8, lines 5 and 15; and page 10, line 21,  
11 strike "through 2004-05".

### SENATOR CUDABACK PRESIDING

Senator Landis 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 Beutler amendment lost with 14 ayes, 21 nays, and 14 present and not voting.

Pending.

### NOTICE OF COMMITTEE HEARINGS

#### Judiciary

LB 113	Wednesday, February 7, 2001	1:30 PM
LB 150	Wednesday, February 7, 2001	1:30 PM
LB 333	Wednesday, February 7, 2001	1:30 PM
LB 413	Wednesday, February 7, 2001	1:30 PM
LB 500	Wednesday, February 7, 2001	1:30 PM
LB 767	Wednesday, February 7, 2001	1:30 PM
LB 815	Wednesday, February 7, 2001	1:30 PM
LB 37	Thursday, February 8, 2001	1:30 PM
LB 354	Thursday, February 8, 2001	1:30 PM
LB 355	Thursday, February 8, 2001	1:30 PM
LB 501	Thursday, February 8, 2001	1:30 PM
LB 696	Thursday, February 8, 2001	1:30 PM
LB 845	Thursday, February 8, 2001	1:30 PM
LB 848	Thursday, February 8, 2001	1:30 PM
LB 462	Friday, February 9, 2001	1:30 PM
LB 566	Friday, February 9, 2001	1:30 PM
LB 567	Friday, February 9, 2001	1:30 PM
LB 753	Friday, February 9, 2001	1:30 PM

(Signed) Kermit A. Brashear, Chairperson

#### Agriculture

LB 589	Tuesday, February 6, 2001	1:45 PM
LB 208	Tuesday, February 6, 2001	1:45 PM
LB 438	Tuesday, February 6, 2001	1:45 PM

(Signed) Merton L. Dierks, Chairperson

**STANDING COMMITTEE REPORTS**  
**Transportation and Telecommunications**

**LEGISLATIVE BILL 166.** Placed on General File.  
**LEGISLATIVE BILL 244.** Placed on General File.  
**LEGISLATIVE BILL 245.** Placed on General File.  
**LEGISLATIVE BILL 375.** Placed on General File.  
**LEGISLATIVE BILL 376.** Placed on General File.  
**LEGISLATIVE BILL 387.** Placed on General File.

**LEGISLATIVE BILL 165.** Placed on General File as amended.  
 Standing Committee amendment to LB 165:  
 AM0071

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 86-2001, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 86-2001. Sections 86-2001 to 86-2013 and section 3 of
- 5 this act shall be known and may be cited as the Telemarketing and
- 6 Prize Promotions Act.
- 7 Sec. 3. Any person who violates the Telemarketing and
- 8 Prize Promotions Act shall be subject to a civil penalty of not
- 9 more than two thousand dollars for each violation. The Attorney
- 10 General, acting in the name of the state, may seek recovery of such
- 11 civil penalties in a civil action."
- 12 2. On page 2, line 18, strike "section" and insert
- 13 "sections 86-2001 and"; and in line 19 strike "is" and insert
- 14 "are".
- 15 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 43.** Indefinitely postponed.  
**LEGISLATIVE BILL 167.** Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

**Judiciary**

**LEGISLATIVE BILL 155.** Placed on General File.  
**LEGISLATIVE BILL 163.** Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

**Natural Resources**

**LEGISLATIVE BILL 129.** Placed on General File.  
**LEGISLATIVE BILL 472.** Placed on General File.

(Signed) Ed Schrock, Chairperson

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 55.** Placed on General File as amended.

Standing Committee amendment to LB 55:

AM0089

- 1 1. On page 6, line 22, strike "and"; and in line 25
- 2 after "policy" insert "; and
- 3 (h) The court has made a determination that the transfer
- 4 does not contravene any applicable statute or order of any court or
- 5 other government authority".
- 6 2. On page 12, line 2, after "(14)" insert "(A)"; in
- 7 line 3 strike "(A)"; and strike lines 5 and 6 and insert "(B) a
- 8 transfer of structured settlement payment rights subject to the
- 9 Structured Settlements Transfers Protection Act unless the transfer
- 10 has been authorized in advance in a final order of a court of
- 11 competent jurisdiction pursuant to the act.".

(Signed) David M. Landis, Chairperson

### SELECT COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 209.** Placed on Select File as amended.

E & R amendment to LB 209:

AM7018

- 1 1. On page 20, line 9, strike the new matter; in lines
- 2 10 through 12 reinstate the stricken matter; in line 18 strike
- 3 "(2)"; in line 20 strike "Bureau of Vital Statistics" and insert
- 4 "department"; and strike line 21 and insert "the department may".
- 5 2. On page 25, line 12, strike "such" and show as
- 6 stricken and after "sections" insert "71-1901 to 71-1906.02 and
- 7 section 24 of this act".

**LEGISLATIVE BILL 214.** Placed on Select File as amended.

E & R amendment to LB 214:

AM7015

- 1 1. On page 1, line 3, strike "71-407, 71-460, 71-461,";
- 2 and strike beginning with the last "to" in line 5 through the
- 3 semicolon in line 6.

**LEGISLATIVE BILL 151.** Placed on Select File.

**LEGISLATIVE BILL 128.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 278A.** Introduced by General Affairs Committee: Janssen, 15, Chairperson; Burling, 33; Cunningham, 18; Quandahl, 31; Redfield, 12; Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 278, Ninety-seventh Legislature, First Session, 2001.

### GENERAL FILE

**LEGISLATIVE BILL 313.** Senator Beutler offered the following amendment:

AM0113

- 1 1. Insert the following new sections:
- 2 "Sec. 3. The School Structure Task Force is created.
- 3 The task force shall consist of the members appointed pursuant to
- 4 section 4 of this act. The task force shall report its Phase I
- 5 recommendations to the Clerk of the Legislature and the Education
- 6 Committee of the Legislature on or before December 1, 2001, and its
- 7 Phase II findings and recommendations on or before December 1,
- 8 2002.
- 9 Sec. 4. Except as provided in subdivision (12) of this
- 10 section, members of the School Structure Task Force shall be
- 11 appointed by the Executive Board of the Legislative Council on or
- 12 before July 1, 2001, and shall include:
  - 13 (1) The chairperson of the Education Committee of the
  - 14 Legislature;
  - 15 (2) Two additional members of the Education Committee,
  - 16 one of whom shall represent Class III, IV, and V school districts
  - 17 and one of whom shall represent Class I, II, and VI school
  - 18 districts;
  - 19 (3) Two members of the Legislature who are not members of
  - 20 the Education Committee, one of whom shall represent Class III, IV,
  - 21 and V school districts and one of whom shall represent Class I, II,
  - 22 and VI school districts;
  - 23 (4) One representative of a teachers' organization;
  - 24 (5) One representative of an association of school
  - 1 boards;
  - 2 (6) One representative of an association of school
  - 3 administrators;
  - 4 (7) A superintendent from a school district with fewer
  - 5 than four hundred students in the standard cost grouping
  - 6 established under section 79-1007.02;
  - 7 (8) A superintendent from a school district with nine
  - 8 hundred or more students in the standard cost grouping established
  - 9 under such section;
  - 10 (9) One representative of the business community who has
  - 11 a background in management;
  - 12 (10) One representative from a community organization

13 aimed at assisting schools in meeting the national education goals  
14 established under the federal Goals 2000: Educate America Act, 20  
15 U.S.C. 5801 et seq.;

16 (11) One representative of a Nebraska tax policy research  
17 organization;

18 (12) One representative from the State Department of  
19 Education, to be appointed by the Commissioner of Education;

20 (13) A superintendent from a school district with between  
21 four hundred and nine hundred students in the standard cost  
22 grouping established under section 79-1007.02; and

23 (14) A retired superintendent experienced in school  
24 consolidation, merger, or unification.

25 Members of the task force shall be reimbursed for their  
26 actual and necessary expenses as provided in sections 81-1174 to  
27 81-1177.

1 Sec. 5. The School Structure Task Force shall conduct a  
2 two-phase study of the school systems in the standard cost grouping  
3 established under section 79-1007.02. Phase I of the study shall  
4 determine and gather the information needed to assess the number  
5 and configuration of school districts in the standard cost grouping  
6 which most efficiently and most fairly maximize the educational  
7 benefits to all the students of such districts considering current  
8 resources available to such districts as a whole. Phase I shall  
9 also identify the fiscal resources necessary to analyze such  
10 material and to make any detailed plan required by Phase II of this  
11 study. Phase II of the study shall determine whether reduction or  
12 reconfiguration of existing school districts in the standard cost  
13 grouping is advisable and, if so, shall recommend to the  
14 Legislature a detailed plan to reduce or reconfigure the number of  
15 school districts in the standard cost grouping to the number that  
16 will best maximize the educational benefits to the students of such  
17 districts considering the current resources available to districts  
18 as a whole. The detailed plan shall identify for the Legislature  
19 all specific districts to be merged, unified, or otherwise altered  
20 and the general structure of the resulting districts and shall  
21 recite the specific facts considered and assumptions made in making  
22 each of the recommendations. The detailed plan should assume  
23 completion of the process by May 1, 2006, although exceptions may  
24 be made for good cause shown. Every school district shall provide  
25 to the task force all information requested by the task force in a  
26 timely fashion.

27 Sec. 6. The Education Committee of the Legislature shall  
1 hold at least one public hearing in each congressional district in  
2 Nebraska on the final recommendations of the task force and such  
3 other public hearings as it deems sufficient.

4 Sec. 7. The School Structure Task Force terminates upon  
5 presentation of its final report as provided in section 5 of this  
6 act.

7 Sec. 8. The School Structure Task Force may hire

- 8 necessary staff to complete the study.  
 9 Sec. 9. It is the intent of the Legislature to  
 10 appropriate one hundred fifty thousand dollars for FY2001-02 and  
 11 one hundred fifty thousand dollars for FY2002-03 to carry out  
 12 sections 3 to 8 of this act and to appropriate in FY2002-03 such  
 13 additional funds as may be required to complete Phase II of the  
 14 study."  
 15 2. Renumber the remaining sections accordingly.

The Beutler amendment lost with 13 ayes, 19 nays, and 17 present and not voting.

Senator Beutler offered the following amendment:  
 AM0114

- 1 1. On page 2, line 10, after "2004" insert ", and on and  
 2 after the effective date of this act, this section shall not apply  
 3 to consolidations and unifications which result in the formation of  
 4 a district which is in the sparse or very sparse cost grouping".  
 5 2. On page 9, line 24, after "(8)" insert "(a)".  
 6 3. On page 10, after line 15, insert the following new  
 7 subdivision:  
 8 "(b) If a consolidated or unified district in the sparse  
 9 or very sparse cost grouping which consolidated or unified on or  
 10 after the effective date of this act receives incentives prior to  
 11 the determination that it is in the sparse or very sparse cost  
 12 grouping, it shall pay back the incentives through reductions in  
 13 state aid in equal amounts for five years. The repayment shall  
 14 include interest calculated from the date of payment until the  
 15 estimated repayment at the rate specified in section 45-104.02 as  
 16 of the effective date of the consolidation or unification. If the  
 17 state aid is less than the repayment amount in any school fiscal  
 18 year, the remaining repayment will reduce state aid in future  
 19 school fiscal years.".

The Beutler amendment lost with 6 ayes, 23 nays, and 20 present and not voting.

Senator Beutler offered the following amendment:  
 AM0107

- 1 1. On page 11, line 14, strike "section is" and insert  
 2 "sections are"; and in line 15 after "Section" insert "79-4,107,  
 3 Reissue Revised Statutes of Nebraska, and section".

The Beutler amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Advanced to E & R for review with 28 ayes, 6 nays, and 15 present and not voting.

**LEGISLATIVE BILL 268.** Title read. Considered.

The Standing Committee amendment, AM0073, found on page 391, was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Senators Schimek and Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

**STANDING COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 146.** Placed on General File as amended.

Standing Committee amendment to LB 146:

AM0110

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. Section 45-338, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 45-338. ~~(1)~~ (1)(a) Notwithstanding the provisions of any  
6 other law, the time-price differential for any goods or services  
7 sold under an installment contract shall be stated as a fixed or  
8 variable annual percentage rate and shall be at a rate agreed to in  
9 writing, not to exceed eighteen percent per annum, except that a  
10 minimum time-price differential of ten dollars may be charged on  
11 any installment contract, ~~and a~~  
12 (b) A buyer may be required, upon the execution of the  
13 installment contract, to pay an origination fee of not to exceed  
14 ten dollars, except that if the installment contract is for an  
15 installment sale of agricultural machinery or equipment for use in  
16 commercial agriculture the buyer may be required to pay (i) an  
17 origination fee of not to exceed one hundred dollars if the cash  
18 sale price is less than twenty-five thousand dollars or (ii) an  
19 origination fee of not to exceed two hundred fifty dollars if the  
20 cash sale price is twenty-five thousand dollars or more, upon the  
21 execution of the installment contract. The origination fee shall  
22 be refundable if the installment contract is canceled during the  
23 first thirty days. The origination fee may be collected from the  
24 buyer or included in the principal balance of the installment  
1 contract at the time the contract is made and shall not be  
2 considered interest or a time-price differential.  
3 (c) Nothing in the Nebraska Installment Sales Act ~~shall~~  
4 ~~prohibit~~ prohibits a seller or holder of an installment contract  
5 from contracting for, computing, and charging a time-price  
6 differential based upon the application of the rate charged to the  
7 unpaid principal balance for the number of days actually elapsed,  
8 The ; and the charges so computed shall be used for the purpose of

9 calculating the time-price differential, the time-price balance,  
 10 the amount of each installment, and the time-sale price.  
 11 (d) When the installment contract is payable in  
 12 substantially equal and consecutive monthly installments, the  
 13 time-price differential shall be computed on the basic time price  
 14 of each contract, as determined under the provisions of section  
 15 45-336, from the date of the contract until the due date of the  
 16 final installment, notwithstanding that the time-price balance is  
 17 required to be paid in installments.

18 (2) When an installment contract provides for payment  
 19 other than in substantially equal and consecutive monthly  
 20 installments, the time-price differential may be at a rate which  
 21 will provide the same return as is permitted on substantially equal  
 22 monthly payment contracts under ~~subsection (4)~~ subdivision (1)(d)  
 23 of this section, having due regard for the schedule of payments.

24 (3) Every contract payable in two or more installments  
 25 shall provide for payment of such installments by stating the date  
 26 and amount of each installment or the method by which any variable  
 27 rate or installment shall be determined.

1 Sec. 2. Original section 45-338, Reissue Revised

2 Statutes of Nebraska, is repealed."

(Signed) David M. Landis, Chairperson

### **Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 183.** Placed on General File.

**LEGISLATIVE BILL 257.** Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

### **Business and Labor**

**LEGISLATIVE BILL 418.** Placed on General File.

**LEGISLATIVE BILL 192.** Placed on General File as amended.

Standing Committee amendment to LB 192:

AM0048

1 1. On page 2, line 16, strike "subdivision (6)(f)" and  
 2 insert "subdivisions (6)(f) and (6)(g)"; and in line 22 after the  
 3 period insert "Subdivision (8) of section 48-628 shall apply to  
 4 services performed in an educational institution or educational  
 5 service agency owned or operated by an Indian Tribe.".

**LEGISLATIVE BILL 193.** Placed on General File as amended.

Standing Committee amendment to LB 193:

AM0080

1 1. Strike original sections 13 and 15.  
 2 2. On page 2, line 1, strike "13" and insert "12".



- 3 3. On page 5, line 3, strike "which provide" and insert  
 4 "providing"; in line 4 strike "shall"; and in line 10 after "Adult"  
 5 insert ", youth,".
- 6 4. On page 6, line 28, after "training" insert  
 7 "offered".
- 8 5. On page 9, strike beginning with "in" in line 3  
 9 through "section" in line 5.
- 10 6. On page 14, strike beginning with "in" in line 24  
 11 through "section" in line 26; and in line 27 strike "assist" and  
 12 insert "advise".
- 13 7. On page 15, strike beginning with "A" in line 14  
 14 through "Legislature" in line 16 and insert "Such comments shall be  
 15 included in the annual report provided for in subsection (2) of  
 16 section 10 of this act".
- 17 8. On page 16, line 19, strike "and" and after  
 18 "Legislature" insert ", the Department of Health and Human  
 19 Services, the Department of Economic Development, the State  
 20 Department of Education, and the Department of Labor".
- 21 9. On page 17, line 7, after "programs" insert "under  
 22 Title I of the federal Workforce Investment Act"; and in lines 23  
 23 and 24 strike "make a recommendation to" and insert "advise".
- 24 10. Renumber the remaining sections accordingly.

(Signed) Matt Connealy, Chairperson

### AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 111:  
 AM0109

- 1 1. On page 9, line 9, after "commission" insert  
 2 "pursuant to section 37-432".

Senator Chambers filed the following amendment to LB 225:  
 FA7

P. 3, line 7, strike the period and insert, "as it exists on the effective date of this act."

Senator Chambers filed the following amendment to LB 225:  
 FA8

P. 3, line 17, after "Code" insert "as it exists on the effective date of this act"; strike "in" and insert "under the laws of"

### MOTION - Print in Journal

Senators Brashear, Wickersham, Brown, and Bruning filed the following motion to LB 76:  
 Withdraw LB 76.

**STANDING COMMITTEE REPORT**  
**Business and Labor**

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

Nebraska Boiler Safety Code Advisory Board  
Allan Spary

VOTE: Aye: Senators Connealy, Vrtiska, Chambers, Dierks, Hartnett, Preister, and Schimek. Nay: None. Absent: None.

(Signed) Matt Connealy, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 25, 2001, 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

Bukar, Nancy  
Consumer Healthcare Products Association

Cutshall & Associates  
1-800-CONTACTS

Kamm, Richard D.  
Grand Island Northwest High School

Knapp, Patricia  
Nebraska Sierra Club

McGuire & Norby  
Coalition for Sovereign Tribal Gaming

Pappas, James E.  
Redeemer Lutheran Church

Quist, LeaAnn  
Great Plains Communications

**ANNOUNCEMENT**

Senator Coordsen announced the Redistricting Committee elected Senator Schimek as Vice Chairperson.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 154. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 401. No objections. So ordered.

Senator Coordsen asked unanimous consent to have his name added as cointroducer to LB 479. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Denise Boyd, Vendela Thorson, and Mahlon Kennel from Lincoln; 10 seniors and sponsor from Wayne State College; and Chadron and Alliance Leadership Class of 2001.

The Doctor of the Day was Dr. Dan Rosenquist from Columbus.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Monday, January 29, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTEENTH DAY - JANUARY 29, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, January 29, 2001

**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 Erdman, Hilgert, Maxwell, Smith, and Wickersham who were excused; and Senators Brashear, Bromm, Chambers, Hartnett, Kristensen, Price, Schimek, Vrtiska, and Wehrbein who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**STANDING COMMITTEE REPORTS  
Health and Human Services**

**LEGISLATIVE BILL 25.** Placed on General File.

**LEGISLATIVE BILL 238.** Placed on General File.

**LEGISLATIVE BILL 152.** Placed on General File as amended.

Standing Committee amendment to LB 152:

AM0101

- 1 1. Strike sections 1 and 4.
- 2 2. Strike beginning with "81-655" on page 4, line 28,  
3 through "section" on page 5, line 1, and insert "81-657 and".
- 4 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 270.** Placed on General File as amended.

Standing Committee amendment to LB 270:

AM0119

1 1. On page 10, strike beginning with "traditional" in  
 2 line 11 through "principles" in line 12 and insert "acupuncture  
 3 theory".

**LEGISLATIVE BILL 334.** Placed on General File as amended.  
 Standing Committee amendment to LB 334:

AM0105

1 1. On page 2, strike beginning with "Any" in line 12  
 2 through line 14.

**LEGISLATIVE BILL 400.** Placed on General File as amended.  
 Standing Committee amendment to LB 400:

AM0115

1 1. On page 5, line 2, strike "I" and insert "III"; and  
 2 in line 12 strike "III" and insert "I".

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

Rural Health Advisory Commission

Larry Eichelberger  
 Janet Fletcher  
 Marcia Freer  
 Donald Frey  
 Michael Sitorius  
 Todd Stuckey  
 William Welch

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Cunningham, Maxwell, and Erdman. Nay: None. Absent: None.

(Signed) Jim Jensen, Chairperson

### ANNOUNCEMENT

Senator Coordsen designates LB 600 as his priority bill.

### MESSAGES FROM THE GOVERNOR

January 26, 2001

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:

Kathleen Hesser, 2111 The Knolls, Lincoln NE 68512

Stephen Stout, HC 78 Box 1, Mason City NE 68855

\*Kevin Williams, 131 S 39 Condo 16, Omaha NE 68131

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

January 26, 2001

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 Motor Vehicle Industry Licensing Board:

APPOINTEE:

Jess Hull, 3303 N 133<sup>rd</sup> Cr, Omaha NE 68164

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

January 26, 2001

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 Public Employees Retirement Board:

APPOINTEE:

Denis Blank, 2451 Winchester S, Lincoln NE 68512

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

January 26, 20001

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:

Dalyce Ronnau, 4515 High, Lincoln NE 68506

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 22, 23, 24, and 25 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 22, 23, 24, and 25.



**REPORT**

The following report was received by the Legislature:

**Roads, Department of**

State Highway Commission Quarterly Report

**MOTION - Approve Appointment**

Senator Raikes moved the adoption of the report of the Education Committee for the following appointment found on page 398: Charles A. Ward - Board of Educational Lands and Funds.

Voting in the affirmative, 31:

Aguilar	Baker	Bourne	Brown	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Foley	Hudkins
Janssen	Jones	Kremer	Kruse	Landis
McDonald	Pedersen, Dw.	Pederson, D.	Quandahl	Raikes
Redfield	Robak	Schrock	Stuhr	Thompson
Tyson				

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Jensen	Preister	Suttle
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Excused and not voting, 14:

Brashear	Bromm	Chambers	Erdman	Hartnett
Hilgert	Kristensen	Maxwell	Price	Schimek
Smith	Vrtiska	Wehrbein	Wickersham	

The appointment was confirmed with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

**MOTION - Withdraw LB 76**

Senator Bruning renewed the Brashear et al. pending motion, found on page 425, to withdraw LB 76.

The Brashear et al. motion to withdraw prevailed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 278A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 51.** Title read. Considered.

### SENATOR COORDSEN PRESIDING

Senator Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 162.** Placed on Select File as amended.

E & R amendment to LB 162:

AM7023

- 1 1. Strike original section 42 and insert the following
- 2 new section:
- 3 "Sec. 42. Original sections 76-2204, 76-2207, 76-2215,
- 4 76-2216, 76-2217.01, 76-2218, 76-2220, 76-2222, 76-2223, 76-2225 to
- 5 76-2229, 76-2233.02, 76-2237 to 76-2246, and 76-2247.01 to 76-2250,
- 6 Reissue Revised Statutes of Nebraska, and sections 76-2201,
- 7 76-2203, 76-2221, 76-2229.01, 76-2230, 76-2231.01 to 76-2233.01,
- 8 and 76-2236, Revised Statutes Supplement, 2000, are repealed."
- 9 2. On page 1, line 2, after the second comma insert
- 10 "76-2215," and strike "76-2215,"; strike beginning with the fourth
- 11 comma in line 3 through "and" in line 5 and insert "to 76-2229,
- 12 76-2233.02, 76-2237 to 76-2246, and 76-2247.01 to"; in line 7
- 13 strike ", 76-2232"; and in line 9 after "provisions" insert "and
- 14 fees".
- 15 3. On page 2, line 19, strike "means" and insert "shall
- 16 mean".
- 17 4. On page 7, line 10, before "appraiser" insert "real
- 18 estate".
- 19 5. On page 8, line 27, strike "examination" and insert
- 20 "examinations".
- 21 6. On page 43, line 18, after the first comma insert
- 22 "a".

**LEGISLATIVE BILL 24.** Placed on Select File as amended.

E & R amendment to LB 24:

AM7016

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. The Nebraska Immunization Registry Task
- 4 Force is created. The task force shall consist of the following

- 5 members appointed as provided in this section:
- 6 (1) One member of the Health and Human Services Committee  
7 of the Legislature and one member of the Appropriations Committee  
8 of the Legislature, both appointed by the Executive Board of the  
9 Legislative Council;
  - 10 (2) The chief medical officer if one is appointed  
11 pursuant to section 81-3201, and if not, then the Director of  
12 Regulation and Licensure;
  - 13 (3) The following members appointed by the Governor from  
14 a list of at least three names, unless otherwise indicated,  
15 submitted by the applicable entity:
    - 16 (a) One representative of the Nebraska Public Health  
17 Association;
    - 18 (b) One representative of the Nebraska Nurses  
19 Association;
    - 20 (c) One representative of a partnership of local health  
21 departments, from a list of six names submitted;
    - 22 (d) One representative of the largest statewide,  
23 multi-issue, multipurpose children's advocacy organization;
    - 24 (e) One representative of the health insurer authorized  
1 to conduct the business of insurance in Nebraska with the largest  
2 total Nebraska health insurance premium income;
    - 3 (f) One representative of the health insurer authorized  
4 to conduct the business of insurance in Nebraska with the second  
5 largest total Nebraska health insurance premium income;
    - 6 (g) One representative of the health insurer authorized  
7 to conduct the business of insurance in Nebraska with the third  
8 largest total Nebraska health insurance premium income;
    - 9 (h) One physician member of the Nebraska Medical  
10 Association who is also a member of the Nebraska Academy of Family  
11 Physicians;
    - 12 (i) One physician member of the Nebraska Chapter of the  
13 American Academy of Pediatrics;
    - 14 (j) One representative of the Nebraska Pharmacists  
15 Association;
    - 16 (k) One member of the Nebraska School Nurses Association;
    - 17 (l) One person representing the Nebraska Association of  
18 School Boards;
    - 19 (m) One person representing the Nebraska Minority Public  
20 Health Association;
    - 21 (n) One person representing the Nebraska Association of  
22 Hospitals and Health Systems;
    - 23 (o) One person representing the Nebraska Health Care  
24 Association;
    - 25 (p) One person representing the Nebraska Health  
26 Information Management Association;
    - 27 (q) One representative of the Nebraska Parent-Teachers  
1 Association;
    - 2 (r) One representative of the Nebraska state office of

3 the American Association of Retired Persons;  
4 (s) One representative of the University of Nebraska at  
5 Omaha College of Information Science and Technology who is familiar  
6 with systems analysis, information, and management;  
7 (t) Two persons representing community action agencies in  
8 Nebraska, from a list of six names submitted; and  
9 (u) One representative of the Nebraska Medical Group  
10 Management Association; and  
11 (4) The following members appointed by the Governor:  
12 (a) One person representing a private school or private  
13 schools in Nebraska;  
14 (b) One person representing licensed child care  
15 facilities;  
16 (c) One person representing drug manufacturers;  
17 (d) One representative from the Centers for Disease  
18 Control and Prevention of the Public Health Service of the United  
19 States Department of Health and Human Services or its successor;  
20 (e) One person representing an employer in this state  
21 which is among the five largest employers in the state, by number  
22 of employees, and which is not related to the health-care industry  
23 or to the insurance industry; and  
24 (f) One licensed practical nurse.  
25 The Governor shall make the appointments under this  
26 section so that there is a balance in gender, representation from  
27 the three congressional districts, and fair ethnic and minority  
1 representation, to the extent possible. The same person may  
2 represent more than one category of appointee.  
3 The members representing the Nebraska Public Health  
4 Association and the Nebraska Medical Association shall serve as  
5 co-chairpersons of the task force. The member of the Health and  
6 Human Services Committee of the Legislature appointed under  
7 subdivision (1) of this section and the members of the task force  
8 appointed under subdivisions (2), (3)(a), (3)(c), (3)(e), (3)(h),  
9 (3)(i), (3)(k), (3)(m), and (3)(s) of this section shall make up  
10 the core committee of the task force and shall be responsible for  
11 carrying out the duties of the task force described in sections 3  
12 to 5 of this act. The remaining members of the task force shall  
13 serve in an advisory capacity to the core committee.  
14 Sec. 2. The Nebraska Immunization Registry Task Force  
15 shall begin its work on July 1, 2001. The Department of Health and  
16 Human Services shall provide staff support for the task force with  
17 assistance from the Department of Health and Human Services Finance  
18 and Support and the Department of Health and Human Services  
19 Regulation and Licensure as may be necessary. The task force is  
20 encouraged to seek additional support from other public and private  
21 entities to assist the task force in completing its duties. Each  
22 member of the task force who is not a state employee shall be  
23 reimbursed for his or her expenses incurred as a member of such  
24 task force as provided in sections 81-1174 to 81-1177.

25 Sec. 3. The Nebraska Immunization Registry Task Force  
26 shall study the following issues and make recommendations to the  
27 Governor and the Legislature:

- 1 (1) The development of a plan to implement a statewide  
2 immunization registry;
- 3 (2) Changes needed in the law in order to enact a  
4 statewide immunization registry law;
- 5 (3) The information that should be included in an  
6 effective statewide immunization registry for Nebraska;
- 7 (4) The goals and purposes of a statewide immunization  
8 registry;
- 9 (5) The persons and entities who or which should have  
10 access to the information contained in the statewide immunization  
11 registry;
- 12 (6) How the information in a statewide immunization  
13 registry should be kept current;
- 14 (7) The person or entity who or which should have the  
15 responsibility to update statewide immunization registry data;
- 16 (8) The agency or entity which should control the  
17 statewide immunization registry;
- 18 (9) The necessary system and infrastructure;
- 19 (10) Which age groups should participate in a statewide  
20 immunization registry;
- 21 (11) How a statewide immunization registry could be  
22 funded, including, but not limited to, startup costs, maintenance  
23 costs, and possible funding sources;
- 24 (12) How data from a statewide immunization registry  
25 could be shared with other jurisdictions within and outside the  
26 state;
- 27 (13) Confidentiality of information in the statewide  
1 immunization registry; and
- 2 (14) Any other issues the task force finds relevant to  
3 creating and maintaining an effective statewide immunization  
4 registry.

5 Sec. 4. The Nebraska Immunization Registry Task Force  
6 shall seek input from other agencies and groups with an interest in  
7 developing a statewide immunization registry. To achieve this  
8 goal, the task force may convene meetings and subcommittees with  
9 others to assist the task force. The task force shall review the  
10 statewide immunization registry plans in other states and studies  
11 already conducted by others in this state on the issue. The task  
12 force may seek legal advice from the Attorney General or other  
13 legal counsel regarding legal issues affecting a statewide  
14 immunization registry. The budget division of the Department of  
15 Administrative Services and the Legislative Fiscal Analyst shall  
16 assist the task force in reviewing state and local funding issues.

17 Sec. 5. The Nebraska Immunization Registry Task Force  
18 shall report to the Legislature and the Governor by December 15,  
19 2001, with either a final report, if it has completed its work, or

20 with a preliminary report of its progress to date. If the task  
 21 force has not completed its work by that date, it shall issue its  
 22 final report by December 15, 2002.

23 Sec. 6. This act terminates on January 1, 2003.

24 Sec. 7. Since an emergency exists, this act takes effect  
 25 when passed and approved according to law."

**LEGISLATIVE BILL 173.** Placed on Select File as amended.

(E & R amendment, AM7024, 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 126.** Placed on Select File as amended.

(E & R amendment, AM7020, 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 278.** Placed on Select File as amended.

E & R amendment to LB 278:

AM7022

1 1. On page 9, line 23, before "if" insert "c".

**LEGISLATIVE BILL 295.** Placed on Select File as amended.

E & R amendment to LB 295:

AM7019

1 1. On page 1, strike beginning with "adopt" in line 1

2 through line 3 and insert "amend section 2-1203, Reissue Revised  
 3 Statutes of Nebraska; to adopt the Interstate Compact on Licensure  
 4 of Participants in Horse Racing with Pari-Mutuel Wagering; to  
 5 terminate a fund; to provide for the distribution of funds; and to  
 6 repeal the original section."

**LEGISLATIVE BILL 302.** Placed on Select File as amended.

E & R amendment to LB 302:

AM7021

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. Section 79-413, Revised Statutes Supplement,

4 2000, is amended to read:

5 79-413. (1) The State Committee for the Reorganization

6 of School Districts created under section 79-435 may create a new

7 school district from other districts, change the boundaries of any

8 district, or affiliate a Class I district or portion thereof with

9 one or more existing Class II, III, IV, or V districts upon receipt

10 of petitions signed by sixty percent of the legal voters of each

11 district affected. If the petitions contain signatures of at least

12 sixty-five percent of the legal voters of each district affected,

13 the state committee shall approve the petitions. When area is

14 added to a Class VI district or when a Class I district which is

15 entirely or partially within a Class VI district is taken from the  
16 Class VI district, the Class VI district shall be deemed to be an  
17 affected district.

18 Any petition of the legal voters of a Class I district in  
19 which no city or village is situated which is commenced after  
20 January 1, 1996, and proposes the dissolution of the Class I  
21 district and the attachment of a portion of it to two or more  
22 districts shall require signatures of more than fifty percent of  
23 the legal voters of such Class I district. If the state committee  
24 determines that such petition contains valid signatures of more  
1 than fifty percent of the legal voters of such Class I district,  
2 the state committee shall grant the petition.

3 (2)(a) Petitions proposing to change the boundaries of  
4 existing school districts through the transfer of a parcel of land,  
5 not to exceed six hundred forty acres, shall be approved by the  
6 state committee when the petitions involve the transfer of land  
7 between Class I, II, III, IV, or V school districts or when there  
8 would be an exchange of parcels of land between Class I, II, III,  
9 IV, or V school districts and the petitions have the approval of at  
10 least sixty-five percent of ~~each school board~~ the school board of  
11 each affected district. If the transfer of the parcel of land is  
12 from a Class I school district to one or more Class II, III, IV, V,  
13 or VI school districts of which the parcel is not a part or with  
14 which the parcel is not affiliated, any Class II, III, IV, V, or VI  
15 school district of which the parcel is not a part or with which the  
16 parcel is affiliated shall be deemed an affected district.

17 (b) The state committee shall not approve a change of  
18 boundaries pursuant to this section relating to affiliation of  
19 school districts if twenty percent or more of any tract of land  
20 under common ownership which is proposing to affiliate is not  
21 contiguous to the high school district with which affiliation is  
22 proposed unless (i) one or more resident students of the tract of  
23 land under common ownership has attended the high school program of  
24 the high school district within the immediately preceding ten-year  
25 period or (ii) approval of the petition or plan would allow  
26 siblings of such resident students to attend the same school as the  
27 resident students attended.

1 (3)(a) Petitions proposing to create a new school  
2 district, to change the boundary lines of existing school  
3 districts, to create an affiliated school system, or to affiliate a  
4 Class I district in part and to join such district in part with a  
5 Class VI district, any of which involves the transfer of more than  
6 six hundred forty acres, shall, when signed by at least sixty  
7 percent of the legal voters in each district affected, be submitted  
8 to the state committee. In the case of a petition for affiliation  
9 or a petition to affiliate in part and in part to join a Class VI  
10 district, the state committee shall review the proposed affiliation  
11 subject to sections 79-425 and 79-426. The state committee shall,  
12 within forty days after receipt of the petition, hold one or more

13 public hearings and review and approve or disapprove such proposal.

14 (b) The state committee shall also review and approve or

15 disapprove incentive payments under section 79-1010.

16 (c) If there is a bond election to be held in conjunction

17 with the petition, the state committee shall hold the petition

18 until the bond election has been held, during which time names may

19 be added to or withdrawn from the petitions. The results of the

20 bond election shall be certified to the state committee.

21 (d) If the bond election held in conjunction with the

22 petition is unsuccessful, no further action on the petition is

23 required. If the bond election is successful, within fifteen days

24 after receipt of the certification of the bond election results,

25 the state committee shall approve the petition and notify the

26 county clerk to effect the changes in district boundary lines as

27 set forth in the petitions.

1 (4) Any person adversely affected by the changes made by

2 the state committee may appeal to the district court of any county

3 in which the real estate or any part thereof involved in the

4 dispute is located. If the real estate is located in more than one

5 county, the court in which an appeal is first perfected shall

6 obtain jurisdiction to the exclusion of any subsequent appeal.

7 (5) A signing petitioner may withdraw his or her name

8 from a petition and a legal voter may add his or her name to a

9 petition at any time prior to the end of the period when the

10 petition is held by the state committee. Additions and withdrawals

11 of signatures shall be by notarized affidavit filed with the state

12 committee.

13 Sec. 2. Original section 79-413, Revised Statutes

14 Supplement, 2000, is repealed.

15 Sec. 3. Since an emergency exists, this act takes effect

16 when passed and approved according to law."

17 2. On page 1, line 3, strike "and" and insert a

18 semicolon; and in line 4 after "section" insert "; and to declare

19 an emergency".

**LEGISLATIVE BILL 105.** Placed on Select File.

**LEGISLATIVE BILL 362.** Placed on Select File.

**LEGISLATIVE BILL 168A.** Placed on Select File.

**LEGISLATIVE BILL 128A.** Placed on Select File.

### Correctly Engrossed

The following bills were correctly engrossed: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 177, and 222.

### Enrollment and Review Change to LB 7

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



ER9004

1. On page 6, line 23; page 8, line 13; page 12, line 16; and page 13, line 13, "of this section" has been inserted after the last parenthesis.

2. On page 9, line 28, the matter beginning with "(e)" through "(1)" has been struck, shown as stricken, and "(1)(e) and (1)(f) of this section" inserted.

3. On page 12, lines 17 and 18, "section 76-1425" has been struck, shown as stricken, and "this section" inserted.

4. On page 13, line 9, an underscored comma has been inserted after "faith".

### **Enrollment and Review Change to LB 177**

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

ER9000

1. On page 1, line 2, "14-542, 14-554," has been inserted after "sections"; and in line 5 "and the collection and disbursement of funds" has been inserted before the semicolon.

(Signed) Philip Erdman, Chairperson

### **NOTICE OF COMMITTEE HEARINGS Banking, Commerce and Insurance**

LB 56	Monday, February 5, 2001	1:30 PM
LB 385	Monday, February 5, 2001	1:30 PM
LB 386	Monday, February 5, 2001	1:30 PM
LB 794	Monday, February 5, 2001	1:30 PM
LB 58	Tuesday, February 6, 2001	1:30 PM
LB 416	Tuesday, February 6, 2001	1:30 PM
LB 444	Tuesday, February 6, 2001	1:30 PM
LB 525	Tuesday, February 6, 2001	1:30 PM

(Signed) David M. Landis, Chairperson

### **General Affairs**

LR 6CA	Monday, February 5, 2001	1:30 PM
LB 545	Monday, February 5, 2001	1:30 PM
LB 546	Monday, February 5, 2001	1:30 PM

(Signed) Ray Janssen, Chairperson

### **Natural Resources**

LB 405	Wednesday, February 7, 2001	1:30 PM
LB 518	Wednesday, February 7, 2001	1:30 PM

LB 586	Wednesday, February 7, 2001	1:30 PM
LB 837	Wednesday, February 7, 2001	1:30 PM
LB 232	Thursday, February 8, 2001	1:30 PM
LB 667	Thursday, February 8, 2001	1:30 PM
LB 763	Thursday, February 8, 2001	1:30 PM
LB 512	Friday, February 9, 2001	1:30 PM
LB 644	Friday, February 9, 2001	1:30 PM
LB 645	Friday, February 9, 2001	1:30 PM

(Signed) Ed Schrock, Chairperson

### Judiciary

LB 304	Friday, February 9, 2001	1:30 PM
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(Signed) Kermit A. Brashear, Chairperson

### Appropriations

LB 505	Monday, February 5, 2001	1:30 PM
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(Signed) Roger R. Wehrbein, Chairperson

## BILL ON FIRST READING

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

**LEGISLATIVE BILL 257A.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 257, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

## STANDING COMMITTEE REPORTS

### Natural Resources

**LEGISLATIVE BILL 182.** Placed on General File.

**LEGISLATIVE BILL 337.** Placed on General File.

**LEGISLATIVE BILL 409.** Placed on General File.

**LEGISLATIVE BILL 133.** Placed on General File as amended.

Standing Committee amendment to LB 133:

AM0135

- 1 1. On page 2, line 11, after "employment" insert "if
- 2 such employees have received training and certification required by
- 3 the Nebraska Association of Resources Districts. The association

4 shall develop a training and certification program for natural  
 5 resources district employees engaged in the activities prescribed  
 6 in this section. The training and certification program shall be  
 7 developed and implemented in consultation with and assistance from  
 8 the Department of Environmental Quality, the Department of Health  
 9 and Human Services, the Cooperative Extension Service of the  
 10 University of Nebraska, and the Nebraska Well Drillers  
 11 Association".

(Signed) Ed Schrock, Chairperson

### Judiciary

**LEGISLATIVE BILL 46.** Placed on General File.  
**LEGISLATIVE BILL 48.** Placed on General File.  
**LEGISLATIVE BILL 84.** Placed on General File.  
**LEGISLATIVE BILL 85.** Placed on General File.  
**LEGISLATIVE BILL 87.** Placed on General File.  
**LEGISLATIVE BILL 299.** Placed on General File.

**LEGISLATIVE BILL 269.** Placed on General File as amended.  
 Standing Committee amendment to LB 269:  
 AM0099

1 1. On page 2, line 26, after "(5)" insert "(a)"; and in  
 2 line 28 strike "one hundred" and insert "forty-five".  
 3 2. On page 3, line 1, after "less" insert "through June  
 4 30, 2006, and as set by the Supreme Court pursuant to subdivision  
 5 (b) of this subdivision on and after July 1, 2005"; in line 3  
 6 strike "one hundred thousand dollars", show the old matter as  
 7 stricken, and insert "the jurisdictional amount of this  
 8 subdivision"; in lines 6, 7, and 8 strike "exceeds" and insert "is  
 9 greater than"; and in line 11 after "court" insert ".  
 10 (b) The Supreme Court shall adjust the jurisdiction  
 11 amount for the county court every fifth year commencing July 1,  
 12 2005. The adjusted jurisdictional amount shall be equal to the  
 13 then current jurisdictional amount adjusted by the average  
 14 percentage change in the unadjusted Consumer Price Index for All  
 15 Urban Consumers published by the Federal Bureau of Labor Statistics  
 16 for the five-year period preceding the adjustment date. The  
 17 jurisdictional amount shall be rounded to the nearest one thousand  
 18 dollar amount."  
 19 3. On page 4, line 8, strike "one hundred thousand  
 20 dollars", show the old matter as stricken, and insert "the  
 21 jurisdictional amount in subdivision (5) of section 24-517".  
 22 4. On page 5, line 23, strike "one hundred thousand  
 23 dollars" and insert "the jurisdictional amount in subdivision (5)  
 24 of section 24-517".

**LEGISLATIVE BILL 249.** Indefinitely postponed.

**LEGISLATIVE BILL 294.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

### **REFERENCE COMMITTEE REPORT**

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

Blank, Denis - Public Employees Retirement Board - Nebraska Retirement Systems

Hesser, Kathleen - Commission for the Deaf and Hard of Hearing - Health and Human Services

Hull, Jess - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Ronnau, Dalcyce - State Emergency Response Commission - Government, Military and Veterans Affairs

Stout, Stephen - Commission for the Deaf and Hard of Hearing - Health and Human Services

Williams, Kevin - Commission for the Deaf and Hard of Hearing - Health and Human Services

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### **GENERAL FILE**

**LEGISLATIVE BILL 225.** Title read. Considered.

### **SENATOR CUDABACK PRESIDING**

Senator Chambers renewed his pending amendment, FA7, found on page 425.

Senator Chambers withdrew his amendment.

Senator Chambers withdrew his pending amendment, FA8, found on page 425.

Senator Landis offered the following amendment:  
AM0138

1. Strike original sections 4 and 7.

- 2 2. On page 3, line 19, strike "accredited or
- 3 professional"; and in line 24 strike "by" through "investors".
- 4 3. On page 5, line 8, after "Forum" insert "Act which is
- 5 either (a) incorporated in the State of Nebraska and is exempt for
- 6 federal tax purposes under section 501(c)(3) of the Internal
- 7 Revenue Code as such section existed on the effective date of this
- 8 act, or (b) is a Nebraska corporation or Nebraska organization that
- 9 is exempt from federal taxation under section 501(c)(6) of the
- 10 Internal Revenue Code as such section existed on the effective date
- 11 of this act".
- 12 4. Renumber the remaining sections and correct internal
- 13 references accordingly.

The Landis amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers offered the following amendment:  
FA9  
Strike all of Section 2.

Senators Brashear and McDonald 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 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 16:

Chambers	Connealy	Cudaback	Hudkins	Janssen
Jones	Pedersen, Dw.	Preister	Raikes	Redfield
Robak	Schimke	Stuhr	Suttle	Thompson
Vrtiska				

Voting in the negative, 18:

Aguilar	Bourne	Bromm	Brown	Bruning
Burling	Byars	Cunningham	Engel	Foley
Jensen	Kremer	Landis	Price	Quandahl
Schrock	Tyson	Wehrbein		

Present and not voting, 7:

Baker	Beutler	Dierks	Hartnett	Kristensen
Kruse	Pederson, D.			

Excused and not voting, 8:

Brashear	Coordsen	Erdman	Hilgert	Maxwell
McDonald	Smith	Wickersham		

The Chambers amendment lost with 16 ayes, 18 nays, 7 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

**NOTICE OF COMMITTEE HEARING  
Transportation and Telecommunications**

LB 389	Tuesday, February 6, 2001	1:30 PM
LB 585	Tuesday, February 6, 2001	1:30 PM
LB 679	Tuesday, February 6, 2001	1:30 PM
LB 741	Tuesday, February 6, 2001	1:30 PM
LB 800	Tuesday, February 6, 2001	1:30 PM
LB 831	Tuesday, February 6, 2001	1:30 PM

(Signed) Curt Bromm, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Kremer asked unanimous consent to have his name added as cointroducer to LB 404. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 29. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Foley withdrew his name as cointroducer to LB 500.

**AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 225:  
FA10

P. 3, line 13, Strike "experiences" and insert "has the potential to generate"

**STANDING COMMITTEE REPORTS  
Health and Human Services**

**LEGISLATIVE BILL 346.** Placed on General File as amended.  
Standing Committee amendment to LB 346:  
AM0044

1 1. On page 5, line 17, after the period insert

2 "(3) Every occupational therapist and occupational  
3 therapy assistant shall provide a listing of continuing education  
4 activities participated in or attended, the amount of credit  
5 received for each activity, and the date, location, and name of the  
6 approved provider which sponsored the activity on a separate form  
7 or portion of the license renewal application as may be designed by  
8 the department. Every occupational therapist and occupational  
9 therapy assistant shall be responsible for maintaining in his or  
10 her personal files such certificates or records of credit from  
11 continuing education activities received from approved providers.  
12 The Board shall biennially select, in a random manner, a  
13 representative sample of the license renewal applications for audit  
14 of continuing education credits. The board shall cause the  
15 occupational therapist or occupational therapy assistant to submit  
16 certificates or other records of attendance which were received  
17 from the approved provider for review by the board.  
18 (4) The department, on the recommendation of the board,  
19 may waive continuing education requirements, in part or in total,  
20 for any two-year licensing period when a licensee submits  
21 documentation that circumstances beyond his or her control  
22 prevented completion of such requirements. Such circumstances  
23 shall include situations in which:  
24 (a) The licensee holds a Nebraska license but does not  
1 reside or practice in Nebraska;  
2 (b) The licensee has served in the regular armed forces  
3 of the United States during part of the twenty-four months  
4 immediately preceding the license renewal date;  
5 (c) The licensee has submitted proof that he or she was  
6 suffering from a serious or disabling illness or physical  
7 disability which prevented completion of the required number of  
8 continuing education hours during the twenty-four months preceding  
9 the license renewal date;  
10 (d) The licensee has been initially licensed by the board  
11 within the twenty-four months immediately preceding the license  
12 renewal date; and  
13 (e) The licensee has successfully completed two or more  
14 semester hours of formal credit instruction biennially offered by  
15 an accredited school or college which contributes to meeting the  
16 requirements of an advanced degree in a postgraduate program  
17 relating to occupational therapy."  
18 2. On page 7, line 5, strike "and" and insert an  
19 underscored comma; and in line 7 after "activity" insert ", and  
20 waiver of continuing education requirements".

(Signed) Jim Jensen, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 226.** Placed on General File.

**LEGISLATIVE BILL 253.** Placed on General File.

**LEGISLATIVE BILL 250.** Placed on General File as amended.  
Standing Committee amendment to LB 250:  
AM0116

- 1 1. On page 4, line 20, strike "paper" and insert "legal
- 2 newspaper"; and in line 25 after "meeting" insert "or the instate
- 3 location for a telephone conference call or videoconference".

(Signed) DiAnna R. Schimek, Chairperson

### **Nebraska Retirement Systems**

**LEGISLATIVE BILL 186.** Placed on General File as amended.  
Standing Committee amendment to LB 186:  
AM0022

- 1 1. Insert the following new section:
- 2 "Sec. 4. This act becomes operative on January 1,
- 3 2003."
- 4 2. Renumber the remaining section accordingly.

(Signed) Jon C. Bruning, Chairperson

### **VISITORS**

The Doctor of the Day was Dr. John Majerus from Lincoln.

### **ADJOURNMENT**

At 12:05 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, January 30, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTEENTH DAY - JANUARY 30, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 30, 2001

**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 Beutler, Brashear, Chambers, McDonald, Raikes, Tyson, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

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

The following bills were correctly engrossed: LBs 36, 49, 54, 122, 138, 168, 169, 194, 197, 198, and 210.

**Enrollment and Review Change to LB 54**

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

ER9002

1. On page 1, line 2, "52-503," has been struck; in line 9 "to eliminate a penalty;" has been inserted after the semicolon; and in line 11 "to outright repeal section 52-503, Reissue Revised Statutes of Nebraska;" has been inserted after the semicolon.

**Enrollment and Review Change to LB 198**

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

ER9005

1. On page 3, line 20, the second stricken "and" has been reinstated.
2. On page 20, lines 21 and 27, "hand-washing" has been struck, shown as stricken, and "handwashing" inserted.

(Signed) Philip Erdman, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Health and Human Services**

LB 164	Wednesday, February 7, 2001	1:30 PM
LB 328	Wednesday, February 7, 2001	1:30 PM
LB 331	Wednesday, February 7, 2001	1:30 PM
LB 583	Wednesday, February 7, 2001	1:30 PM
LB 639	Wednesday, February 7, 2001	1:30 PM
LB 677	Wednesday, February 7, 2001	1:30 PM
LB 640	Thursday, February 8, 2001	1:30 PM
LB 652	Thursday, February 8, 2001	1:30 PM
LB 524	Thursday, February 8, 2001	1:30 PM
LB 549	Thursday, February 8, 2001	1:30 PM
LB 301	Thursday, February 8, 2001 (rehearing)	1:30 PM
	Friday, February 9, 2001	1:30 PM
	Robert Burns Jr. - Commission for the Blind and Visually Impaired	
	William Orester Jr. - Commission for the Blind and Visually Impaired	
	Maya Samms - Commission for the Blind and Visually Impaired	
	Barbara Walker - Commission for the Blind and Visually Impaired	
	Dorothy Westin-Yockey - Commission for the Blind and Visually Impaired	
LB 396	Friday, February 9, 2001	1:30 PM
LB 468	Friday, February 9, 2001	1:30 PM
LB 285	Thursday, February 15, 2001	1:30 PM
LB 398	Thursday, February 15, 2001	1:30 PM
LB 511	Thursday, February 15, 2001	1:30 PM
LB 612	Thursday, February 15, 2001	1:30 PM
LB 548	Wednesday, February 21, 2001	1:30 PM
LB 529	Wednesday, February 21, 2001	1:30 PM
LB 698	Wednesday, February 21, 2001	1:30 PM

LB 580	Wednesday, February 21, 2001	1:30 PM
LB 668	Wednesday, February 21, 2001	1:30 PM
LB 737	Thursday, February 22, 2001	1:30 PM
LB 721	Thursday, February 22, 2001	1:30 PM
LB 788	Thursday, February 22, 2001	1:30 PM

(Signed) Jim Jensen, Chairperson

#### **Executive Board**

LB 445	Tuesday, February 6, 2001	12:00 PM
LB 772	Tuesday, February 6, 2001	12:00 PM
LR 2CA	Thursday, February 8, 2001	12:00 PM
LR 16CA	Thursday, February 8, 2001	12:00 PM
LB 706	Thursday, February 8, 2001	12:00 PM

(Signed) George Coordsen, Chairperson

#### **STANDING COMMITTEE REPORT Nebraska Retirement Systems**

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

Nebraska Investment Council

Kenneth Green

Public Employees Retirement Board

Chief Justice William Hastings

Julia Moeller

VOTE: Aye: Senators Bourne, Bruning, Erdman, Stuhr, Wehrbein, and Wickersham. Nay: None. Absent: None.

(Signed) Jon C. Bruning, Chairperson

#### **MESSAGE FROM THE GOVERNOR**

January 29, 2001

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 Power Review Board:

**APPOINTEES:**

\*Rick Sanders, 507 Martin Dr N, Bellevue NE 68005  
Marshall Borchert, 4239 Calvert Pl, Lincoln NE 68506

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

**MOTION - Approve Appointment**

Senator Connealy moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 426: Nebraska Boiler Safety Code Advisory Board - Allan Spary.

Voting in the affirmative, 34:

Aguilar	Baker	Bromm	Bruning	Burling
Connealy	Coordsen	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kruse
Landis	Maxwell	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Redfield	Robak	Schimek
Schrock	Thompson	Vrtiska	Wehrbein	

Voting in the negative, 0.

Present and not voting, 8:

Bourne	Brown	Byars	Cudaback	Kristensen
Smith	Stuhr	Suttle		

Excused and not voting, 7:

Beutler            Brashear            Chambers            McDonald            Raikes  
Tyson                Wickersham

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 53.** Title read. Considered.

The Standing Committee amendment, AM0061, printed separately and referred to on page 396, 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 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 104.** Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 317.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 179.** Title read. Considered.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, AM0085, found on page 397, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 166.** Title read. Considered.

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

Advanced to E & R for review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Senator Foley asked unanimous consent to be excused. No objections. So ordered.

**NOTICE OF COMMITTEE HEARINGS****Revenue**

LB 841	Wednesday, February 21, 2001	2:30 PM
LB 699	Wednesday, February 21, 2001	2:30 PM
LB 790	Wednesday, February 21, 2001	2:30 PM
LB 554	Wednesday, February 21, 2001	2:30 PM
LB 258	Thursday, February 22, 2001	1:30 PM
LB 498	Thursday, February 22, 2001	1:30 PM
LB 836	Thursday, February 22, 2001	1:30 PM
LB 349	Thursday, February 22, 2001	1:30 PM
LB 792	Thursday, February 22, 2001	1:30 PM
LB 710	Friday, February 23, 2001	1:30 PM
LB 829	Friday, February 23, 2001	1:30 PM
LB 515	Friday, February 23, 2001	1:30 PM
LB 277	Friday, February 23, 2001	1:30 PM
LB 528	Friday, February 23, 2001	1:30 PM
LB 28	Wednesday, February 28, 2001	2:30 PM
LB 266	Wednesday, February 28, 2001	2:30 PM
LB 725	Wednesday, February 28, 2001	2:30 PM
LB 60	Thursday, March 1, 2001	1:30 PM
LB 199	Thursday, March 1, 2001	1:30 PM
LB 393	Thursday, March 1, 2001	1:30 PM
LB 713	Thursday, March 1, 2001	1:30 PM
LB 674	Thursday, March 1, 2001	1:30 PM
LB 223	Wednesday, March 7, 2001	2:30 PM
LB 514	Wednesday, March 7, 2001	2:30 PM
LB 624	Wednesday, March 7, 2001	2:30 PM
LB 651	Wednesday, March 7, 2001	2:30 PM
LB 662	Wednesday, March 7, 2001	2:30 PM

(Signed) William R. Wickersham, Chairperson

**Transportation and Telecommunications**

LB 261	Monday, February 12, 2001	1:30 PM
LB 470	Monday, February 12, 2001	1:30 PM
LB 490	Monday, February 12, 2001	1:30 PM
LB 491	Monday, February 12, 2001	1:30 PM
LB 499	Monday, February 12, 2001	1:30 PM
LB 616	Monday, February 12, 2001	1:30 PM
LB 661	Monday, February 12, 2001	1:30 PM
LB 39	Tuesday, February 13, 2001	1:30 PM

LB 64	Tuesday, February 13, 2001	1:30 PM
LB 107	Tuesday, February 13, 2001	1:30 PM
LB 234	Tuesday, February 13, 2001	1:30 PM
LB 320	Tuesday, February 13, 2001	1:30 PM
LB 377	Tuesday, February 13, 2001	1:30 PM
LB 439	Tuesday, February 13, 2001	1:30 PM
LB 157	Tuesday, February 20, 2001	1:30 PM
LB 178	Tuesday, February 20, 2001	1:30 PM
LB 184	Tuesday, February 20, 2001	1:30 PM
LB 339	Tuesday, February 20, 2001	1:30 PM
LB 688	Tuesday, February 20, 2001	1:30 PM
LB 38	Tuesday, February 20, 2001	1:30 PM
LB 26	Monday, February 26, 2001	1:30 PM
LB 44	Monday, February 26, 2001	1:30 PM
LB 246	Monday, February 26, 2001	1:30 PM
LB 447	Monday, February 26, 2001	1:30 PM
LB 584	Monday, February 26, 2001	1:30 PM
LB 293	Tuesday, February 27, 2001	1:30 PM
LB 316	Tuesday, February 27, 2001	1:30 PM
LB 318	Tuesday, February 27, 2001	1:30 PM
LB 773	Tuesday, February 27, 2001	1:30 PM
LB 774	Tuesday, February 27, 2001	1:30 PM
LB 776	Tuesday, February 27, 2001	1:30 PM

(Signed) Curt Bromm, Chairperson

### STANDING COMMITTEE REPORTS

#### Education

**LEGISLATIVE BILL 33.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

#### General Affairs

**LEGISLATIVE BILL 280.** Placed on General File.

(Signed) Ray Janssen, Chairperson

### AMENDMENTS - Print in Journal

Senator Connealy filed the following amendment to LB 192:  
AM0165

- 1 1. On page 26, line 15, after the period insert
- 2 "Notwithstanding any delegation of administrative oversight, the
- 3 commissioner shall maintain the appeal tribunal and its staff as an

4 identifiable unit within the division or office to which it is  
 5 assigned, under the supervision of a chief administrative law  
 6 judge. In determining eligibility of a claimant for unemployment  
 7 benefits, an appeal tribunal shall not be bound by department  
 8 policy or interpretations that are not part of a duly adopted  
 9 regulation or that have not been approved by a court of competent  
 10 jurisdiction. No administrative law judge shall be subject to  
 11 discipline, poor evaluation, or loss of pay or pay increase for  
 12 failure to follow a department policy or interpretation on  
 13 unemployment benefit eligibility that has not been adopted as a  
 14 regulation or approved by a court of competent jurisdiction. An  
 15 attorney employed by the commissioner shall not appear before an  
 16 appeal tribunal in any appeal hearing presided over by an  
 17 administrative law judge for whom he or she is the immediate  
 18 supervisor."

Senator Connealy filed the following amendment to LB 193:  
 AM0081

1 1. On page 8, line 14, after "the" insert "required".

Senator Chambers filed the following amendment to LB 214:  
 AM0144

1 1. On page 2, line 28; page 3, line 2, and page 4, lines  
 2 9 and 11, strike each occurrence of "amended", show as stricken,  
 3 and insert "the act existed on the effective date of this act".

Senator Chambers filed the following amendment to LB 126:  
 AM0127

(Amendments to E & R amendments, AM7020)

1 1. On page 2, line 22; page 7, lines 5 and 17; page 9,  
 2 line 25; page 12, line 11; page 13, line 25; and page 17, line 15,  
 3 strike "as amended," and show as stricken.  
 4 2. On page 2, line 22, after "seq.," insert "as such  
 5 section existed on the effective date of this act."  
 6 3. On page 7, lines 5 and 18; and page 9, line 26, after  
 7 "seq.," insert "as the act existed on the effective date of this  
 8 act."  
 9 4. On page 12, line 12; page 13, line 26; and page 17,  
 10 line 15, after "seq." insert ", as the act existed on the effective  
 11 date of this act."  
 12 5. On page 19, line 12, after "Act" insert "as such  
 13 section existed on the effective date of this act."

## GENERAL FILE

**LEGISLATIVE BILL 225.** Senator Chambers renewed his pending amendment, FA10, found on page 446.

**SENATOR CUDABACK PRESIDING**



Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Baker	Beutler	Chambers	Connealy	Cudaback
Engel	Hartnett	Hilgert	Hudkins	Janssen
Kruse	Maxwell	Pedersen, Dw.	Pederson, D.	Preister
Raikes	Schimek	Smith	Stuhr	Suttle
Thompson	Wickersham			

Voting in the negative, 17:

Aguilar	Bourne	Bruning	Burling	Byars
Cunningham	Erdman	Jensen	Jones	Landis
Price	Quandahl	Redfield	Schrock	Tyson
Vrtiska	Wehrbein			

Present and not voting, 7:

Brashear	Bromm	Brown	Coordsen	Dierks
Kremer	McDonald			

Excused and not voting, 3:

Foley	Kristensen	Robak
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The Chambers amendment lost with 22 ayes, 17 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senators Coordsen and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment:

FA11

P. 2 Strike lines 4-25

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

### **SPEAKER KRISTENSEN PRESIDING**

Senator Brashear 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

25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 11:

Baker	Chambers	Connealy	Cudaback	Kristensen
Maxwell	Raikes	Redfield	Schimek	Suttle
Thompson				

Voting in the negative, 21:

Aguilar	Brown	Bruning	Burling	Byars
Cunningham	Engel	Hilgert	Jensen	Kruse
Landis	McDonald	Pedersen, Dw.	Pederson, D.	Price
Quandahl	Schrock	Smith	Tyson	Vrtiska
Wehrbein				

Present and not voting, 11:

Beutler	Bourne	Bromm	Erdman	Hartnett
Hudkins	Janssen	Kremer	Preister	Stuhr
Wickersham				

Excused and not voting, 6:

Brashear	Coordsen	Dierks	Foley	Jones
Robak				

The Chambers amendment lost with 11 ayes, 21 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

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

**LEGISLATIVE BILL 97.** Placed on General File as amended.

Standing Committee amendment to LB 97:

AM0132

- 1 1. On page 3, line 12, strike "any such", show as
- 2 stricken, and insert "the society shall notify all other Indian
- 3 tribes which can reasonably be determined to have lived in Nebraska
- 4 in order to ascertain and follow the wishes of the tribe as to
- 5 reburial or other disposition. Reburial by any such tribe shall be
- 6 by and at the expense of the tribe. If such remains or goods are
- 7 unclaimed by the appropriate tribe, the".

(Signed) DiAnna R. Schimek, Chairperson

### General Affairs

**LEGISLATIVE BILL 358.** Placed on General File as amended.  
Standing Committee amendment to LB 358:  
AM0163

- 1 1. Insert the following new section:
- 2 "Sec. 10. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 1, line 5, strike "and"; and in line 6 after
- 5 "severability" insert "; and to declare an emergency".
- 6 3. On page 4, strike beginning with "In" in line 4
- 7 through line 11.

**LEGISLATIVE BILL 791.** Placed on General File.

(Signed) Ray Janssen, Chairperson

### NOTICE OF COMMITTEE HEARINGS Health and Human Services/Appropriations

LB 372	Wednesday, February 14, 2001	1:30 PM
LB 562	Wednesday, February 14, 2001	1:30 PM
LB 570	Wednesday, February 14, 2001	1:30 PM
LB 615	Wednesday, February 14, 2001	1:30 PM
LB 623	Wednesday, February 14, 2001	1:30 PM
LB 692	Wednesday, February 14, 2001	1:30 PM
LB 693	Wednesday, February 14, 2001	1:30 PM
LB 694	Wednesday, February 14, 2001	1:30 PM

(Signed) Jim Jensen, Chairperson

(Signed) Roger R. Wehrbein, Chairperson

### Agriculture

LB 523	Tuesday, February 13, 2001	1:30 PM
LB 587	Tuesday, February 13, 2001	1:30 PM
LB 592	Tuesday, February 13, 2001	1:30 PM

(Signed) Merton L. Dierks, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 209A.** 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 209, Ninety-seventh Legislature, First Session, 2001; and to reduce appropriations.

### RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 27 was adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 27.

### GENERAL FILE

**LEGISLATIVE BILL 225.** Considered.

Senator Chambers moved to bracket LB 225.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following amendment:

FA12

Strike section 6 and insert "High growth business enterprise means a business enterprise that has the potential for high growth and in which the risk for loss and the potential for profit may be considerable"

Senators McDonald and Byars 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, 3:

Chambers	Connealy	Maxwell
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Voting in the negative, 19:

Aguilar	Bourne	Bruning	Burling	Cunningham
Engel	Erdman	Hilgert	Kristensen	Landis
Pederson, D.	Price	Quandahl	Redfield	Smith
Stuhr	Thompson	Tyson	Wehrbein	

Present and not voting, 21:

Baker	Beutler	Brashear	Bromm	Brown
Coordsen	Cudaback	Hartnett	Hudkins	Janssen
Jensen	Kremer	Kruse	Pedersen, Dw.	Preister
Raikes	Schimek	Schrock	Suttle	Vrtiska
Wickersham				

Excused and not voting, 6:

Byars            Dierks            Foley            Jones            McDonald  
Robak

The Chambers amendment lost with 3 ayes, 19 nays, 21 present and not voting, and 6 excused and not voting.

Pending.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 278A.** Placed on Select File.

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 130 and 134.

**Enrollment and Review Change to LB 130**

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

ER9001

1. Original section 8 has been renumbered as section 7.

(Signed) Philip Erdman, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Byars asked unanimous consent to have his name added as cointroducer to LB 677. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 782. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Chrispin Lichtenberg, foreign exchange student from Dortmund, Germany, and Jim Lange from Lincoln Southeast High School.

**ADJOURNMENT**

At 12:03 p.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Wednesday, January 31, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**NINETEENTH DAY - JANUARY 31, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 31, 2001

**PRAYER**

The prayer was offered by Pastor Scott Daniell, Mission Nebraska/Compassion Works, 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 Aguilar, Bromm, Byars, Dierks, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighteenth day was approved.

**UNANIMOUS CONSENT - Member Excused**

Senator McDonald asked unanimous consent to be excused until he returns. No objections. So ordered.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 313.** Placed on Select File as amended. (E & R amendment, AM7025, 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 268.** Placed on Select File as amended. E & R amendment to LB 268:  
AM7026

1 1. On page 1, line 4, strike "and" and insert "to

2 provide an operative date;"; and in line 5 after "sections" insert  
3 "; and to declare an emergency".

(Signed) Philip Erdman, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Nebraska Retirement Systems**

Wednesday, February 7, 2001	12:15 PM
Denis Blank - Public Employees Retirement Board	
LB 407	Wednesday, February 7, 2001 12:15 PM
LB 408	Wednesday, February 7, 2001 12:15 PM
LB 475	Wednesday, February 7, 2001 12:15 PM

(Signed) Jon C. Bruning, Chairperson

**Government, Military and Veterans Affairs**

LB 442	Wednesday, February 7, 2001 1:30 PM
LB 485	Wednesday, February 7, 2001 1:30 PM
LB 681	Wednesday, February 7, 2001 1:30 PM
LR 21CA	Wednesday, February 7, 2001 1:30 PM
LB 242	Thursday, February 8, 2001 1:30 PM
LB 703	Thursday, February 8, 2001 1:30 PM
LB 707	Thursday, February 8, 2001 1:30 PM
LB 838	Thursday, February 8, 2001 1:30 PM

(Signed) DiAnna R. Schimek, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 28.** Introduced by Erdman, 47.

WHEREAS, the Potter-Dix High School one-act play team won the 2000 Nebraska Class D-1 state championship held in Kearney on December 9; and

WHEREAS, in winning this competition, the Potter-Dix High School one-act play team, coached by Kathy Larson and Glynis Mueller, won its fourth straight state championship; and

WHEREAS, the Potter-Dix High School one-act play team has won five state championships and two state runner-up honors in the last thirteen years; and

WHEREAS, for his superb performance, senior Jade Enevoldsen earned Outstanding Actor honors for the Potter-Dix High School one-act play team; and

WHEREAS, the Potter-Dix High School one-act play team members represented their school and community with excellence.



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

1. That the Legislature congratulates the Potter-Dix High School one-act play team on winning the 2000 state championship.

2. That a copy of this resolution be sent to the Potter-Dix High School one-act play team and coaches Kathy Larson and Glynis Mueller.

Laid over.

**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 430: Rural Health Advisory Commission - Larry Eichelberger, Janet Fletcher, Marcia Freer, Donald Frey, Michael Sitorius, Todd Stuckey, and William Welch.

Voting in the affirmative, 38:

Baker	Bourne	Brashear	Brown	Bruning
Cudaback	Cunningham	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Pederson, D.	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Burling	Chambers	Connealy	Coordsen
Preister				

Excused and not voting, 5:

Aguilar	Bromm	Byars	McDonald	Wickersham
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The appointments were confirmed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 168A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 68.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 67.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 252.** Senator Kristensen withdrew his pending

motion, found on page 382, to bracket until January 10, 2002.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 111.** E & R amendment, AM7017, found on page 409, was adopted.

Senator Schrock renewed his pending amendment, AM0109, found on page 425.

The Schrock amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 131.** E & R amendment, AM7014, found on page 409, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 118.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 156.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 365.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 275.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 209.** E & R amendment, AM7018, found on page 419, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 214.** E & R amendment, AM7015, found on page 419, was adopted.

Senator Chambers renewed his pending amendment, AM0144, found on page 456.

The Chambers amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 151.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 128.** Senator Schrock renewed his pending amendment, AM0088, found on page 390.

Pending.

**LEGISLATIVE BILL 162.** E & R amendment, AM7023, found on page 434, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 24.** E & R amendment, AM7016, found on page 434, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 173.** E & R amendment, AM7024, printed separately and referred to on page 438, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 295.** E & R amendment, AM7019, found on page 438, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 302.** E & R amendment, AM7021, found on page 438, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 362.** Advanced to E & R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 225.** Considered.

Senator Chambers offered the following amendment:

FA15

P. 5, line 26, strike "years" and insert "year"; strike "2002-03, and 2003-04."

Senator Coordsen asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Beutler	Chambers	Robak	Schimek
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Voting in the negative, 36:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Burling	Byars	Connealy	Cudaback
Cunningham	Engel	Erdman	Foley	Hilgert

Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Landis	McDonald	Pedersen, Dw.	Pederson, D.
Price	Quandahl	Redfield	Schrock	Smith
Stuhr	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Present and not voting, 7:

Dierks	Hartnett	Kruse	Maxwell	Preister
Raikes	Suttle			

Excused and not voting, 2:

Bruning	Coorsen
---------	---------

The Chambers amendment lost with 4 ayes, 36 nays, 7 present and not voting, and 2 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 135, 136, 137, and 247.

#### **Enrollment and Review Change to LB 136**

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

ER9006

1. On page 2, line 23, "may be" has been inserted after "projects".

#### **Enrollment and Review Change to LB 247**

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

ER9003

1. On page 1, line 3, "to provide for transfers of funds;" has been inserted after the semicolon.

(Signed) Philip Erdman, Chairperson

**STANDING COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 300.** Placed on General File.

**LEGISLATIVE BILL 360.** Placed on General File as amended.  
Standing Committee amendment to LB 360:  
AM0004

- 1 1. Insert the following new section:
- 2 "Sec. 13. Section 44-2121, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 44-2121. For purposes of the Insurance Holding Company
- 5 System Act:
- 6 (1) An affiliate of, or person affiliated with, a
- 7 specific person shall mean a person that directly, or indirectly
- 8 through one or more intermediaries, controls, is controlled by, or
- 9 is under common control with the person specified;
- 10 (2) Control, including controlling, controlled by, and
- 11 under common control with, shall mean the possession, direct or
- 12 indirect, of the power to direct or cause the direction of the
- 13 management and policies of a person, whether through the ownership
- 14 of voting securities, by contract other than a commercial contract
- 15 for goods or nonmanagement services, or otherwise, unless the power
- 16 is the result of an official position with or corporate office held
- 17 by the person. Control shall be presumed to exist if any person,
- 18 directly or indirectly, owns, controls, holds with the power to
- 19 vote, or holds proxies representing ten percent or more of the
- 20 voting securities of any other person. This presumption may be
- 21 rebutted by a showing made in the manner provided by subsection
- 22 (11) of section 44-2132 that control does not exist in fact. The
- 23 director may determine, after furnishing all persons in interest
- 24 notice and opportunity to be heard and making specific findings of
- 1 fact to support such determination, that control exists in fact,
- 2 notwithstanding the absence of a presumption to that effect;
- 3 (3) Director shall mean the Director of Insurance;
- 4 (4) An insurance holding company system shall consist of
- 5 two or more affiliated persons, one or more of which is an insurer;
- 6 (5) Insurer shall have the same meaning as set forth in
- 7 section 44-103, except that insurer shall not include ~~(a)~~ agencies,
- 8 authorities, or instrumentalities of the United States, its
- 9 possessions and territories, the Commonwealth of Puerto Rico, the
- 10 District of Columbia, or a state or political subdivision of a
- 11 state; ~~or (b) fraternal benefit societies;~~
- 12 (6) Person shall mean an individual, a corporation, a
- 13 partnership, a limited partnership, an association, a joint-stock
- 14 company, a trust, an unincorporated organization, any similar
- 15 entity, or any combination of such entities acting in concert but
- 16 shall not include any joint-venture partnership exclusively engaged
- 17 in owning, managing, leasing, or developing real or tangible

18 personal property;

19 (7) Security holder of a specified person shall mean one  
20 who owns any security of such person, including common stock,  
21 preferred stock, debt obligations, and any other security  
22 convertible into or evidencing the right to acquire any such stock  
23 or obligations;

24 (8) Subsidiary of a specified person shall mean an  
25 affiliate controlled by such person directly or indirectly through  
26 one or more intermediaries; and

27 (9) Voting security shall include any security  
1 convertible into or evidencing a right to acquire a voting  
2 security.".

3 2. On page 67, line 17, after "44-19,108," insert  
4 "44-2121,".

5 3. Renumber the remaining sections and correct internal  
6 references accordingly.

**LEGISLATIVE BILL 527.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

### **Business and Labor**

**LEGISLATIVE BILL 308.** Placed on General File.

**LEGISLATIVE BILL 397.** Placed on General File.

**LEGISLATIVE BILL 432.** Placed on General File as amended.  
Standing Committee amendment to LB 432:

AM0176

1 1. On page 5, strike beginning with "individual" in line  
2 1 through "any" in line 3.

3 2. On page 8, lines 11 and 26; and page 18, line 3,  
4 strike "All" and insert "Except as provided under section 81-2010,  
5 all".

6 3. On page 10, line 24, after "patrol" insert "or the  
7 law enforcement agency which submitted the sample"; in line 26  
8 after "patrol" insert "or law enforcement agency"; and in line 27  
9 after the period insert "Disposal of a DNA sample and record under  
10 this section shall not be considered the offense of tampering with  
11 physical evidence under section 28-922.".

12 4. On page 17, line 21, strike "be certified" and insert  
13 "have met the requirements for certification"; and in line 23  
14 before the period insert "and have applied for certification".

(Signed) Matt Connealy, Chairperson

### **ANNOUNCEMENT**

Senator Kremer designates LB 833 as his priority bill.

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB 137:  
AM0173

(Amendments to Final Reading copy)

- 1 1. On page 2, line 26, after the last underscored period
- 2 insert "as they exist on the effective date of this act".

Senator Chambers filed the following amendment to LB 193:  
AM0172

- 1 1. On page 3, line 26, strike beginning with "Public"
- 2 through the third comma; and in line 27 after the period insert "
- 3 as the act existed on the effective date of this act".
- 4 2. On page 5, lines 14, 18, 23, and 26; and page 6,
- 5 lines 2, 7, and 20, after "seq." insert ", as the act existed on
- 6 the effective date of this act".
- 7 3. On page 5, line 20, and page 16, line 6, before the
- 8 semicolon insert ", as the section existed on the effective date of
- 9 this act".
- 10 4. On page 6, line 5, before the semicolon insert ", as
- 11 such chapter existed on the effective date of this act".
- 12 5. On page 15, line 14, before the period insert ", as
- 13 such section existed on the effective date of this act".
- 14 6. On page 16, line 28, after "666.100" insert ", as the
- 15 regulation existed on the effective date of this act,".

Senator Chambers filed the following amendment to LB 197:  
AM0174

(Amendments to Final Reading copy)

- 1 1. On page 6, line 3, before the semicolon insert "as
- 2 the regulations existed on the operative date of this section".

Senator Chambers filed the following amendment to LB 198:  
AM0175

(Amendments to Final Reading copy)

- 1 1. On page 8, line 9, strike the period and reinstate "
- 2 as such documents existed on" and after the reinstated matter
- 3 insert "the effective date of this act".

Senator Brashear filed the following amendment to LB 269:  
AM0187

(Amendments to Standing Committee amendments, AM0099)

- 1 1. On page 1, line 4, strike "2006" and insert "2005".

Senator Chambers filed the following amendment to LB 51:  
AM0197

- 1 1. On page 51, line 25; and page 53, line 17, after
- 2 "1974" insert ", as the act existed on the effective date of this
- 3 act".

4 2. On page 52, line 21, before the semicolon insert "  
 5 as such section existed on the effective date of this act"; and in  
 6 lines 23 and 26 after "Code" insert "as defined in section  
 7 49-801.01".

Senator Janssen filed the following amendment to LB 278:  
 AM0129

1 1. On page 22, strike beginning with "The" in line 8  
 2 through the period in line 12, show as stricken, and insert "The  
 3 local governing body may impose an occupation tax on the business  
 4 of a catering licensee doing business within the liquor license  
 5 jurisdiction of the local governing body as provided in subsection  
 6 (5) of this section.".

### **MOTION - Print in Journal**

Senator Beutler filed the following motion to LB 128:  
 Indefinitely postpone LB 128.

### **AMENDMENT - Print in Journal**

Senator Bromm filed the following amendment to LB 105:  
 FA14

Insert the words "in each county in which such real property is situated"  
 after the word "deeds" in line 8.

### **STANDING COMMITTEE REPORT Business and Labor**

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

Nebraska Boiler Safety Code Advisory Board  
 Martin Kasl  
 Dale Starr

VOTE: Aye: Senators Connealy, Vrtiska, Dierks, Hartnett, Preister, and  
 Schimek. Nay: None. Absent: Senator Chambers.

(Signed) Matt Connealy, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 225.** Senator Chambers offered the following  
 amendment:

FA16  
 P. 5, line 26, strike "and 2003-04"



**SENATOR CUDABACK PRESIDING**

Senator Dierks asked unanimous consent to be excused. No objections. So ordered.

Senator Quandahl moved the previous question. The question is, "Shall the debate now close?" The motion failed with 23 ayes, 3 nays, and 23 not voting.

Senator Kristensen 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 16 ayes, 0 nays, and 33 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Baker	Beutler	Brashear	Bromm	Chambers
Connealy	Cudaback	Erdman	Hartnett	Hilgert
Hudkins	Janssen	Pedersen, Dw.	Pederson, D.	Preister
Raikens	Redfield	Robak	Schimek	Stuhr
Suttle	Thompson			

Voting in the negative, 20:

Aguilar	Bourne	Brown	Burling	Cunningham
Engel	Foley	Jensen	Jones	Kremer
Landis	Maxwell	McDonald	Price	Quandahl
Schrock	Smith	Tyson	Vrtiska	Wehrbein

Present and not voting, 1:

Kruse

Absent and not voting, 2:

Byars            Wickersham

Excused and not voting, 4:

Bruning        Coordsen        Dierks        Kristensen

The Chambers amendment lost with 22 ayes, 20 nays, 1 present and not voting, 2 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

Senator Robak moved to bracket LB 225 until January 31, 2002.

Pending.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 24A.** 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 24, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

### **NOTICE OF COMMITTEE HEARINGS**

#### **Judiciary**

LB 112	Wednesday, February 14, 2001	1:30 PM
LB 158	Wednesday, February 14, 2001	1:30 PM
LB 272	Wednesday, February 14, 2001	1:30 PM
LB 403	Wednesday, February 14, 2001	1:30 PM
LB 453	Wednesday, February 14, 2001	1:30 PM
LB 604	Wednesday, February 14, 2001	1:30 PM
LB 607	Wednesday, February 14, 2001	1:30 PM
LB 723	Wednesday, February 14, 2001	1:30 PM
LB 786	Wednesday, February 14, 2001	1:30 PM
LB 81	Thursday, February 15, 2001	1:30 PM
LB 92	Thursday, February 15, 2001	1:30 PM
LB 348	Thursday, February 15, 2001	1:30 PM
LB 357	Thursday, February 15, 2001	1:30 PM
LB 752	Thursday, February 15, 2001	1:30 PM
LB 27	Thursday, February 15, 2001	1:30 PM
LB 19	Wednesday, February 21, 2001	1:30 PM
LB 88	Wednesday, February 21, 2001	1:30 PM
LB 116	Wednesday, February 21, 2001	1:30 PM
LB 117	Wednesday, February 21, 2001	1:30 PM
LB 176	Wednesday, February 21, 2001	1:30 PM
LB 343	Wednesday, February 21, 2001	1:30 PM
LB 383	Wednesday, February 21, 2001	1:30 PM
LB 673	Wednesday, February 21, 2001	1:30 PM
LB 785	Wednesday, February 21, 2001	1:30 PM
LB 40	Thursday, February 22, 2001	1:30 PM
LB 63	Thursday, February 22, 2001	1:30 PM

LB 66	Thursday, February 22, 2001	1:30 PM
LB 79	Thursday, February 22, 2001	1:30 PM
LB 82	Thursday, February 22, 2001	1:30 PM
LB 229	Thursday, February 22, 2001	1:30 PM
LB 264	Thursday, February 22, 2001	1:30 PM
LB 276	Thursday, February 22, 2001	1:30 PM
LB 534	Thursday, February 22, 2001	1:30 PM
LB 844	Thursday, February 22, 2001	1:30 PM
LB 352	Friday, February 23, 2001	1:30 PM
LB 473	Friday, February 23, 2001	1:30 PM
LB 497	Friday, February 23, 2001	1:30 PM
LB 517	Friday, February 23, 2001	1:30 PM
LB 577	Friday, February 23, 2001	1:30 PM
LB 659	Friday, February 23, 2001	1:30 PM
LB 718	Friday, February 23, 2001	1:30 PM
LB 847	Friday, February 23, 2001	1:30 PM
LB 381	Friday, February 23, 2001	1:30 PM

(Signed) Kermit A. Brashear, Chairperson

### MESSAGE FROM THE GOVERNOR

January 31, 2001

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

Dear Mr. President, Speaker Kristensen and Senators:

Please withdraw Marshall Borchert's from the Nebraska Power Review Board due to his resignation.

Thank you.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/

### AMENDMENT - Print in Journal

Senator Robak filed the following amendment to LB 225:  
AM0211

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new section:  
3 "Section 1. There is hereby created a venture capital  
4 study and innovation advisory group. The advisory group shall  
5 consist of seven members, (1) the chairperson of the Legislature's  
6 Banking, Commerce and Insurance Committee, (2) the chairperson of  
7 the Legislature's Agriculture Committee, (3) the chairperson of the  
8 Legislature's Appropriations Committee and four members appointed  
9 by the Governor.  
10 The advisory group shall study venture capital needs in  
11 the state and possible ways to meet those needs.  
12 The Department of Economic Development and the Department  
13 of Agriculture shall provide staff support to the advisory group.  
14 The advisory group may gather information from interested  
15 parties through public hearings and other appropriate means to  
16 assure ample opportunities for outside input to be received for  
17 consideration. The advisory group shall complete its work and  
18 issue a final report outlining its findings and recommendations to  
19 the Governor and Legislature by January 1, 2002. Such report shall  
20 include suggested legislation to implement the feasibility options  
21 included within the study. Members of the advisory group shall be  
22 reimbursed for their actual and necessary expenses as provided in  
23 sections 81-1174 to 81-1177."

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

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 306, LB 827, and LB 842. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were representatives from AARP, Fred Bellum, Connie Benjamin, and Mike Millay; and Senator Aguilar's daughters, Shelly and Audra, and sister, Glenda, from Grand Island.

The Doctor of the Day was Dr. Todd Stuckey from Plattsmouth.

#### **ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Robak, the Legislature adjourned until 9:00 a.m., Thursday, February 1, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**TWENTIETH DAY - FEBRUARY 1, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 1, 2001

**PRAYER**

The prayer was offered by Pastor Steve Griffith, Dietz United Methodist 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 Jones who was excused; and Senators Beutler, Brashear, Brown, Cunningham, Hartnett, Hilgert, Kruse, Raikes, Schrock, Suttle, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the nineteenth day was approved.

**MOTION - Approve Appointments**

Senator Bruning moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointments found on page 451: Nebraska Investment Council - Kenneth Green; and Public Employees Retirement Board - Chief Justice William Hastings and Julia Moeller.

Voting in the affirmative, 31:

Aguilar	Bourne	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hudkins	Janssen	Jensen
Kremer	Kristensen	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Robak
Schimek	Smith	Stuhr	Thompson	Vrtiska

Wehrbein

Voting in the negative, 0.

Present and not voting, 6:

Baker	Bromm	Chambers	Landis	Redfield
Tyson				

Excused and not voting, 12:

Beutler	Brashear	Brown	Cunningham	Hartnett
Hilgert	Jones	Kruse	Raikes	Schrock
Suttle	Wickersham			

The appointments were confirmed with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 209A.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 24A.** 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 225.** Senator Robak renewed her pending motion, found on page 474, to bracket until January 31, 2002.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Robak moved for a call of the house. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Senator Robak requested a roll call vote, in reverse order, on her motion to bracket.

Voting in the affirmative, 6:

Chambers	Preister	Robak	Schimek	Suttle
Thompson				

Voting in the negative, 37:

Aguilar	Baker	Bourne	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Kremer
Kristensen	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Price	Quandahl	Raikes	Redfield
Schrock	Smith	Stuhr	Tyson	Vrtiska
Wehrbein	Wickersham			

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Brashear      Brown      Engel      Jones      Kruse

The Robak motion to bracket failed with 6 ayes, 37 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senators Dierks, McDonald, Cunningham, Burling, Schrock, Vrtiska, and Price asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Robak renewed her pending amendment, AM0211, found on page 475.

Pending.

### **STANDING COMMITTEE REPORTS** **Health and Human Services**

**LEGISLATIVE BILL 411.** Placed on General File.

(Signed) Jim Jensen, Chairperson

#### **Natural Resources**

**LEGISLATIVE BILL 243.** Placed on General File.

(Signed) Ed Schrock, Chairperson

#### **General Affairs**

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

## Nebraska Arts Council

Louise Bahr  
Terry Ferguson  
Janet Korell  
Nancy Schwertley  
Fred Simon  
Donna Woods

VOTE: Aye: Senators Burling, Janssen, McDonald, Quandahl, Redfield, and Schrock. Nay: None. Absent: Senators Cunningham and Erdman.

(Signed) Ray Janssen, Chairperson

**Natural Resources**

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

Game and Parks Commission  
James Stuart Jr.

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Kremer, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

**REFERENCE COMMITTEE REPORT**

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

Sanders, Rick - Nebraska Power Review Board - Natural Resources

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

**GENERAL FILE**

**LEGISLATIVE BILL 225.** Senator Robak offered the following amendment to her pending amendment, AM0211, found on page 475 and considered in this day's Journal:

FA17

Amend AM0211

Line 8 strike four and insert 6, with 2 from each Congressional district, and with each district having one Republican member and one Democratic member



Senator Raikes asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Robak moved for a call of the house. The motion prevailed with 17 ayes, 15 nays, and 17 not voting.

Senator Chambers requested a roll call vote on the Robak amendment.

Voting in the affirmative, 3:

Chambers	Robak	Schimek
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Voting in the negative, 28:

Aguilar	Baker	Beutler	Bourne	Bromm
Brown	Bruning	Byars	Connealy	Erdman
Foley	Hudkins	Jensen	Kremer	Kristensen
Landis	Maxwell	Pedersen, Dw.	Pederson, D.	Price
Quandahl	Redfield	Smith	Stuhr	Thompson
Tyson	Wehrbein	Wickersham		

Present and not voting, 8:

Coordsen	Cudaback	Engel	Hartnett	Hilgert
Janssen	Preister	Suttle		

Excused and not voting, 10:

Brashear	Burling	Cunningham	Dierks	Jones
Kruse	McDonald	Raikes	Schrock	Vrtiska

The Robak amendment lost with 3 ayes, 28 nays, 8 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Robak offered the following amendment to her pending amendment:

FA18

Amend AM0211

In line 8 strike "four" and insert "seven with each Congressional district having one Republican member and one Democratic member and one at large registered Independent voter"

The Robak amendment lost with 3 ayes, 15 nays, 21 present and not voting, and 10 excused and not voting.

Senator Robak withdrew her pending amendment, AM0211, found on page 475.

Senators Landis and Bromm offered the following amendment:  
AM0229

- 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 Nebraska Venture Capital Forum Act.
- 5 Sec. 2. The Legislature finds that:
- 6 (1) Sufficient venture capital resources exist within the
- 7 State of Nebraska to meet substantial portions of the equity needs
- 8 of new and high-growth business enterprises;
- 9 (2) Nebraska is a net exporter of venture capital;
- 10 (3) The venture capital needs of Nebraska business
- 11 enterprises are not currently being met due to the lack of an
- 12 organized approach to connecting investors with new and high-growth
- 13 business enterprises;
- 14 (4) The best and primary role the State of Nebraska can
- 15 play in creating an effective framework for venture capital markets
- 16 is as a partner and facilitator with the private sector;
- 17 (5) Creation of a venture capital forum must be flexible
- 18 and market driven;
- 19 (6) Potential venture capital investors in Nebraska need
- 20 better information about their role in making equity investments
- 21 and about investment opportunities in Nebraska's new and
- 22 high-growth business enterprises; and
- 23 (7) Entrepreneurs and high-growth business enterprises
- 24 need technical assistance in understanding equity markets and how
- 1 to position themselves to receive equity funding.
- 2 Sec. 3. For purposes of the Nebraska Venture Capital
- 3 Forum Act, the definitions found in sections 4 and 5 of this act
- 4 shall be used, unless the context otherwise requires.
- 5 Sec. 4. Business enterprise means an individual,
- 6 corporation, partnership, limited liability company, or joint stock
- 7 company with its principal place of business in Nebraska or
- 8 potentially in Nebraska.
- 9 Sec. 5. Venture capital means equity financing provided
- 10 by investors to new or other business enterprises that have the
- 11 potential for high growth and in which the risk for loss and the
- 12 potential for profit may be considerable.
- 13 Sec. 6. The purpose of the Nebraska Venture Capital
- 14 Forum Act is to create a framework to facilitate the financial
- 15 investment in new and high-growth business enterprises in
- 16 Nebraska.
- 17 Sec. 7. The Department of Economic Development shall
- 18 establish a Nebraska Venture Capital Forum Program. To establish
- 19 the program, the department shall:
- 20 (1) Organize a statewide system for facilitating venture

21 capital investing with its primary emphasis upon assisting those  
22 business enterprises generally seeking up to one million dollars in  
23 new equity financing. Such system may include, but need not be  
24 limited to, the following:

25 (a) Identifying and providing information to investors  
26 about investment opportunities in new and high-growth Nebraska  
27 business enterprises;

1 (b) Identifying and providing information to  
2 entrepreneurs and high-growth business enterprises about investors  
3 seeking investment opportunities;

4 (c) Providing statewide and regional meetings, forums,  
5 internet-based information systems, venture capital fairs, and  
6 other opportunities for venture capital investors and new and  
7 high-growth business enterprises to meet and discuss potential  
8 mutual opportunities;

9 (d) Cooperating with other service entities in  
10 facilitating effectiveness of the program including, but not  
11 limited to, financial institutions, attorneys, accountants,  
12 investment banking firms, established venture capital funds,  
13 institutions of higher education, local and regional development  
14 organizations, business development centers, business incubators,  
15 and utilities;

16 (e) Serving as a clearinghouse and access point for  
17 information about venture capital investment opportunities in  
18 Nebraska;

19 (f) Serving as the central organization and means of  
20 delivering appropriate education and training programs for  
21 potential investors and new or high-growth business enterprises;

22 (g) Facilitating the formation of private venture capital  
23 funds; and

24 (h) Assisting in the formation of sub-state or  
25 industry-specific venture capital networks; and

26 (2) Select a single, private, nonprofit organization for  
27 the purpose of carrying out the functions of the Nebraska Venture  
1 Capital Forum Act which is either (a) incorporated in the State of  
2 Nebraska and exempt for federal tax purposes under section  
3 501(c)(3) of the Internal Revenue Code as such section existed on  
4 the operative date of this act or (b) a Nebraska corporation or  
5 Nebraska organization that is exempt from federal taxation under  
6 section 501(c)(6) of the Internal Revenue Code as such section  
7 existed on the operative date of this act. Factors to be  
8 considered shall include, but not be limited to, an ability to  
9 deliver a statewide program and to provide the dollar match  
10 required by section 8 of this act.

11 Sec. 8. All funds appropriated to the Department of  
12 Economic Development shall be passed through as a grant to a  
13 private nonprofit organization selected to carry out the purposes  
14 of the Nebraska Venture Capital Forum Act. The department may  
15 receive state appropriations as well as funds from local or federal

16 governments, private foundations, or other sources. Expenditures  
 17 of state money for the Nebraska Venture Capital Forum Program must  
 18 be matched dollar-for-dollar by the private nonprofit organization,  
 19 any portion of which may be provided in-kind.

20 Sec. 9. The Department of Economic Development shall  
 21 submit an annual report on the activities of the Nebraska Venture  
 22 Capital Forum Program to the Governor and the Clerk of the  
 23 Legislature on or before January 1 each year.

24 Sec. 10. It is the intent of the Legislature that one  
 25 hundred thousand dollars be appropriated to the Department of  
 26 Economic Development for fiscal year 2001-02 and two hundred  
 27 thousand dollars be appropriated to the Department of Economic  
 1 Development for fiscal years 2002-03 and 2003-04 to carry out the  
 2 purposes of the Nebraska Venture Capital Forum Act.

3 Sec. 11. The Nebraska Venture Capital Forum Act  
 4 terminates December 31, 2003.

5 Sec. 12. This act becomes operative on January 1,  
 6 2002."

The Landis-Bromm amendment was adopted with 33 ayes, 0 nays, 11  
 present and not voting, and 5 excused and not voting.

Senator Landis moved for a call of the house. The motion prevailed with 26  
 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 39:

Aguilar	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Kremer	Kristensen	Kruse	Landis
Maxwell	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Wehrbein	Wickersham	

Voting in the negative, 4:

Chambers	Redfield	Robak	Schimek
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Present and not voting, 2:

Baker	Vrtiska
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Excused and not voting, 4:

Cunningham	Jones	McDonald	Raikes
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Advanced to E & R for review with 39 ayes, 4 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

### **STANDING COMMITTEE REPORTS Transportation and Telecommunications**

**LEGISLATIVE BILL 34.** Placed on General File.

**LEGISLATIVE BILL 106.** Placed on General File.

**LEGISLATIVE BILL 108.** Placed on General File.

**LEGISLATIVE BILL 477.** Placed on General File.

**LEGISLATIVE BILL 574.** Placed on General File.

**LEGISLATIVE BILL 254.** Placed on General File as amended.

Standing Committee amendment to LB 254:

AM0216

- 1 1. On page 2, lines 19, 20, and 21, strike the new
- 2 matter and reinstate the stricken matter.

(Signed) Curt Bromm, Chairperson

### **Revenue**

**LEGISLATIVE BILL 329.** Placed on General File.

**LEGISLATIVE BILL 419.** Placed on General File as amended.

Standing Committee amendment to LB 419:

AM0128

- 1 1. On page 5, after line 13 insert the following new
- 2 subsection:
- 3 "(3) A determination of the taxable value of the property
- 4 made by the county board of equalization pursuant to subsection (2)
- 5 of this section may be appealed to the commission within thirty
- 6 days after the board's decision."

(Signed) William R. Wickersham, Chairperson

### **Urban Affairs**

**LEGISLATIVE BILL 483.** Placed on General File.

**LEGISLATIVE BILL 484.** Placed on General File.

**LEGISLATIVE BILL 31.** Placed on General File as amended.

Standing Committee amendment to LB 31:

AM0222

- 1 1. Insert the following new section:
- 2 "Sec. 5. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

**LEGISLATIVE BILL 730.** Placed on General File as amended.  
 Standing Committee amendment to LB 730:  
 AM0223

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 32-538, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 32-538. (1) In a city which adopts the city manager plan
- 5 of government pursuant to sections 19-601 to 19-610, the number of
- 6 city council members shall be determined by the class and
- 7 population of the city. In cities having one thousand or more but
- 8 not more than forty thousand inhabitants, there shall be five
- 9 members, and in cities having more than forty thousand but less
- 10 than two hundred thousand inhabitants, there shall be seven
- 11 members, except that in cities having between twenty-five thousand
- 12 and forty thousand inhabitants, the city council may by ordinance
- 13 provide for seven members. Council members shall be elected from
- 14 the city at large unless the city council by ordinance provides for
- 15 the election of all or some of its council members by wards, the
- 16 number and boundaries of which are provided for in section 16-104.
- 17 Council members shall serve for terms of four years or until their
- 18 successors are elected and qualified, ~~except as provided for the~~
- 19 ~~first election under an ordinance changing the number of council~~
- 20 ~~members or their manner of election.~~ The council members shall
- 21 meet the qualifications found in sections 19-613 and 19-613.01.
- 22 The first election under an ordinance changing the number
- 23 of council members or their manner of election shall take place at
- 24 the next regular city election. Council members whose terms of
- 1 office expire after the election shall continue in office until the
- 2 expiration of the terms for which they were elected and until their
- 3 successors are elected and qualified, and shall be for all council
- 4 members irrespective of their manner of election. The
- 5 qualification of the candidates elected at such first election
- 6 shall end the terms of those council members in office whose terms
- 7 have not otherwise expired. If all council members are elected at
- 8 large at the first election, the bare majority of council members
- 9 receiving the highest number of votes shall serve for four years
- 10 and the others for two years. At the first election under an
- 11 ordinance changing the number of council members or their manner of
- 12 election, one-half or the bare majority of council members elected
- 13 at large, as the case may be, who receive the highest number of
- 14 votes shall serve for four years and the other or others, if
- 15 needed, for two years. At such first election, one-half or the
- 16 bare majority of council members, as the case may be, who are
- 17 elected by wards shall serve for four years and the other or
- 18 others, if needed, for two years, as provided in the ordinance. If

19 only one council member is to be elected at large at such first  
20 election, such member shall serve for four years.

21 (2) Commencing with the statewide primary election in  
22 1976, and every two years thereafter, those candidates whose terms  
23 will be expiring shall be nominated at the statewide primary  
24 election and elected at the statewide general election."

25 2. On page 3, line 28, strike beginning with "No"  
26 through "the".

27 3. On page 4, strike lines 1 through 8 and insert "The  
1 ordinance or petition shall specify the number of at-large members  
2 to be elected. At the first election in which one or more at-large  
3 members are to be elected to the city council, the members shall be  
4 elected to serve for initial terms of office of the following  
5 lengths:

6 (i) If one at-large member is to be elected, he or she  
7 shall serve for a four-year term;

8 (ii) If two at-large members are to be elected, the  
9 candidate receiving the highest number of votes shall be elected to  
10 serve for a four-year term and the other elected member shall be  
11 elected to serve for a two-year term; and

12 (iii) If three at-large members are to be elected, the  
13 two candidates receiving the highest number of votes shall be  
14 elected to serve for four-year terms and the other elected member  
15 shall be elected to serve for a two-year term. Following the  
16 initial term of office, all at-large council members shall be  
17 elected to serve for four-year terms. No candidate may file as  
18 both an at-large candidate and a candidate by ward at the same  
19 election."

20 4. On page 6, line 7, after the second comma insert  
21 "32-538,".

22 5. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 552.** Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 96.** Placed on General File.

**LEGISLATIVE BILL 286.** Placed on General File.

**LEGISLATIVE BILL 368.** Placed on General File.

**LEGISLATIVE BILL 10.** Placed on General File as amended.  
Standing Committee amendment to LB 10:

AM0238

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

3 "Section 1. Section 80-325, Revised Statutes Supplement,  
4 2000, is amended to read:

5 80-325. The administrator of the Nebraska veterans homes  
 6 shall ~~(1) have served honorably in the armed forces of the United~~  
 7 ~~States during a period of war as defined in section 80-401.01 and~~  
 8 ~~(2) be a licensed nursing home administrator licensed under~~  
 9 sections 71-6053 to 71-6068. Qualified applicants for the position  
 10 of administrator who have served honorably in the armed forces of  
 11 the United States during a period of war as defined in section  
 12 80-401.01 shall be given a preference over other applicants.  
 13 Sec. 2. Original section 80-325, Revised Statutes  
 14 Supplement, 2000, is repealed."

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

Military Director  
 Roger Lempke

VOTE: Aye: Senators Aguilar, Burling, McDonald, Quandahl, Schimek, Smith, and Vrtiska. Nay: None. Absent: Senator Brown.

(Signed) DiAnna R. Schimek, Chairperson

### NOTICE OF COMMITTEE HEARINGS Judiciary

LB 335	Thursday, February 8, 2001	1:30 PM
LB 611	Wednesday, February 14, 2001	1:30 PM

(Signed) Kermit A. Brashear, Chairperson

### Health and Human Services

LB 301	Thursday, February 8, 2001 (cancel)	1:30 PM
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(Signed) Jim Jensen, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 244.** Title read. Considered.

Senator Hilgert offered the following amendment:

FA19

On page 7 line 9 strike the words "one year after" and insert the word "on"

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.



Senator Hilgert withdrew his amendment.

Senators Cudaback, Thompson, and Connealy asked unanimous consent to be excused. No objections. So ordered.

Pending.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 51.** Placed on Select File as amended.  
E & R amendment to LB 51:  
AM7027

- 1 1. On page 1, line 2; and page 54, line 3, strike "to"
- 2 and insert ", 44-4005.03,".
- 3 2. On page 1, line 5; and page 54, line 5, before "and"
- 4 insert "44-4005.04,".
- 5 3. On page 4, line 20, after "(18)" insert "Uniform
- 6 application means the uniform application as prescribed by the
- 7 director which conforms substantially to the uniform application
- 8 for resident and nonresident producer licensing adopted by the
- 9 National Association of Insurance Commissioners; and
- 10 (19)"; and strike beginning with the semicolon in line 24
- 11 through "Commissioners" in line 28.
- 12 4. On page 12, line 6, strike "of" and insert "after".
- 13 5. On page 33, line 15, strike the new matter and
- 14 reinstate the stricken matter.
- 15 6. On page 47, line 12, strike "producer's" and insert
- 16 "producer".
- 17 7. On page 53, lines 27 and 28; and page 54, line 1,
- 18 delete the underscoring.
- 19 8. On page 54, line 1, after "33" insert "of this act".

**Correctly Engrossed**

The following bill was correctly engrossed: LB 168A.

(Signed) Philip Erdman, Chairperson

**STANDING COMMITTEE REPORT**  
**Education**

**LEGISLATIVE BILL 314.** Placed on General File as amended.  
Standing Committee amendment to LB 314:  
AM0124

- 1 1. On page 3, line 2, after "if" insert "(a)"; and in
- 2 line 6 after the second "state" insert "or (b) the candidate has
- 3 current credentials from a national nonprofit organization (i)
- 4 approved by the State Department of Education, (ii) the purpose of

5 which is to establish high and rigorous standards in a broad range  
 6 of educational areas for what accomplished teachers should know and  
 7 be able to do, and (iii) which issues credentials to teachers who  
 8 demonstrate that they meet those standards".  
 9 2. On page 5, line 26, strike "The", show as stricken,  
 10 and insert "Except as otherwise provided in sections 79-808 to  
 11 79-816, the".

(Signed) Ron Raikes, Chairperson

### AMENDMENTS - Print in Journal

Senators Stuhr and Beutler filed the following amendment to LR ICA:  
 AM0219

1 1. Strike sections 1 and 2 and all amendments thereto  
 2 and insert the following new sections:  
 3 "Section 1. At the general election in November 2002 the  
 4 following proposed amendment to the Constitution of Nebraska shall  
 5 be submitted to the electors of the State of Nebraska for approval  
 6 or rejection:  
 7 To amend Article I, section 27:  
 8 1-27 "The English language is hereby declared to be the  
 9 official language of this state. All, and all official  
 10 proceedings, records, and publications shall be in such language,  
 11 and such language shall be used for instruction in the public  
 12 schools, and the common school branches shall be taught in said  
 13 language in public, private, denominational and parochial  
 14 schools."  
 15 Sec. 2. The proposed amendment shall be submitted to the  
 16 electors in the manner prescribed by the Constitution of Nebraska,  
 17 Article XVI, section 1, with the following ballot language:  
 18 "A constitutional amendment to require instruction in the  
 19 English language in public schools.  
 20 For  
 21 Against".

Senator Kristensen filed the following amendment to LB 138:  
 AM0235

(Amendments to Final Reading copy)

1 1. On page 2, line 6, strike "by the corporation".

### VISITORS

Visitors to the Chamber were 16 fourth grade students and teacher from St. John's Lutheran School, Seward; 4 sixth and seventh grade students and teacher from District 54, McPherson County; and Michelle Hupp from Albion.

The Doctor of the Day was Dr. Brad Hupp from Albion.

**ADJOURNMENT**

At 12:07 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Friday, February 2, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FIRST DAY - FEBRUARY 2, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 2, 2001

**PRAYER**

The prayer was offered by Pastor Jim Miller, Grace United Methodist Church, Hastings, 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 Beutler and Robak who were excused; and Senators Vrtiska, Wehrbein, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twentieth day was approved.

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

The following bills were correctly engrossed: LBs 67, 68, 111, 118, 131, 156, 252, 275, and 365.

**Enrollment and Review Change to LB 68**

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

ER9007

1. On page 9, line 24, "(i)" has been struck, shown as stricken, and "(a)" inserted; in line 26 "(ii)" has been struck, shown as stricken, and "(b)" inserted; and in line 28 "(iii)" has been struck, shown as stricken, and "(c)" inserted.

2. On page 10, line 1, "(iv)" has been struck, shown as stricken, and "(d)" inserted.

3. On page 13, line 6, "Federal" has been struck, shown as stricken, and "federal" inserted.

(Signed) Philip Erdman, Chairperson

### ANNOUNCEMENT

Senator Kruse designates LB 773 as his priority bill.

### REPORTS

The following reports were received by the Legislature:

**Administrative Services, Department of**

Nebraska Information Technology Commission Project Status Summary,  
January 31, 2001

**Health and Human Services, Nebraska**

Office of System Advocate, 2000 Quarterly Report

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 2, 2001, 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

Butz, Timothy C.  
ACLU Nebraska

Cutshall & Associates  
Nebraskans for Public Television, Inc.

Fox Jr., Deryl Dean  
ABATE of Nebraska, Inc.

Goc, John J.  
Friends of Rural Education  
Iowa Gaming Company

Jensen, Ronald L.  
KRAFT FOODS, INC.  
Miller Brewing Co.  
Philip Morris Management Corporation (Withdrawn 02-01-2001)  
Philip Morris, Inc.

Kelley, Michael A.  
Elevator Industry Work Preservation

Nielsen, Coleen J.  
Merck & Company, Human Health Division (PA)

Rasmussen, Dennis  
KRAFT FOODS, INC.  
Miller Brewing Co.  
National Guard Assn. of Nebraska  
Nebraska Veterans Council  
Philip Morris Management Corporation (Withdrawn 02-01-2001)  
Philip Morris, Inc.

Reynolds, Simera  
Mothers Against Drunk Driving, Nebraska

Schmit Industries, Inc.  
Husker Ag Processing  
KAPPA - Group  
Nebraskans for Charitable Gaming and Legislation

Walling, Ramie L.  
ABATE of Nebraska, Inc.

Winston, Ken  
GASP-Group to Alleviate Smoking Pollution

**MOTION - Approve Appointments**

Senator Connealy moved the adoption of the report of the Business and Labor Committee for the following appointments found on page 472: Nebraska Boiler Safety Code Advisory Board - Martin Kasl and Dale Starr.

Voting in the affirmative, 36:

Aguilar	Baker	Bourne	Brashear	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jones	Kremer
Kristensen	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schrock	Smith	Stuhr	Suttle
Thompson				

Voting in the negative, 0.

Present and not voting, 7:

Bromm	Chambers	Dierks	Jensen	Kruse
Schimek	Tyson			

Excused and not voting, 6:

Beutler	Brown	Robak	Vrtiska	Wehrbein
Wickersham				

The appointments were confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-7501, Reissue Revised Statutes of Nebraska; to repeal provisions which terminated on July 1, 1998; to harmonize provisions; to repeal the original section; and to outright repeal sections 71-7502, 71-7502.01, 71-7514, 71-7516, 71-7517, 71-7518.01 to 71-7518.09, 71-7521, and 71-7529, 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	Bourne	Brashear	Bromm
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Wehrbein	

Voting in the negative, 0.

Excused and not voting, 5:

Beutler	Brown	Robak	Vrtiska	Wickersham
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.



**LEGISLATIVE BILL 2.**

A BILL FOR AN ACT relating to the Nebraska Commission on Human Genetic Technologies; to repeal provisions governing the commission which ceased to exist on January 1, 1999; and to outright repeal sections 71-8101 to 71-8107, Revised Statutes Supplement, 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein

Voting in the negative, 0.

Excused and not voting, 4:

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

**LEGISLATIVE BILL 3.**

A BILL FOR AN ACT relating to financial emergencies; to amend section 81-8,239.02, Reissue Revised Statutes of Nebraska, and section 81-8,239.01, Revised Statutes Supplement, 2000; to repeal a section that terminated on June 30, 1998; to harmonize provisions; to repeal the original sections; and to outright repeal section 81-8,239.10, 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert

Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

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

#### **LEGISLATIVE BILL 4.**

A BILL FOR AN ACT relating to insurance; to amend section 44-7504, Revised Statutes Supplement, 2000; to harmonize a provision adopted in Laws 2000, LB 1119, with Laws 2000, LB 1221; 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

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

**LEGISLATIVE BILL 5.**

A BILL FOR AN ACT relating to the Vietnam Veterans Education Loan Act of 1973; to repeal provisions that are no longer needed; and to outright repeal sections 80-801 to 80-806, 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimiek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 3:

Beutler          Robak          Vrtiska

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

**LEGISLATIVE BILL 6.**

A BILL FOR AN ACT relating to the juvenile justice task force; to repeal provisions governing the task force which was to complete its work by December 1, 1998; and to outright repeal sections 43-2801 to 43-2804, 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks

Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

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

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 7 with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### LEGISLATIVE BILL 7.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1402 to 76-1409, 76-1411, 76-1414, 76-1415, 76-1417, 76-1419, 76-1420, 76-1425, 76-1428, 76-1431, 76-1436, and 76-1448, Reissue Revised Statutes of Nebraska, and section 76-1416, Revised Statutes Supplement, 2000; to change internal references; 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Beutler            Robak            Vrtiska

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 8.**

A BILL FOR AN ACT relating to county government; to amend section 23-350, Reissue Revised Statutes of Nebraska; to correct an error in statute citation dating from adoption of the criminal code; 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Tyson

Excused and not voting, 3:

Beutler            Robak            Vrtiska

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

**LEGISLATIVE BILL 9.**

A BILL FOR AN ACT relating to the Small Claims Court; to amend section

25-2802, Revised Statutes Supplement, 2000; to state the jurisdictional limit set by the Supreme Court; 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

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

### **LEGISLATIVE BILL 222.** With Emergency.

A BILL FOR AN ACT relating to municipal improvements; to amend sections 16-902, 17-1002, and 19-2402, Reissue Revised Statutes of Nebraska; to change provisions relating to municipal water and sanitary sewer service extension district limits; 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl

Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

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

**LEGISLATIVE BILL 49.** With Emergency.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 9-342, 9-519, 9-611, and 9-706, Uniform Commercial Code; to change provisions relating to secured transactions; 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, 46:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the

reading at large of LB 54 with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 54.** With Emergency.

A BILL FOR AN ACT relating to liens; to amend sections 52-202, 52-502, 52-901, 52-904, 52-1201, and 52-1204, Reissue Revised Statutes of Nebraska, sections 52-203, 52-204, 52-501, 52-504, 52-701, 52-702, 52-902, 52-903, 52-905, 52-1101 to 52-1104, 52-1202, 52-1203, 52-1205, 52-1407, 52-1409, 54-201, 54-208, and 54-209, Revised Statutes Supplement, 2000, and sections 9-102, 9-519, and 9-530, Uniform Commercial Code; to change provisions relating to filing, recording, and enforcement; to eliminate a penalty; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 52-503, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 45:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Jensen

Excused and not voting, 3:

Beutler      Robak      Vrtiska

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

The following bills were read and put upon final passage:



**LEGISLATIVE BILL 122.** With Emergency.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Revised Statutes Supplement, 2000; 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, 46:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

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

**LEGISLATIVE BILL 130.**

A BILL FOR AN ACT relating to game and parks; to amend sections 37-316, 37-418, and 37-624, Reissue Revised Statutes of Nebraska, and sections 37-543, 37-560, and 37-613, Revised Statutes Supplement, 2000; to change provisions relating to private wildlife management permits, the unlawful taking of wildlife and fish, property damage by certain animals, and the credentialing of certain federal officers; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Aguilar	Baker	Bourne	Brashear	Bromm
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Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Beutler            Robak            Vrtiska

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

#### **LEGISLATIVE BILL 134.**

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.

Whereupon the 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Dierks

Excused and not voting, 3:

Beutler            Robak            Vrtiska

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

**LEGISLATIVE BILL 194.**

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3948 and 2-3952 to 2-3954, Reissue Revised Statutes of Nebraska; to change membership provisions of the Nebraska Dairy Industry Development Board; 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

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

**LEGISLATIVE BILL 210.**

A BILL FOR AN ACT relating to zoning; to amend section 19-916, Reissue Revised Statutes of Nebraska; to change provisions relating to additions and platting; 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, 46:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers

Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Beutler          Robak          Vrtiska

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

### **LEGISLATIVE BILL 135.**

A BILL FOR AN ACT relating to natural resources districts; to amend sections 46-656.26 and 46-656.27, Reissue Revised Statutes of Nebraska, and sections 46-656.07 and 46-656.25, Revised Statutes Supplement, 2000; to redefine a term; to change ground water management control and allocation provisions; 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Dierks

Excused and not voting, 3:

Beutler            Robak            Vrtiska

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

**LEGISLATIVE BILL 136.**

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3252, 2-3253, and 2-3254.04, Reissue Revised Statutes of Nebraska, and section 2-3254, Revised Statutes Supplement, 2000; to provide for altering improvement project area boundaries; 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Beutler            Robak            Vrtiska

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

**SENATOR CUDABACK PRESIDING**

**LEGISLATIVE BILL 247.**

A BILL FOR AN ACT relating to modular housing units; to amend section 71-1559, Revised Statutes Supplement, 2000; to provide for inspections, issuance of seals, and fees; to provide for transfers of funds; to harmonize provisions; to repeal the original section; and to outright repeal section 71-1568, 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Beutler          Robak          Vrtiska

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

### **MOTION - Return LB 138 to Select File**

Senator Kristensen moved to return LB 138 to Select File for his specific amendment, AM0235, found on page 490.

The Kristensen motion to return prevailed with 45 ayes, 0 nays, 2 present and not voting, and 2 excused and not voting.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

### **SELECT FILE**

**LEGISLATIVE BILL 138.** The Kristensen specific amendment, AM0235, found on page 490, was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

### **MOTION - Return LB 197 to Select File**

Senator Chambers moved to return LB 197 to Select File for his specific amendment, AM0174, found on page 471.

The Chambers motion to return prevailed with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 197.** The Chambers specific amendment, AM0174, found on page 471, was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

**UNANIMOUS CONSENT - Member Excused**

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

**MOTION - Return LB 198 to Select File**

Senator Chambers moved to return LB 198 to Select File for his specific amendment, AM0175, found on page 471.

Senator Chambers withdrew his motion to return.

Senator Dierks moved to return LB 198 to Select File for the following specific amendment:

FA21

On page 8, line 6, after the word "Supplies", insert "1999 Revisions,"

On page 8, line 9, after "Shippers" insert "1999 Revision"

Senator Chambers requested a record vote on the Dierks motion to return.

Voting in the affirmative, 42:

Baker	Bourne	Brown	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
McDonald	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein			

Voting in the negative, 0.

Present and not voting, 3:

Aguilar	Bromm	Wickersham
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Excused and not voting, 4:

Beutler          Brashear          Bruning          Robak

The Dierks motion to return prevailed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

### **SPEAKER KRISTENSEN PRESIDING**

#### **SELECT FILE**

**LEGISLATIVE BILL 198.** The Dierks specific amendment, FA21, found in this day's Journal, was renewed.

Senator Chambers requested a record vote on the Dierks specific amendment.

Voting in the affirmative, 43:

Aguilar	Baker	Bourne	Brown	Burling
Byars	Chambers	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Landis
Maxwell	McDonald	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 0.

Present and not voting, 2:

Bromm          Wickersham

Excused and not voting, 4:

Beutler          Brashear          Bruning          Robak

The Dierks specific amendment was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 44:

Aguilar	Baker	Bourne	Brown	Burling
Byars	Chambers	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hartnett	Hilgert	Hudkins	Janssen	Jensen



Jones	Kremer	Kristensen	Kruse	Landis
Maxwell	McDonald	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 4:

Beutler	Brashear	Bruning	Robak
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Advanced to E & R for reengrossment with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

**MOTION - Return LB 137 to Select File**

Senator Chambers moved to return LB 137 to Select File for his specific amendment, AM0173, found on page 471.

Senator Chambers requested a record vote on his motion to return.

Voting in the affirmative, 45:

Aguilar	Baker	Bourne	Bromm	Brown
Burling	Byars	Chambers	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Beutler	Brashear	Bruning	Robak
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The Chambers motion to return prevailed with 45 ayes, 0 nays, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 137.** The Chambers specific amendment, AM0173, found on page 471, was renewed.

Senator Chambers requested a record vote on his specific amendment.

Voting in the affirmative, 44:

Aguilar	Baker	Bourne	Bromm	Brown
Burling	Byars	Chambers	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 4:

Beutler	Brashear	Bruning	Robak
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The Chambers specific amendment was adopted with 44 ayes, 0 nays, 1 present and not voting, and 4 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 45:

Aguilar	Baker	Bourne	Bromm	Brown
Burling	Byars	Chambers	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Beutler            Brashear            Bruning            Robak

Advanced to E & R for reengrossment with 45 ayes, 0 nays, and 4 excused and not voting.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 222, 49, 54, 122, 130, 134, 194, 210, 135, 136, and 247.

### **STANDING COMMITTEE REPORTS**

#### **Education**

**LEGISLATIVE BILL 303.** Placed on General File as amended.

Standing Committee amendment to LB 303:

AM0136

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Legislature finds that (1) there are
- 4 many entities represented and interested in education in Nebraska
- 5 and (2) communication and collaborative efforts among these groups
- 6 could result in a more efficient use of resources.
- 7 Sec. 2. The Education Roundtable is created. The
- 8 Governor and the Commissioner of Education shall jointly serve as
- 9 co-chairpersons of the roundtable. If the Governor is unable to
- 10 attend any meeting of the roundtable, the Lieutenant Governor or
- 11 his or her designee is authorized to act as such co-chairperson on
- 12 behalf of the Governor, and if the commissioner is unable to attend
- 13 any meeting of the roundtable, the Deputy Commissioner of Education
- 14 or his or her designee may act as such co-chairperson on behalf of
- 15 the commissioner.
- 16 Sec. 3. (1) The following members of the Education
- 17 Roundtable shall be appointed by the Governor with recommendations
- 18 from the Commissioner of Education and the executive director of
- 19 the Coordinating Commission for Postsecondary Education:
- 20 (a) Eight representatives that are business and community
- 21 leaders;
- 22 (b) Two representatives from the University of Nebraska
- 23 system as follows: The president or his or her designee and one
- 24 member of the Board of Regents of the University of Nebraska;
- 1 (c) Two representatives of the state college system as
- 2 follows: The executive director of the system or his or her
- 3 designee and one member of the Board of Trustees of the Nebraska
- 4 State Colleges;
- 5 (d) Two representatives of the community colleges as

6 follows: The executive director of an association of community  
7 colleges or his or her designee and one member of a community  
8 college board of governors;

9 (e) Two representatives from a state association of  
10 independent college and universities as follows: The executive  
11 director or his or her designee and one member of the association;

12 (f) Two representatives from the Coordinating Commission  
13 for Postsecondary Education as follows: The executive director or  
14 his or her designee and one member of the coordinating commission;

15 (g) Two representatives from a state association of  
16 teachers as follows: The executive director or his or her designee  
17 and one member of the association;

18 (h) Two representatives from a state association of  
19 school administrators as follows: The executive director or his or  
20 her designee and one member of the association;

21 (i) Two representatives from a state association of  
22 school boards as follows: The executive director or his or her  
23 designee and one member of the association;

24 (j) Two representatives from a state association of  
25 educational service unit administrators;

26 (k) One member of the State Board of Education;

27 (l) Two representatives from nonpublic elementary and  
1 secondary education: One who is a school administrator of a  
2 nonpublic school and one who is a parent with one or more children  
3 in a nonpublic educational setting in Nebraska; and

4 (m) Two representatives of the Nebraska Information  
5 Technology Commission.

6 (2) Three members of the Legislature shall be appointed  
7 to the Education Roundtable by the Legislative Council.

8 (3) The members of the Education Roundtable shall be  
9 appointed not later than forty-five days after the effective date  
10 of this act. Vacancies on the board shall be filled by a person  
11 holding the same qualifications as the person being replaced.

12 Members of the Education Roundtable shall be reimbursed for their  
13 actual and necessary expenses in carrying out their duties as  
14 provided in sections 81-1174 to 81-1177.

15 (4) The State Department of Education and the  
16 Coordinating Commission for Postsecondary Education shall provide  
17 administrative and research support for the Education Roundtable.

18 Sec. 4. The Education Roundtable shall meet upon the  
19 call of the co-chairpersons but not less than twice in every  
20 calendar year.

21 Sec. 5. The purposes of the Education Roundtable are to  
22 (1) identify and prioritize the future needs and challenges related  
23 to education in the State of Nebraska, (2) share information, and  
24 (3) study and create multiple ways to coordinate statewide efforts  
25 in education in Nebraska. The roundtable may establish ad hoc  
26 advisory groups to study topics related to education and report  
27 their findings to the Education Roundtable.

- 1 Sec. 6. The Education Roundtable shall provide a report  
 2 of its findings by December 1 of each year to the  
 3 Appropriations and Education Committees of the Legislature, the  
 4 Governor's Policy Research Office, the State Board of Education,  
 5 and the Coordinating Commission for Postsecondary Education.  
 6 Sec. 7. Sections 1 to 7 of this act terminate December  
 7 31, 2005.  
 8 Sec. 8. Since an emergency exists, this act takes effect  
 9 when passed and approved according to law."

(Signed) Ron Raikes, Chairperson

**Transportation and Telecommunications**

**LEGISLATIVE BILL 191.** Placed on General File.

(Signed) Curt Bromm, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 52.** Placed on General File as amended.  
 (Standing Committee amendment, AM0198, 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 298.** Placed on General File as amended.  
 Standing Committee amendment to LB 298:  
 AM0215

- 1 1. Insert the following new section:  
 2 "Sec. 2. This act becomes operative on March 15, 2002."  
 3 2. On page 3, line 6, after "For" insert "electronic"  
 4 and strike "records" and insert "business entity filings made with  
 5 the Corporate Division and filings made with the Uniform Commercial  
 6 Code Division pursuant to the Uniform Commercial Code, Chapter 52,  
 7 article 2, 5, 7, 9, 10, 11, 12, or 14, Chapter 54, article 2, or  
 8 the Uniform State Tax Lien Registration and Enforcement Act".

(Signed) David M. Landis, Chairperson

**MOTION - Return LB 36 to Select File**

Senator Foley moved to return LB 36 to Select File for the following  
 specific amendment:

FA20  
 Strike the enacting clause

Senator Hartnett asked unanimous consent to be excused until he returns.  
 No objections. So ordered.

**SENATOR CUDABACK PRESIDING**

Senator McDonald asked unanimous consent to be excused. No objections. So ordered.

Senator Smith moved the previous question. The question is, "Shall the debate now close?"

Senator Chambers requested a record vote on the motion to cease debate.

Voting in the affirmative, 36:

Aguilar	Baker	Bourne	Bromm	Brown
Burling	Byars	Connealy	Coordsen	Cudaback
Engel	Erdman	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	Pedersen, Dw.	Pederson, D.	Price
Quandahl	Raikes	Redfield	Schrock	Smith
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 5:

Chambers	Foley	Landis	Preister	Schimek
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Present and not voting, 2:

Cunningham Stuhr

Excused and not voting, 6:

Beutler	Brashear	Bruning	Dierks	McDonald
Robak				

The motion to cease debate prevailed with 36 ayes, 5 nays, 2 present and not voting, and 6 excused and not voting.

Senator Chambers requested a record vote on the Foley motion to return.

Voting in the affirmative, 1:

Foley

Voting in the negative, 34:

Aguilar	Bourne	Bromm	Brown	Burling
Byars	Chambers	Connealy	Cunningham	Erdman
Hilgert	Hudkins	Janssen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.

Pederson, D.	Preister	Price	Raikes	Redfield
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	

Present and not voting, 7:

Baker	Coordsen	Cudaback	Engel	Jensen
Quandahl	Wickersham			

Excused and not voting, 7:

Beutler	Brashear	Bruning	Dierks	Hartnett
McDonald	Robak			

The Foley motion to return failed with 1 aye, 34 nays, 7 present and not voting, and 7 excused and not voting.

### BILL ON FINAL READING

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 36.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-602, Revised Statutes Supplement, 2000; to change provisions relating to inspection of pupil transportation vehicles; to eliminate a penalty; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 42:

Aguilar	Baker	Bourne	Bromm	Brown
Burling	Byars	Chambers	Connealy	Coordsen
Cudaback	Cunningham	Engel	Erdman	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 1:

Foley

Excused and not voting, 6:

Beutler  
Robak

Brashear

Bruning

Dierks

McDonald

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

## **SPEAKER KRISTENSEN PRESIDING**

### **STANDING COMMITTEE REPORTS**

#### **Judiciary**

**LEGISLATIVE BILL 15.** Placed on General File.

**LEGISLATIVE BILL 23.** Placed on General File.

**LEGISLATIVE BILL 86.** Placed on General File.

**LEGISLATIVE BILL 451.** Placed on General File.

**LEGISLATIVE BILL 83.** Placed on General File as amended.

Standing Committee amendment to LB 83:

AM0097

- 1 1. On page 2, line 4, after "court" insert "except for
- 2 those costs provided for in subsection (3) of section 24-703 and
- 3 section 33-107.01.".

**LEGISLATIVE BILL 154.** Placed on General File as amended.

Standing Committee amendment to LB 154:

AM0147

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 13 of this act shall be known
- 4 and may be cited as the Nebraska Correctional Health Care Services
- 5 Act.
- 6 Sec. 2. For purposes of the Nebraska Correctional Health
- 7 Care Services Act:
- 8 (1) Community standard of health care means medical care
- 9 of the type, quality, and amount that any individual residing
- 10 within the community in question could expect to receive in that
- 11 community;
- 12 (2) Department means the Department of Correctional
- 13 Services;
- 14 (3) Director means the Director of Correctional Services;
- 15 (4) Division means the division of medical services of
- 16 the department;
- 17 (5) Health care services means all medical care provided
- 18 by or on behalf of the department to inmates and shall include the
- 19 practice of medicine and surgery, the practice of pharmacy, nursing
- 20 care, dental care, optometric care, audiological care, physical
- 21 therapy, mental health care, and substance abuse counseling and
- 22 treatment;
- 23 (6) Inmate means an individual in the custody of the



24 department; and

1 (7) Medical doctor means a person licensed to practice  
2 medicine and surgery in this state.

3 Sec. 3. There is created within the department the  
4 division of medical services which shall be responsible for  
5 administering health care services. In administering health care  
6 services, the division shall provide a community standard of health  
7 care to all inmates.

8 Sec. 4. The director shall appoint an assistant director  
9 of the division of medical services who shall be a medical doctor.  
10 The assistant director of the division shall be a person familiar  
11 with principles of quality assurance and internal credentialing  
12 procedures and shall be under the sole immediate supervision of the  
13 director.

14 Sec. 5. The director shall, after consultation with the  
15 assistant director of the division, appoint an associate director  
16 of the division of medical services, who shall be immediately  
17 subordinate to the assistant director of the division and who shall  
18 be responsible to assist in the administration of the division.  
19 The associate director of the division shall have a degree in the  
20 field of public administration.

21 Sec. 6. The division shall:

22 (1) Coordinate health care services;

23 (2) Select and supervise all health care staff employed  
24 by or under contract with the department, including medical  
25 doctors, physician assistants, pharmacists, pharmacy technicians,  
26 registered nurses, licensed practical nurses, advanced practice  
27 registered nurses, mental health practitioners, certified alcohol  
1 and drug abuse counselors, laboratory technicians, physical  
2 therapists, optometrists, audiologists, dentists, dental  
3 assistants, and dental hygienists;

4 (3) Maintain and preserve the medical records of health  
5 care services;

6 (4) Manage the purchasing of all necessary medical  
7 supplies and medical equipment for the department;

8 (5) Develop and implement all necessary programs for the  
9 preservice, inservice, and continuing medical training and  
10 education of the health care staff and other relevant staff of the  
11 department, including training specifically designed to promote  
12 prompt and effective responses by all staff of the department to  
13 medical emergencies;

14 (6) Develop and implement condition-specific medical  
15 treatment protocols that insure compatibility with a community  
16 standard of health care, including protocols addressing the: (a)  
17 Treatment of gastrointestinal bleeds; (b) detection and treatment  
18 of all communicable diseases; (c) treatment of gender-specific  
19 problems; (d) treatment of diabetes; (e) treatment of hypertension;  
20 (f) treatment of headaches; (g) utilization of surgical procedures;  
21 (h) control of infection; (i) provision of dental care; (j)

22 provision of age-specific and gender-specific routine health  
23 maintenance; (k) means by which inmates obtain access to health  
24 care services; (l) use of prescribed drugs, devices, or biologicals  
25 for the purpose of pain management; (m) referral of patients to  
26 medical specialists not in the employ of the department; and (n)  
27 initiation, observance, and termination of do not resuscitate  
1 orders initiated pursuant to the Rights of the Terminally Ill Act;  
2 (7) Develop and implement a system of general discharge  
3 planning for the health care services to be received by inmates who  
4 are soon to be released from the custody of the department and who  
5 have chronic health care problems;  
6 (8) Develop and implement a comprehensive health care  
7 services plan;  
8 (9) Develop and implement an internal credentialing  
9 program for the employment and retention of the health care staff  
10 of the department based on a community standard of health care; and  
11 (10) Develop and implement an internal peer review and  
12 quality assurance program for the division based upon a community  
13 standard of health care.

14 Sec. 7. The internal credentialing program developed by  
15 the division shall include for each health care staff member being  
16 considered for employment or retention by the division (1) an  
17 investigation of the history of each health care staff member using  
18 (a) the national practitioner data bank under the federal Health  
19 Care Quality Improvement Act of 1986, 42 U.S.C. 11101 et seq., when  
20 possible, and (b) contacts with prior employers of the health care  
21 staff member and (2) confirmation of all professional permits,  
22 licenses, or other authorization to practice of each health care  
23 staff member. The division shall maintain a credentialing file for  
24 all health care staff members employed by the department. The  
25 division shall recredential each health care staff members employed  
26 by the department every two years.

27 Sec. 8. (1) In assigning health care staff to the  
1 correctional facilities under the control of the department, the  
2 division shall insure that each facility has at least one  
3 designated medical doctor on call at all times and that each  
4 facility housing more than five hundred inmates has at least one  
5 full-time medical doctor assigned to that facility as his or her  
6 primary employment location.  
7 (2) The division shall establish an acute care clinic in  
8 each of the correctional facilities and insure that each clinic is  
9 staffed by at least one medical doctor, physician assistant, or  
10 advanced practice registered nurse.  
11 (3) The division shall establish chronic care clinics to  
12 provide health care services to inmates with chronic disease  
13 conditions, including diabetes and hypertension.  
14 (4) The division shall establish a human immunodeficiency  
15 virus infection and acquired immunodeficiency syndrome chronic care  
16 clinic which shall provide for the relevant treatment, counseling,

17 and education of inmates who are known to be infected with the  
18 human immunodeficiency virus.

19 Sec. 9. All medical treatment protocols developed,  
20 approved, and implemented by the department shall be based upon a  
21 community standard of health care. When applicable, these medical  
22 treatment protocols shall emphasize the need to maintain the  
23 continuity of any previously prescribed drugs, devices, or  
24 biologicals and treatment regimens that inmates are subject to when  
25 they enter the custody of the department. In developing medical  
26 treatment protocols, and in any case where an existing protocol is  
27 modified, the division shall consult with selected inmate

1 spokespersons from each of the correctional facilities. The  
2 division shall establish a mechanism for the periodic systematic  
3 review of all existing medical treatment protocols. All deviations  
4 from the approved medical treatment protocols shall be thoroughly  
5 documented by the department's health care staff and shall be  
6 systematically reviewed by the department's peer review and quality  
7 assurance panel.

8 Sec. 10. In developing medical treatment protocols for  
9 the clinics, the division shall define the circumstances under  
10 which chronically ill inmates should return to the chronic care  
11 clinics for a check-up and when appointments should be made for  
12 chronically ill inmates to next be examined by health care staff.  
13 In developing and implementing medical treatment protocols for  
14 clinics for the detection and treatment of communicable diseases,  
15 the division shall insure that the medical treatment protocols  
16 include:

17 (1) Provisions requiring the routine immunization from  
18 communicable diseases of all inmates upon entering the custody of  
19 the department;

20 (2) Provisions requiring all inmates to be screened for  
21 communicable diseases, including (a) human immunodeficiency virus,  
22 (b) hepatitis A virus, (c) hepatitis B virus, (d) hepatitis C  
23 virus, (e) tuberculosis, and (f) sexually transmitted diseases,  
24 both at the time that those inmates enter into the custody of the  
25 department and at the time that those inmates leave the custody of  
26 the department;

27 (3) Provisions requiring any inmate found to be infected  
1 with any of the diseases referenced in subdivision (2) of this  
2 section to be immediately referred to an infectious disease  
3 specialist for appropriate treatment;

4 (4) Provisions describing in detail those circumstances  
5 when it is medically desirable, because of risk to other  
6 noninfected inmates, to segregate, on an individual basis, any  
7 inmate found to be infected with the human immunodeficiency virus  
8 and also describing those circumstances when there is no longer a  
9 perceived medical need to continue the segregation of such an  
10 inmate;

11 (5) Provisions requiring that all health care staff who

12 provide health care services be screened for communicable diseases,  
13 including (a) human immunodeficiency virus, (b) hepatitis A virus,  
14 (c) hepatitis B virus, and (d) hepatitis C virus upon their entry  
15 into the employment of the department, and that all health care  
16 staff also be screened annually for tuberculosis; and

17 (6) Provisions requiring that all employees of the  
18 department who come into immediate personal contact with the  
19 inmates are immunized for hepatitis B virus.

20 Sec. 11. The division shall develop and implement  
21 medical treatment protocols regarding the use of drugs, devices, or  
22 biologicals for the treatment of inmates and shall insure that  
23 those protocols are consistent with a community standard of health  
24 care. In developing these protocols, the division shall insure  
25 that the medical treatment protocols include:

26 (1) Provisions requiring that only the relevant health  
27 care staff is involved in determining the number and dosages of the  
1 drugs, devices, or biologicals to be received by inmates under  
2 their care;

3 (2) Provisions establishing a system for monitoring the  
4 administration of drugs, devices, or biologicals to insure that all  
5 prescribed drugs, devices, or biologicals are made available to the  
6 inmates; and

7 (3) Provisions establishing a system for monitoring and  
8 removing expired drugs, devices, or biologicals within the  
9 department's medication inventory which conforms with the  
10 requirements of section 71-2413.

11 Sec. 12. The division shall develop and implement  
12 medical treatment protocols for common surgical procedures. In  
13 developing these protocols, the division shall insure that the  
14 medical treatment protocols include:

15 (1) Provisions defining procedures that are considered to  
16 be major surgery;

17 (2) Provisions requiring that all inmates needing major  
18 surgery are referred to appropriate specialists and facilities  
19 outside of the department for that surgery;

20 (3) Provisions requiring the implementation of pain  
21 management measures within an appropriate time after the completion  
22 of surgical procedures;

23 (4) Provisions requiring that all decisions by the health  
24 care staff regarding whether or not surgery should be performed is  
25 based on a community standard of health care; and

26 (5) Provisions requiring the health care staff to  
27 carefully document the rationale for each of their decisions to  
1 resort to surgery or to refrain from surgery as a treatment option.

2 Sec. 13. The peer review and quality assurance program  
3 developed and implemented by the division shall provide for the  
4 ongoing review of the quality of health care services. This peer  
5 review and quality assurance program shall be carried out by a peer  
6 review and quality assurance panel comprised of medical doctors

7 providing health care services and such other employees of the  
8 division as the department designates. The peer review and quality  
9 assurance program shall be conducted through regular periodic  
10 meetings of the peer review and quality assurance panel for the  
11 purpose of examining issues pertaining to the quality of health  
12 care services. The peer review and quality assurance panel shall  
13 also conduct a regular review of selected cases arising from within  
14 the division in order to identify, critique, and correct errors in  
15 the practices and procedures of the division and its staff. The  
16 peer review and quality assurance panel shall also review: (1) All  
17 cases in which there has been a death of an inmate and (2) all  
18 cases in which there have been deviations from the approved medical  
19 treatment protocols of the department. The division shall develop  
20 and implement a procedure for the direct feedback to the peer  
21 review and quality assurance panel of inmate complaints and other  
22 information from inmates pertaining to health care services. A  
23 permanent record of the meetings and deliberations of the peer  
24 review and quality assurance panel shall be maintained, but the  
25 records and all other evidence pertaining directly to the  
26 deliberations of the peer review and quality assurance panel are  
27 not subject to discovery in any civil action arising out of the  
1 health care services provided by or on behalf of the department."

**LEGISLATIVE BILL 69.** Indefinitely postponed.

**LEGISLATIVE BILL 73.** Indefinitely postponed.

**LEGISLATIVE BILL 219.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

#### **Health and Human Services**

**LEGISLATIVE BILL 213.** Placed on General File.

**LEGISLATIVE BILL 287.** Placed on General File.

**LEGISLATIVE BILL 227.** Placed on General File as amended.

Standing Committee amendment to LB 227:

AM0166

- 1 1. On page 3, line 14, strike "separate" and insert
- 2 "separately enclosed and ventilated".

(Signed) Jim Jensen, Chairperson

#### **Revenue**

**LEGISLATIVE BILL 433.** Placed on General File.

**LEGISLATIVE BILL 259.** Placed on General File as amended.

Standing Committee amendment to LB 259:

AM0234

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

3 "Section 1. A county may raise revenue by levying and  
4 collecting a license or occupation tax on any person, partnership,  
5 limited liability company, corporation, or business engaged in the  
6 sale of admissions to recreational, cultural, entertainment, or  
7 concert events that are subject to sales tax under section 77-2702  
8 to 77-2713 within the boundary limits of the county. The tax shall  
9 be uniform in respect to the class upon which it is imposed. The  
10 tax shall be based upon a certain percentage of gross receipts from  
11 sales in the county of the person, partnership, limited liability  
12 company, corporation, or business, and may include sales of other  
13 goods and services at such locations and events, not to exceed one  
14 and one-half percent. A county may not impose the tax on sales  
15 that are within an incorporated city or village that has adopted a  
16 tax on such persons, partnerships, limited liability companies,  
17 corporations, or businesses under sections 14-109, 15-203, 16-205,  
18 and 17-525 or within a business improvement district that has  
19 adopted a tax on such businesses under section 19-4018.

20 Sec. 2. Section 13-518, Revised Statutes Supplement,  
21 2000, is amended to read:

22 13-518. For purposes of sections 13-518 to 13-522:

23 (1) Allowable growth means (a) for governmental units  
24 other than community colleges, the percentage increase in taxable  
1 valuation in excess of the base limitation established under  
2 section 77-3446, if any, due to improvements to real property as a  
3 result of new construction, additions to existing buildings, any  
4 improvements to real property which increase the value of such  
5 property, and any increase in valuation due to annexation and any  
6 personal property valuation over the prior year and (b) for  
7 community colleges, the percentage increase in excess of the base  
8 limitation, if any, in full-time equivalent students from the  
9 second year to the first year preceding the year for which the  
10 budget is being determined;

11 (2) Capital improvements means (a) acquisition of real  
12 property or (b) acquisition, construction, or extension of any  
13 improvements on real property;

14 (3) Governing body has the same meaning as in section  
15 13-503;

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

21 (5) Qualified sinking fund means a fund or funds  
22 maintained separately from the general fund to pay for acquisition  
23 or replacement of tangible personal property with a useful life of  
24 five years or more which is to be undertaken in the future but is  
25 to be paid for in part or in total in advance using periodic

26 payments into the fund. The term includes sinking funds under  
27 subdivision (13) of section 35-508 for firefighting and rescue  
1 equipment or apparatus;

2 (6) Restricted funds means (a) property tax, excluding  
3 any amounts refunded to taxpayers, (b) payments in lieu of property  
4 taxes, (c) local option sales taxes, (d) motor vehicle taxes, (e)  
5 state aid, (f) transfers of surpluses from any user fee, permit  
6 fee, or regulatory fee if the fee surplus is transferred to fund a  
7 service or function not directly related to the fee and the costs  
8 of the activity funded from the fee, (g) any funds excluded from  
9 restricted funds for the prior year because they were budgeted for  
10 capital improvements but which were not spent and are not expected  
11 to be spent for capital improvements, and (h) the tax provided in  
12 section 1 of this act beginning in the second fiscal year in which  
13 the county will receive a full year of receipts, and (i) any excess  
14 tax collections returned to the county under section 77-1776; and  
15 (7) State aid means:

16 (a) For all governmental units, state aid paid pursuant  
17 to sections 60-305.15 and 77-3523;

18 (b) For municipalities, state aid to municipalities paid  
19 pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3007,  
20 77-27,136, and 77-27,139.04 and insurance premium tax paid to  
21 municipalities;

22 (c) For counties, state aid to counties paid pursuant to  
23 sections 39-2501 to 39-2520, 47-119.01, 60-3001 to 60-3007,  
24 77-27,136, and 77-3618 and insurance premium tax paid to counties;

25 (d) For community colleges, state aid to community  
26 colleges paid under sections 85-1536 to 85-1537.01;

27 (e) For natural resources districts, state aid to natural  
1 resources districts paid pursuant to section 77-27,136; and  
2 (f) For educational service units, state aid appropriated  
3 under section 79-1241.

4 Sec. 3. Section 13-519, Revised Statutes Supplement,  
5 2000, is amended to read:

6 13-519. (1) For fiscal years beginning on or after July  
7 1, 1996, and before July 1, 1997, no governmental unit shall adopt  
8 a budget containing a total of budgeted restricted funds more than  
9 the last prior year's total of budgeted restricted funds plus  
10 population growth plus two percent expressed in dollars. For  
11 cities of the first and second class and villages, restricted funds  
12 shall be reduced to take into account the fourteen-month fiscal  
13 year for 1995-96. For fiscal years beginning on or after July 1,  
14 1997, and before July 1, 1998, no governmental unit shall adopt a  
15 budget containing a total of budgeted restricted funds more than  
16 the last prior year's total of budgeted restricted funds plus  
17 population growth expressed in dollars. For all fiscal years  
18 beginning on or after July 1, 1998, no governmental unit shall  
19 adopt a budget containing a total of budgeted restricted funds more  
20 than the last prior year's total of budgeted restricted funds plus

21 allowable growth plus the basic allowable growth percentage of the  
22 base limitation established under section 77-3446. For all fiscal  
23 years beginning on or after July 1, 1998, and before July 1, 1999,  
24 the last prior year's total of restricted funds shall be the last  
25 prior year's total of restricted funds not excluding restricted  
26 funds budgeted for acquisition or replacement of tangible personal  
27 property with a useful life of five years or more in the last prior  
1 year or the year before the last prior year, whichever excluded the  
2 most, plus restricted funds budgeted to pay for lease-purchase  
3 contracts approved on or after July 1, 1997, and before July 1,  
4 1998, to the extent the lease payments are not budgeted restricted  
5 funds for fiscal year 1997-98. For the second fiscal year in which  
6 a county will receive a full year of receipts from the tax imposed  
7 in section 1 of this act, the prior year's total of restricted  
8 funds shall be the prior year's total of restricted funds plus the  
9 total receipts from the tax imposed in section 1 of this act in the  
10 prior year. If a governmental unit transfers the financial  
11 responsibility of providing a service financed in whole or in part  
12 with restricted funds to another governmental unit or the state,  
13 the amount of restricted funds associated with providing the  
14 service shall be subtracted from the last prior year's total of  
15 budgeted restricted funds for the previous provider and may be  
16 added to the last prior year's total of restricted funds for the  
17 new provider. For governmental units that have consolidated, the  
18 calculations made under this section for consolidating units shall  
19 be made based on the combined total of restricted funds,  
20 population, or full-time equivalent students of each governmental  
21 unit.

22 (2) In addition to the increase allowed in subsection (1)  
23 of this section, for fiscal years beginning on or after July 1,  
24 1998, and before July 1, 1999, a governmental unit may increase its  
25 budget of restricted funds no more than four percent to create or  
26 increase an existing qualified sinking fund or funds upon the  
27 affirmative vote of at least seventy-five percent of the governing  
1 body. Any unused authority granted in this subsection may not be  
2 carried forward under section 13-521.

3 (3) A governmental unit may exceed the limit provided in  
4 subsection (1) of this section for a fiscal year by up to an  
5 additional one percent upon the affirmative vote of at least  
6 seventy-five percent of the governing body.

7 (4) A governmental unit may exceed the applicable  
8 allowable growth percentage otherwise prescribed in this section by  
9 an amount approved by a majority of legal voters voting on the  
10 issue at a special election called for such purpose upon the  
11 recommendation of the governing body or upon the receipt by the  
12 county clerk or election commissioner of a petition requesting an  
13 election signed by at least five percent of the legal voters of the  
14 governmental unit. The recommendation of the governing body or the  
15 petition of the legal voters shall include the amount and



16 percentage by which the governing body would increase its budgeted  
 17 restricted funds for the ensuing year over and above the current  
 18 year's budgeted restricted funds. The county clerk or election  
 19 commissioner shall call for a special election on the issue within  
 20 fifteen days after the receipt of such governing body  
 21 recommendation or legal voter petition. The election shall be held  
 22 pursuant to the Election Act, and all costs shall be paid by the  
 23 governing body. The issue may be approved on the same question as  
 24 a vote to exceed the levy limits provided in section 77-3444.

25 (5) In lieu of the election procedures in subsection (4)  
 26 of this section, any governmental unit may exceed the allowable  
 27 growth percentage otherwise prescribed in this section by an amount  
 1 approved by a majority of legal voters voting at a meeting of the  
 2 residents of the governmental unit, called after notice is  
 3 published in a newspaper of general circulation in the governmental  
 4 unit at least twenty days prior to the meeting. At least ten  
 5 percent of the registered voters residing in the governmental unit  
 6 shall constitute a quorum for purposes of taking action to exceed  
 7 the allowable growth percentage. If a majority of the registered  
 8 voters present at the meeting vote in favor of exceeding the  
 9 allowable growth percentage, a copy of the record of that action  
 10 shall be forwarded to the Auditor of Public Accounts along with the  
 11 budget documents. The issue to exceed the allowable growth  
 12 percentage may be approved at the same meeting as a vote to exceed  
 13 the limits or final levy allocation provided in section 77-3444.  
 14 Sec. 4. Original sections 13-518 and 13-519, Revised  
 15 Statutes Supplement, 2000, are repealed."

**LEGISLATIVE BILL 441.** Indefinitely postponed.

**LEGISLATIVE BILL 603.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

### **Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 142.** Placed on General File as amended.

Standing Committee amendment to LB 142:

AM0226

1 1. Strike original sections 8 and 16 and insert the  
 2 following new sections:  
 3 "Sec. 8. Areas within the boundaries of a municipality  
 4 which remains within the boundaries of a municipal county and is  
 5 not consolidated into the municipal county at the time of the  
 6 formation of the municipal county shall not be considered to be  
 7 part of the municipal county for any purpose. Such a municipality  
 8 shall not be annexed by the municipal county and such a  
 9 municipality shall not annex any territory for at least four years  
 10 after the date of creation of the municipal county. Such a  
 11 municipality shall retain:

12 (1) The authority to levy property taxes, not to exceed  
13 ninety cents per one hundred dollars of taxable property except as  
14 provided in sections 77-3442 and 77-3444; and  
15 (2) All the other powers and duties applicable to a  
16 municipality of the same population with the same form of  
17 government in effect on the date of creation of the municipal  
18 county, including, but not limited to, its zoning jurisdiction and  
19 the authority to impose a tax as provided in the Local Option  
20 Revenue Act.  
21 Sec. 16. (1) Any municipality that is within the  
22 boundaries of a municipal county that is not merged into the  
23 municipal county shall be required to pay the municipal county for  
24 services that were previously provided by the county and are not  
1 ordinarily provided by a municipality. Except as provided in  
2 subsection (2) of this section, the amount paid shall be equal to  
3 the total cost of services that were previously provided by the  
4 county and are not ordinarily provided by a municipality budgeted  
5 by the municipal county or county for the prior year times the  
6 ratio, the numerator of which is the total valuation of the  
7 municipality and the denominator of which is the total valuation of  
8 the municipal county and all municipalities that are within the  
9 boundaries of the municipal county that are not merged into the  
10 municipal county, except that (a) the amount paid shall never  
11 exceed the total taxable valuation of the municipality times  
12 forty-five hundredths of one percent and (b) the municipality shall  
13 not be required to pay the municipal county for fire protection or  
14 ambulance services.  
15 (2) The amount paid for law enforcement by a municipality  
16 that is within the boundaries of a municipal county but is not  
17 merged into the municipal county shall be as follows: (a) If the  
18 county did not provide law enforcement services prior to the  
19 formation of the municipal county or if the municipality continues  
20 its own law enforcement services after formation of the municipal  
21 county, the total cost of services budgeted by the municipal county  
22 for law enforcement shall be the net cost of services that are the  
23 express and exclusive duties and responsibilities of the county  
24 sheriff by law times the same ratio calculated in subsection (1) of  
25 this section; (b) if the municipality discontinues providing law  
26 enforcement services after the formation of the municipal county  
27 (i) the municipal county shall provide a level of service in such  
1 municipality that is equal to the level provided in the area or  
2 areas of the municipal county that were municipalities prior to the  
3 formation of the municipal county and (ii) the municipality shall  
4 pay the municipal county for the cost of county services for law  
5 enforcement as calculated in subsection (1) of this section, except  
6 that for the first five years, the amount shall be no more than the  
7 amount budgeted by the municipality for law enforcement services in  
8 the last year the municipality provided the services for itself  
9 and; (c) if the municipal county has deputized the police force of

10 the municipality to perform the express and exclusive duties and  
 11 responsibilities of the county sheriff by law, there is no amount  
 12 paid to the municipal county for law enforcement services.

13 (3) Disputes regarding the amounts any municipality that  
 14 is within the boundaries of a municipal county that is not merged  
 15 into the municipal county must pay to the municipal county for  
 16 services that were previously provided by the county and are not  
 17 ordinarily provided by a municipality shall be heard in the  
 18 district court of such municipal county."

19 2. On page 3, strike lines 8 through 22 and insert

20 "(4) The commission shall hold at least one public  
 21 hearing prior to preparing the plan for the creation of the  
 22 municipal county, study all governmental subdivisions in the  
 23 affected area, and then make a determination of whether creation of  
 24 a municipal county is in the public interest. If it is not in the  
 25 public interest to do so, the commission shall issue a report  
 26 stating its findings. If it is in the public interest to do so,  
 27 the commission shall prepare one plan for the creation of the  
 1 municipal county. Such plan shall be approved by the governing  
 2 body of each county and each municipality involved prior to  
 3 submission of the issue to a vote of the registered voters unless  
 4 the commission was created by a petition of the registered voters.  
 5 The plan shall specify (a) which counties and municipalities, if  
 6 any, will be dissolved upon creation of the municipal county, (b)  
 7 the form of government, with an elected executive officer,  
 8 professional municipal county manager or administrator appointed by  
 9 the commission, or both, to operate the executive functions of the  
 10 municipal county, (c) the number of council members of the  
 11 municipal county and whether they will be elected by district or at  
 12 large, (d) which elected officials, if any, will be eliminated, and  
 13 (e) how any sanitary improvement districts would operate within the  
 14 municipal county except for those sanitary improvement districts in  
 15 the extraterritorial zoning jurisdiction of any municipality not  
 16 consolidated into the municipal county. At least ninety days prior  
 17 to submission of the issue to a vote of the registered voters, the  
 18 commission and the governing body of each county and municipality  
 19 involved shall hold at least one public hearing in their respective  
 20 jurisdiction and make available for review by residents of the  
 21 county and municipality all material terms and conditions set forth  
 22 in the resolution to create the municipal county, including  
 23 information regarding the tax implications and quality and cost of  
 24 services to be provided by the proposed plan to create the  
 25 municipal county."; and in lines 23 and 24 strike "bodies of the  
 26 counties and municipalities" and insert "body of each county and  
 27 municipality involved".

1 3. On page 4, line 23, after "officer" insert ", if

2 applicable"; in line 25 strike "There shall also be elected" and

3 insert "If the plan to create the municipal county provides for";

4 and in line 26 strike "The" and insert "the".

- 5 4. On page 5, line 21, strike "other"; and in line 22  
6 strike "within" and insert "consolidated into".
- 7 5. On page 9, line 10, strike the first "any" and insert  
8 "each"; in lines 10 and 11 strike "any municipalities" and insert  
9 "municipality"; in lines 21 and 22 strike "such counties and  
10 municipalities" and insert "each county and municipality which had  
11 a majority of those voting in favor of consolidation"; and in line  
12 28 after "voters" insert "residing in such municipality".
- 13 6. On page 10, line 20, after "inclusion" insert "and a  
14 majority of the elected council members of the municipal county  
15 vote to approve inclusion of such municipality"; in line 22 after  
16 "disapprove" insert "or a majority of the elected council members  
17 of the municipal county do not vote to approve inclusion of such  
18 municipality"; and in line 28 strike "sanitary and".
- 19 7. On page 11, line 1, strike "improvement districts  
20 and"; strike beginning with "Any" in line 2 through the period in  
21 line 5; in lines 5 and 6 strike "sanitary and improvement districts  
22 and"; in lines 7 and 8 strike "sanitary and improvement district";  
23 and in line 8 strike the second comma.
- 24 8. On page 12, strike lines 11 through 23 and insert  
25 "(4) The commission shall hold at least one public  
26 hearing prior to preparing the plan for the dissolution of the  
27 municipal county, study the affected area, and then make a  
1 determination of whether dissolution of a municipal county is in  
2 the public interest. If it is not in the public interest to do so,  
3 the commission shall issue a report stating its findings. If it is  
4 in the public interest to do so, the commission shall prepare one  
5 plan for the dissolution of the municipal county. Such plan shall  
6 be approved by the council prior to submission of the issue to a  
7 vote of the registered voters unless the commission was created by  
8 a petition of the registered voters. The plan shall specify (a)  
9 which counties and municipalities, if any, will be reestablished  
10 upon dissolution of the municipal county, (b) which elected  
11 officials, if any, will be reestablished, and (c) how any sanitary  
12 improvement districts would operate except for those sanitary  
13 improvement districts in the extraterritorial zoning jurisdiction  
14 of any municipality not consolidated into the municipal county. At  
15 least ninety days prior to submission of the issue to a vote of the  
16 registered voters, the council shall hold at least one public  
17 hearing and make available for review by residents of the municipal  
18 county all material terms and conditions set forth in the  
19 resolution to dissolve the municipal county, including information  
20 regarding the tax implications and quality and cost of services to  
21 be provided by the proposed plan to dissolve the municipal  
22 county.".
- 23 9. On page 15, line 7, strike "state General" and insert  
24 "Municipal Equalization".

(Signed) DiAnna R. Schimek, Chairperson

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 53.** Placed on Select File as amended.

E & R amendment to LB 53:

AM7028

- 1 1. Strike original section 39 and all amendments thereto
- 2 and insert the following new section:
- 3 "Sec. 113. Original sections 8-319, 8-330, 8-820.01,
- 4 8-1101, 8-1108.01, 8-1109.02, 8-1110, 8-1735, 44-1703, 45-114,
- 5 45-115, 45-117, 45-119, 45-120, 45-122 to 45-124, 45-126 to 45-129,
- 6 45-131 to 45-136, 45-138 to 45-140, 45-142 to 45-145, 45-148 to
- 7 45-150, 45-153 to 45-155, 45-156 to 45-158, 45-173 to 45-183,
- 8 45-185 to 45-188, 45-191.04, 45-191.09, 45-194 to 45-196, 45-198 to
- 9 45-1,103, 45-1,110, 45-1,116, 59-1722, 59-1725.01, 59-1733, and
- 10 69-2117, Reissue Revised Statutes of Nebraska, and sections 8-1103,
- 11 45-101.04, 45-116, 45-118, 45-121, 45-130, 45-137, 45-184, and
- 12 45-717, Revised Statutes Supplement, 2000, are repealed."
- 13 2. In the Standing Committee amendment, AM0061:
- 14 a. On page 3, line 4, strike "Owners", show as stricken,
- 15 and insert "Owners'";
- 16 b. On page 14, line 25, strike "so licensed" and show as
- 17 stricken;
- 18 c. On page 15, line 5, strike both commas and show as
- 19 stricken;
- 20 d. On page 22, line 26; and page 42, line 9, strike "he
- 21 or she" and insert "the director";
- 22 e. On page 39, line 24, strike "or" and insert an
- 23 underscored comma;
- 24 f. On page 42, line 2, strike the new matter and
- 1 reinstate the stricken matter; and
- 2 g. On page 43, line 23, strike "law and" and show as
- 3 stricken; and in line 25 after "Act" insert "or other law".
- 4 3. On page 1, strike beginning with "8-208" in line 1
- 5 through line 17 and insert "8-208, 8-319, 8-330, 8-820.01, 8-1001
- 6 to 8-1004, 8-1006 to 8-1008, 8-1010, 8-1012, 8-1014, 8-1015,
- 7 8-1101, 8-1108.01, 8-1109.02, 8-1110, 8-1735, 21-17,103, 44-1703,
- 8 45-114, 45-115, 45-117, 45-119, 45-120, 45-122 to 45-124, 45-126 to
- 9 45-129, 45-131 to 45-136, 45-138 to 45-140, 45-142 to 45-145,
- 10 45-148 to 45-150, 45-153 to 45-155, 45-156 to 45-158, 45-173 to
- 11 45-183, 45-185 to 45-188, 45-190, 45-191.02, 45-191.04, 45-191.09,
- 12 45-194 to 45-196, 45-198 to 45-1,103, 45-1,110, 45-1,116, 45-902,
- 13 45-906, 45-910, 45-922, 45-923, 59-1722, 59-1725.01, 59-1733, and
- 14 69-2117, Reissue Revised Statutes of Nebraska, and sections
- 15 8-143.01, 8-1,140, 8-355, 8-1103, 21-17,115, 45-101.04, 45-116,
- 16 45-118, 45-121, 45-130, 45-137, 45-184, and 45-717, Revised
- 17 Statutes Supplement, 2000; to change provisions relating to banks
- 18 and banking, trust companies, securities, credit unions, loan
- 19 brokers, delayed deposit services licensing, seller-assisted

20 marketing plans, hearing procedures for the Department of Banking  
 21 and Finance, and fees; to revise powers of state-chartered banks,  
 22 savings and loan associations, and credit unions; to rename the  
 23 Nebraska Sale of Checks Act; to change and eliminate provisions  
 24 relating to installment loans; to name the Nebraska Installment  
 25 Loan Act; to harmonize provisions; to provide operative dates; to  
 26 repeal the original sections; to outright repeal sections 45-146,  
 27 45-147, 45-188.01, and 45-197, Reissue Revised Statutes of  
 1 Nebraska; and to declare an emergency."

2 4. On page 2, strike lines 1 and 2.

3 5. On page 7, line 27; page 8, line 23; and page 45,  
 4 line 28, strike "effective date of this act" and insert "operative  
 5 date of this section".

6 6. On page 10, line 15, after "Act" insert an  
 7 underscored comma.

8 7. On page 12, line 27, strike "deposited with him" and  
 9 show as stricken.

10 8. On page 13, line 12, strike "he", show as stricken,  
 11 and insert "the director"; in line 13 strike the new matter; and in  
 12 line 26 strike "he", show as stricken, and insert "the licensee"  
 13 and strike "or she".

14 9. On page 14, line 28, strike "or" and show as  
 15 stricken.

16 10. On page 15, line 22, after "and" insert "may be".

17 11. On page 48, line 2, strike the new matter and strike  
 18 "fifty-dollar", show as stricken, and insert  
 19 "one-hundred-fifty-dollar".

20 12. On page 49, lines 12 and 14, strike the comma; and  
 21 in line 12 after the last parenthesis mark insert an underscored  
 22 comma.

23 13. On page 60, line 19, strike "director" and insert  
 24 "Director of Banking and Finance".

25 14. On page 65, line 26, strike "department" and insert  
 26 "Department of Banking and Finance".

**LEGISLATIVE BILL 104.** Placed on Select File.

**LEGISLATIVE BILL 317.** Placed on Select File.

**LEGISLATIVE BILL 179.** Placed on Select File.

**LEGISLATIVE BILL 166.** Placed on Select File.

**LEGISLATIVE BILL 209A.** Placed on Select File.

**LEGISLATIVE BILL 24A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 36.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 2, 2001, at 10:55 a.m., were the following: LBs 1, 2, 3, 4, 5, 6, 7, 8, 9, 222e, 49e, 54e, 122e, 130, 134, 194, 210, 135, 136, and 247.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**NOTICE OF COMMITTEE HEARINGS**  
**General Affairs**

LB 114	Monday, February 12, 2001	1:30 PM
LB 338	Monday, February 12, 2001	1:30 PM
LB 582	Monday, February 12, 2001	1:30 PM
LB 814	Monday, February 12, 2001	1:30 PM

Monday, February 12, 2001		1:30 PM
Sterling Johnson - State Electrical Board		
Ted Stutheit - State Electrical Board		

LB 47	Monday, February 26, 2001	1:30 PM
LB 175	Monday, February 26, 2001	1:30 PM
LB 371	Monday, February 26, 2001	1:30 PM
LB 572	Monday, February 26, 2001	1:30 PM

(Signed) Ray Janssen, Chairperson

**Natural Resources**

LB 634	Wednesday, February 14, 2001	1:30 PM
LB 458	Wednesday, February 14, 2001	1:30 PM

LB 448	Thursday, February 15, 2001	1:30 PM
LB 717	Thursday, February 15, 2001	1:30 PM

Wednesday, February 21, 2001		1:30 PM
Warren Arganbright - Nebraska Environmental Trust Board		

LB 709	Wednesday, February 21, 2001	1:30 PM
LB 764	Wednesday, February 21, 2001	1:30 PM

(Signed) Ed Schrock, Chairperson

**Banking, Commerce and Insurance**

LB 618	Monday, February 12, 2001	1:30 PM
LB 641	Monday, February 12, 2001	1:30 PM

LB 663	Monday, February 12, 2001	1:30 PM
LB 743	Monday, February 12, 2001	1:30 PM
LB 450	Tuesday, February 13, 2001	1:30 PM
LB 547	Tuesday, February 13, 2001	1:30 PM
LB 664	Tuesday, February 13, 2001	1:30 PM
LB 835	Tuesday, February 13, 2001	1:30 PM

(Signed) David M. Landis, Chairperson

**Government, Military and Veterans Affairs**

LB 410	Wednesday, February 14, 2001	1:30 PM
LB 558	Wednesday, February 14, 2001	1:30 PM
LB 559	Wednesday, February 14, 2001	1:30 PM
LB 731	Wednesday, February 14, 2001	1:30 PM
LB 768	Wednesday, February 14, 2001	1:30 PM

Thursday, February 15, 2001	1:30 PM
Brian Tessman - State Personnel Board	

LB 237	Thursday, February 15, 2001	1:30 PM
LB 382	Thursday, February 15, 2001	1:30 PM
LB 454	Thursday, February 15, 2001	1:30 PM
LB 561	Thursday, February 15, 2001	1:30 PM
LR 4CA	Thursday, February 15, 2001	1:30 PM

LB 516	Thursday, February 22, 2001	1:30 PM
LB 391	Thursday, February 22, 2001	1:30 PM
LB 813	Thursday, February 22, 2001	1:30 PM

LB 700	Friday, February 23, 2001	1:30 PM
LB 704	Friday, February 23, 2001	1:30 PM
LB 714	Friday, February 23, 2001	1:30 PM
LB 720	Friday, February 23, 2001	1:30 PM
LB 780	Friday, February 23, 2001	1:30 PM

LB 617	Wednesday, February 28, 2001	1:30 PM
LB 722	Wednesday, February 28, 2001	1:30 PM
LB 732	Wednesday, February 28, 2001	1:30 PM
LB 796	Wednesday, February 28, 2001	1:30 PM
LB 805	Wednesday, February 28, 2001	1:30 PM

(Signed) DiAnna R. Schimek, Chairperson

**AMENDMENT - Print in Journal**

Senator Landis filed the following amendment to LB 53:  
AM0250



1 1. On page 49, strike beginning with "contract" in line  
2 25 through line 26 and insert "loan broker agreement".

### **ANNOUNCEMENT**

Senator Erdman designates LB 462 as his priority bill.

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

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 351. No objections. So ordered.

### **VISITORS**

The Doctor of the Day was Dr. Brad Palmer from Lincoln.

### **ADJOURNMENT**

At 11:54 a.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Monday, February 5, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-SECOND DAY - FEBRUARY 5, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****TWENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 5, 2001

**PRAYER**

The prayer was offered by Reverend Todd Schave, First Baptist 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 Senator McDonald who was excused; and Senators Beutler, Brashear, Cunningham, Kristensen, Landis, Dw. Pedersen, Price, Raikes, Wehrbein, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 485, line 31, strike "Roger R. Wehrbein" and insert "William R. Wickersham".

The Journal for the twentieth day was approved as corrected.

The Journal for the twenty-first day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 2, 2001, at 12:00 p.m., was the following: LB 36.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 313A.** 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 313, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

**ANNOUNCEMENT**

Senator Quandahl designates LB 114 as his priority bill.

**MOTIONS - Approve Appointments**

Senator Janssen moved the adoption of the report of the General Affairs Committee for the following appointments found on page 479: Nebraska Arts Council - Louise Bahr, Terry Ferguson, Janet Korell, Nancy Schwertley, Fred Simon, and Donna Woods.

Voting in the affirmative, 29:

Aguilar	Baker	Bourne	Bromm	Bruning
Burling	Byars	Coordsen	Cudaback	Dierks
Erdman	Foley	Hartnett	Hudkins	Janssen
Jensen	Jones	Kremer	Maxwell	Quandahl
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Tyson	Vrtiska	

Voting in the negative, 0.

Present and not voting, 9:

Brown	Chambers	Connealy	Engel	Hilgert
Kruse	Pederson, D.	Preister	Thompson	

Excused and not voting, 11:

Beutler	Brashear	Cunningham	Kristensen	Landis
McDonald	Pedersen, Dw.	Price	Raikes	Wehrbein
Wickersham				

The appointments were confirmed with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 480: Game and Parks Commission - James Stuart Jr.

Voting in the affirmative, 39:

Aguilar	Baker	Bourne	Brashear	Bruning
---------	-------	--------	----------	---------

Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Landis	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Bromm	Brown	Chambers	Hartnett
Kruse	Robak	Wickersham		

Excused and not voting, 2:

Kristensen McDonald

The appointment was confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 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 488: Military Director - Roger Lempke.

Voting in the affirmative, 36:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Coordsen
Cudaback	Cunningham	Dierks	Engel	Erdman
Foley	Janssen	Jensen	Jones	Kremer
Landis	Maxwell	Pedersen, Dw.	Pederson, D.	Price
Quandahl	Redfield	Robak	Schimek	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein				

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Chambers	Connealy	Hartnett	Hilgert
Hudkins	Kruse	Preister	Raikes	Schrock
Wickersham				

Excused and not voting, 2:

Kristensen McDonald

The appointment was confirmed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 209A.** Considered.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 24A.** Considered.

Advanced to E & R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 244.** Considered.

Senators Coordsen and Stuhr asked unanimous consent to be excused until their return. No objections. So ordered.

Senator Beutler requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

Aguilar	Baker	Beutler	Bourne	Bromm
Brown	Burling	Byars	Connealy	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Maxwell	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Robak	Schimek	Smith
Suttle	Thompson	Tyson	Vrtiska	Wehrbein

Voting in the negative, 2:

Kristensen      Redfield

Present and not voting, 9:

Brashear	Bruning	Chambers	Hartnett	Kruse
Landis	Raikes	Schrock	Wickersham	

Excused and not voting, 3:

Coordsen      McDonald      Stuhr

Advanced to E & R for review with 35 ayes, 2 nays, 9 present and not voting, and 3 excused and not voting.

Senator D. Pederson asked unanimous consent to be excused until he

returns. No objections. So ordered.

**LEGISLATIVE BILL 245.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 375.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 376.** Title read. Considered.

Senators Dierks and Kremer asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 387.** 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.

**LEGISLATIVE BILL 165.** Title read. Considered.

The Standing Committee amendment, AM0071, found on page 418, was adopted with 36 ayes, 0 nays, 9 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.

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**Correctly Reengrossed**

The following bills were correctly reengrossed: LBs 137, 138, 197, and 198.

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 24, 151, 162, 173, 209, 214, 295, 302, and 362.

**Enrollment and Review Change to LB 137  
(Final Reading copy)**

The following changes, required to be reported for publication in the Journal, have been made:  
ER9008

1. In the Chambers amendment, AM0173, on page 1, line 2, an underscored period has been inserted after "act".

### **Enrollment and Review Change to LB 162**

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

ER9010

1. On page 3, line 14, "(a)" has been struck and "(1)" inserted; in line 15 "(b)" has been struck and "(2)" inserted; and in line 17 "(c)" has been struck and "(3)" inserted.

2. On page 10, line 13, "occurred" has been inserted after "has".

3. On page 11, line 18, the comma has been struck.

4. On page 42, line 28, a comma has been inserted after "action".

### **Enrollment and Review Change to LB 198 (Final Reading copy)**

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

ER9009

1. In lieu of the Dierks amendment, FA21, on page 8, line 6, "1999 Revision," has been inserted after the comma; and in line 9 "1999 Revision" has been inserted after "Shippers".

(Signed) Philip Erdman, Chairperson

### **STANDING COMMITTEE REPORTS Health and Human Services**

**LEGISLATIVE BILL 21.** Placed on General File.

**LEGISLATIVE BILL 230.** Placed on General File.

**LEGISLATIVE BILL 678.** Placed on General File.

(Signed) Jim Jensen, Chairperson

### **Revenue**

**LEGISLATIVE BILL 170.** Placed on General File as amended.

(Standing Committee amendment, AM0245, 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.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

### **AMENDMENT - Print in Journal**

Senator Butler filed the following amendment to LB 51:



AM0167

- 1 1. On page 19, line 27, after "terminates" insert "or  
 2 accepts a resignation of".
- 3 2. On page 20, lines 2, 14, and 17, after "termination"  
 4 insert "or resignation"; in line 9 after "termination" insert ",  
 5 resignation"; and in line 11 after "terminates" insert "or accepts  
 6 the resignation of".
- 7 3. On page 21, line 3, after "terminated" insert "or  
 8 resigns".
- 9 4. On page 22, line 8, strike "a terminating" and insert  
 10 "an"; in lines 10 and 11 after "termination" insert "or  
 11 resignation"; and in line 14 before the period insert "or accepting  
 12 the resignation".
- 13 5. On page 24, line 14, after "terminations" insert "or  
 14 resignations".
- 15 6. On page 25, line 16, after "terminated" insert "or  
 16 resigned"; and in line 25 after "termination" insert "or  
 17 resignation".

#### **SPEAKER KRISTENSEN PRESIDING**

##### **GENERAL FILE**

**LEGISLATIVE BILL 155.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 163.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 129.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 472.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

#### **SENATOR CUDABACK PRESIDING**

**LEGISLATIVE BILL 55.** Title read. Considered.

The Standing Committee amendment, AM0089, found on page 419, 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, 1 nay, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 146.** Title read. Considered.

The Standing Committee amendment, AM0110, found on page 423, 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 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

## **STANDING COMMITTEE REPORTS**

### **Natural Resources**

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

Nebraska Ethanol Board  
Charles J. "Tod" Brodersen  
Mark McColley

VOTE: Aye: Senators Bromm, Hudkins, Jones, Kremer, Preister, Schrock, and Stuhr. Nay: None. Absent: Senator Bruning.

(Signed) Ed Schrock, Chairperson

### **Agriculture**

**LEGISLATIVE BILL 273.** Placed on General File as amended. (Standing Committee amendment, AM0230, 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 804.** Placed on General File as amended. Standing Committee amendment to LB 804: AM0142

- 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) Merton L. Dierks, Chairperson

### **Health and Human Services**

**LEGISLATIVE BILL 429.** Placed on General File as amended. Standing Committee amendment to LB 429: AM0272

- 1 1. On page 2, line 12, strike "fourteen" and insert
- 2 "nine".

**LEGISLATIVE BILL 452.** Placed on General File as amended.  
 Standing Committee amendment to LB 452:  
 AM0276

- 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."
- 4 2. On page 2, line 14, after "Act", insert "or for
- 5 persons covered under medicare or medicaid or in an amount in
- 6 excess of applicable medical insurance except to the extent of any
- 7 copay, deductible, or coinsurance portion".

(Signed) Jim Jensen, Chairperson

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

**LEGISLATIVE BILL 225.** Placed on Select File as amended.  
 E & R amendment to LB 225:  
 AM7029

- 1 1. On page 1, line 1, strike "create" and insert
- 2 "adopt"; and in lines 2 and 3 strike "and to declare an emergency"
- 3 and insert "to provide a termination date; and to provide an
- 4 operative date".

(Signed) Philip Erdman, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Hudkins asked unanimous consent to have her name added as cointroducer to LB 836 and LB 837. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 15 seniors and teacher from Dorchester.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Tuesday, February 6, 2001.

Patrick J. O'Donnell  
 Clerk of the Legislature



**TWENTY-THIRD DAY - FEBRUARY 6, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 6, 2001

**PRAYER**

The prayer was offered by Pastor Harvey Macklin, Kimball Assembly of God Church, Kimball, 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 Jensen and McDonald who were excused; and Senators Brashear, Landis, Raikes, Schrock, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-second day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 244.** Placed on Select File.

**LEGISLATIVE BILL 245.** Placed on Select File as amended.  
E & R amendment to LB 245:  
AM7030

1 1. On page 1, line 4, strike "an" and insert "the".

**LEGISLATIVE BILL 375.** Placed on Select File as amended.  
E & R amendment to LB 375:  
AM7032

1 1. On page 10, line 3, after the first "or" insert  
2 "Class".

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 24A and 209A.

(Signed) Philip Erdman, Chairperson

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 26 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 26.

**GENERAL FILE**

**LEGISLATIVE BILL 183.** Title read. Considered.

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved to indefinitely postpone LB 183.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 27:

Baker	Beutler	Bourne	Brashear	Bruning
Byars	Chambers	Coordsen	Cudaback	Engel
Erdman	Foley	Hilgert	Hudkins	Kremer
Kristensen	Maxwell	Pedersen, Dw.	Pederson, D.	Preister
Raikes	Redfield	Robak	Smith	Suttle
Thompson	Tyson			

Voting in the negative, 18:

Aguilar	Bromm	Burling	Connealy	Cunningham
Dierks	Hartnett	Janssen	Jones	Kruse
Landis	Price	Quandahl	Schimek	Schrock
Stuhr	Vrtiska	Wickersham		

Present and not voting, 1:

Brown

Excused and not voting, 3:

Jensen McDonald Wehrbein

The Chambers motion to indefinitely postpone prevailed with 27 ayes, 18 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 25A.** 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 25, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 166A.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 166, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 225A.** 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 225, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

**LEGISLATIVE BILL 346A.** 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 346, Ninety-seventh Legislature, First Session, 2001.

**NOTICE OF COMMITTEE HEARINGS**

**Natural Resources**

LB 427	Thursday, February 22, 2001	1:30 PM
LB 777	Thursday, February 22, 2001	1:30 PM
LB 778	Thursday, February 22, 2001	1:30 PM
LB 760	Friday, February 23, 2001	1:30 PM
LB 132	Wednesday, February 28, 2001	1:30 PM
LB 217	Wednesday, February 28, 2001	1:30 PM
LB 632	Wednesday, February 28, 2001	1:30 PM
LB 787	Wednesday, February 28, 2001	1:30 PM

LB 614	Thursday, March 1, 2001	1:30 PM
LB 628	Thursday, March 1, 2001	1:30 PM

(Signed) Ed Schrock, Chairperson

### Judiciary

LR 17	Wednesday, February 28, 2001	1:30 PM
LB 412	Wednesday, February 28, 2001	1:30 PM
LB 503	Wednesday, February 28, 2001	1:30 PM
LB 595	Wednesday, February 28, 2001	1:30 PM
LB 757	Wednesday, February 28, 2001	1:30 PM
LB 769	Wednesday, February 28, 2001	1:30 PM
LB 834	Wednesday, February 28, 2001	1:30 PM
LB 14	Thursday, March 1, 2001	1:30 PM
LB 426	Thursday, March 1, 2001	1:30 PM
LB 610	Thursday, March 1, 2001	1:30 PM
LB 738	Thursday, March 1, 2001	1:30 PM
LB 751	Thursday, March 1, 2001	1:30 PM
LB 755	Thursday, March 1, 2001	1:30 PM
LB 296	Wednesday, March 7, 2001	1:30 PM
LB 353	Wednesday, March 7, 2001	1:30 PM
LB 402	Wednesday, March 7, 2001	1:30 PM
LB 593	Wednesday, March 7, 2001	1:30 PM
LB 605	Wednesday, March 7, 2001	1:30 PM
LB 608	Wednesday, March 7, 2001	1:30 PM
LB 733	Wednesday, March 7, 2001	1:30 PM
LB 734	Wednesday, March 7, 2001	1:30 PM
LB 735	Wednesday, March 7, 2001	1:30 PM
LB 846	Wednesday, March 7, 2001	1:30 PM
LB 18	Thursday, March 8, 2001	1:30 PM
LB 62	Thursday, March 8, 2001	1:30 PM
LB 356	Thursday, March 8, 2001	1:30 PM
LB 434	Thursday, March 8, 2001	1:30 PM
LB 564	Thursday, March 8, 2001	1:30 PM
LB 565	Thursday, March 8, 2001	1:30 PM
LB 754	Thursday, March 8, 2001	1:30 PM
LB 756	Thursday, March 8, 2001	1:30 PM
LB 341	Friday, March 9, 2001	1:30 PM
LB 342	Friday, March 9, 2001	1:30 PM
LB 823	Friday, March 9, 2001	1:30 PM
LB 824	Friday, March 9, 2001	1:30 PM
LB 340	Friday, March 9, 2001	1:30 PM



LB 212	Wednesday, March 14, 2001	1:30 PM
LB 581	Wednesday, March 14, 2001	1:30 PM
LB 642	Wednesday, March 14, 2001	1:30 PM
LB 775	Wednesday, March 14, 2001	1:30 PM
LB 779	Wednesday, March 14, 2001	1:30 PM
LB 784	Wednesday, March 14, 2001	1:30 PM
LB 842	Wednesday, March 14, 2001	1:30 PM
LB 843	Wednesday, March 14, 2001	1:30 PM

(Signed) Kermit A. Brashear, Chairperson

**AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 162:  
AM0294

(Amendments to Final Reading copy)

- 1 1. Insert the following section:
- 2 "Sec. 11. Uniform Standards of Professional Appraisal
- 3 Practice means the standards promulgated by the Appraisal
- 4 Foundation, as the standards existed on the effective date of this
- 5 act.".
- 6 2. On page 2, lines 3 and 4 and 10, strike "and 6" and
- 7 insert "6, and 11".
- 8 3. On page 9, line 17; page 38, line 21; and page 43,
- 9 line 17, after "1989" insert "as the act existed on the effective
- 10 date of this act".
- 11 4. On page 30, line 7, strike beginning with
- 12 "promulgated" through the period, show as stricken, and insert an
- 13 underscored period.
- 14 5. Renumber the remaining sections accordingly.

**GENERAL FILE**

**LEGISLATIVE BILL 418.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 192.** Title read. Considered.

The Standing Committee amendment, AM0048, found on page 424, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Connealy renewed his pending amendment, AM0165, found on page 455.

**SENATOR DW. PEDERSEN PRESIDING**

The Connealy amendment was adopted with 32 ayes, 0 nays, 15 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 257.** Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 257A.** Title read. Considered.

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

**LEGISLATIVE BILL 193.** Title read. Considered.

The Standing Committee amendment, AM0080, found on page 424, was considered.

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

FA22

Amend AM0080

Strike Page 1 Line 10

"On page 14, strike beginning with "in" in line 24 through "section" in line 26"

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

Senator Redfield moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Redfield amendment was adopted with 25 ayes, 8 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider the vote on the Redfield amendment, FA22, to the Standing Committee amendment.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

The Chambers motion to reconsider prevailed with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 97A.** 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 97, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 238A.** 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 238, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 270A.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 270, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 433A.** 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 433, Ninety-seventh Legislature, First Session, 2001.

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

**LEGISLATIVE BILL 93.** Placed on General File.

**LEGISLATIVE BILL 406.** Placed on General File.

**LEGISLATIVE BILL 482.** Placed on General File.

**LEGISLATIVE BILL 127.** Placed on General File as amended.

Standing Committee amendment to LB 127:

AM0254

- 1 1. On page 9, line 5, strike "thirty", show as stricken,
- 2 and insert "sixty"; and in line 19 strike "thirty" and insert
- 3 "sixty".

**LEGISLATIVE BILL 366.** Placed on General File as amended.

Standing Committee amendment to LB 366:

AM0253

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 23-114.04, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 23-114.04. (1) The county board shall provide for

5 enforcement of the zoning regulations within its county by  
 6 requiring the issuance of permits prior to the erection,  
 7 construction, reconstruction, alteration, repair, or conversion of  
 8 any nonfarm building or structure within a zoned area, and the  
 9 county board may provide for the withholding of any permit if the  
 10 purpose for which it is sought would conflict with zoning  
 11 regulations adopted for the particular district in which the  
 12 building or structure is situated or in which it is proposed to be  
 13 erected. All plats for subdivisions in the area outside the  
 14 corporate limits of cities and villages and outside of an  
 15 unincorporated area wherein a city or village has been granted  
 16 subdivision jurisdiction and is exercising such jurisdiction must  
 17 be approved by the county planning commission. For purposes of  
 18 this section nonfarm buildings are all buildings except those  
 19 buildings utilized for agricultural purposes on a farmstead of  
 20 twenty acres or more which produces one thousand dollars or more of  
 21 farm products each year. In counties having a population of more  
 22 than one hundred thousand inhabitants, a building used as a  
 23 residence shall be considered a nonfarm building even if the  
 24 building is located on a farmstead.

1 (2) The county board may establish and appoint a county  
 2 zoning administrator, who may also serve as a building inspector,  
 3 and may fix his compensation or may authorize any administrative  
 4 official of the county to assume the functions of such position in  
 5 addition to his regular duties. The county board may also fix a  
 6 reasonable schedule of fees for the issuance of permits under the  
 7 provisions of subsection (1) of this section. The permits shall  
 8 not be issued unless the plans of and for the proposed erection,  
 9 construction, reconstruction, alteration, use or change of use,  
 10 including sanitation, plumbing and sewage disposal, are filed in  
 11 writing in the building inspector's office and such plans fully  
 12 conform to all zoning regulations then in effect."

13 2. On page 3, line 27, strike "and section 23-114.04".

14 3. On page 4, lines 3 through 5, strike the new matter  
 15 and insert "In counties having a population of more than one  
 16 hundred thousand inhabitants, a building used as a residence shall  
 17 be considered a nonfarm building even if the building is located on  
 18 a farmstead."; and in line 6 after "section" insert "23-114.04,  
 19 Reissue Revised Statutes of Nebraska, and section"; and in line 7  
 20 strike "is" and insert "are".

21 4. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 420.** Placed on General File as amended.  
 Standing Committee amendment to LB 420:  
 AM0236

1 1. On page 3, line 18, after the period insert: "The  
 2 corporate surety company referred to in subsection (1) of this  
 3 section shall have a rating acceptable to the owner as the owner  
 4 may require.".

**LEGISLATIVE BILL 446.** Placed on General File as amended.  
Standing Committee amendment to LB 446:  
AM0169

- 1 1. On page 3, strike beginning with "The" in line 11
- 2 through the period in line 13.

(Signed) DiAnna R. Schimek, Chairperson

### **Appropriations**

**LEGISLATIVE BILL 505.** Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 56.** Placed on General File.

**LEGISLATIVE BILL 794.** Placed on General File as amended.  
Standing Committee amendment to LB 794:  
AM0311

- 1 1. Strike original section 34.
- 2 2. On page 1, line 5; and page 86, line 16, strike
- 3 "72-1268.04,".
- 4 3. On page 4, line 23, before "withdraw" insert
- 5 "immediately".
- 6 4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 551.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

### **AMENDMENTS - Print in Journal**

Senator Suttle filed the following amendment to LB 25:  
AM0301

- 1 1. On page 4, line 14, after the period insert the
- 2 following new paragraph:
- 3 "No podiatrist initially licensed in this state on or
- 4 after September 1, 2001, shall perform surgery on the ankle unless
- 5 such person has successfully completed an advanced postdoctoral
- 6 surgical residency program of at least two years' duration which is
- 7 recognized as suitable for that purpose by the Board of Podiatry.".

Senator Tyson filed the following amendment to LB 10:  
AM0295

(Amendments to Standing Committee amendments, AM0238)

- 1 1. Insert the following section:

- 2 "Sec. 2. Section 80-409, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 80-409. The county board of each county in this state ~~is~~  
 5 ~~authorized and directed to~~ shall provide, by special levy or out of  
 6 the general fund of the county, such amount as shall be necessary  
 7 for the use of the county service committee to aid and enable such  
 8 county service committee to carry out and execute its functions,  
 9 powers and duties as defined in sections 80-401 to 80-401.11,  
 10 80-403, 80-404, 80-404.04, and 80-406 to 80-410 and to pay their  
 11 expenses. The county board shall provide offices for the county  
 12 veterans service officer in a location most convenient to the  
 13 majority of residents of the county, preferably at the county seat  
 14 ~~preferably in the courthouse, if such location meets the~~  
 15 requirements.".  
 16 2. On page 1, line 13, after "section" insert "80-409,  
 17 Reissue Revised Statutes of Nebraska, and section"; and in line 14  
 18 strike "is" and insert "are".  
 19 3. Renumber the remaining section accordingly.

Senator Hudkins filed the following amendment to LB 270:  
 AM0170

- 1 1. On page 11, line 13, strike "twelve months" and  
 2 insert "ninety days".

### UNANIMOUS CONSENT - Room Change

Senator Connealy asked unanimous consent to permit the Business and Labor Committee to conduct its hearing on Monday, February 12, 2001, in Room 1524 instead of Room 2102. No objections. So ordered.

### UNANIMOUS CONSENT - Add Cointroducers

Senator Jones asked unanimous consent to have his name added as cointroducer to LB 462. No objections. So ordered.

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 219. No objections. So ordered.

### VISITORS

Visitors to the Chamber were members from the Nebraska Active Counties in Tourism and the Nebraska Association of Conventions and Visitors Bureau; 16 seniors and teacher from Johnson-Brock High School, Johnson; and Marilyn Macklin and Jason Lockwood from Kimball.

The Doctor of the Day was Dr. Jim Plasek from Lincoln.

**ADJOURNMENT**

At 11:57 a.m., on a motion by Senator Maxwell, the Legislature adjourned until 9:00 a.m., Wednesday, February 7, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**TWENTY-FOURTH DAY - FEBRUARY 7, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 7, 2001

**PRAYER**

The prayer was offered by Father Paul Witt, St. Mary's Catholic 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 Brashear, Bromm, Brown, Kremer, McDonald, Tyson, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-third day was approved.

**MESSAGE FROM THE GOVERNOR**

February 6, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills LB 1, LB 2, LB 3, LB 4, LB 5, LB 6, LB 7, LB 8, LB 9, LB 222e, LB 36e, LB 49e, LB 54e, LB 122e, LB 130, LB 134, LB 194, LB 210, LB 135, LB 136, LB 247 were received in my office on February 2, 2001.

These bills were signed by me on February 6, 2001, and delivered to the Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

### AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 51:

AM0280

- 1 1. Insert the following new section:
- 2 "Sec. 22. The Legislature may propose amendments to the
- 3 Insurance Producers Licensing Act by resolution, and the
- 4 representative of this state to the National Association of
- 5 Insurance Commissioners appointed by the Governor shall propose
- 6 such amendments to the appropriate entity."
- 7 2. On page 2, line 3, strike "21" and insert "22".
- 8 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 245:

AM0282

- 1 1. Insert the following new section:
- 2 "Sec. 3. The State of Nebraska shall not participate in
- 3 any rail project or appropriate funds for any rail project proposed
- 4 by the Midwest Interstate Passenger Rail Compact unless the
- 5 specific project is authorized by the enactment of a legislative
- 6 bill. For purposes of this section, rail project includes the
- 7 planning phase of such a project."
- 8 2. Renumber the remaining sections accordingly.

### ANNOUNCEMENT

Senator Hudkins designates LB 532 as her priority bill.

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 376.** Placed on Select File as amended.

E & R amendment to LB 376:

AM7034

- 1 1. On page 1, line 1, strike "the Nebraska Rules of the
- 2 Road" and insert "motor vehicles"; and in line 6 after the first
- 3 semicolon insert "to redefine terms; to provide for permits and
- 4 fees;"
- 5 2. On page 13, line 11, strike ", and" and insert "
- 6 Appurtenances".
- 7 3. On page 27, line 2, strike the comma.

**LEGISLATIVE BILL 387.** Placed on Select File.

**LEGISLATIVE BILL 165.** Placed on Select File as amended.

E & R amendment to LB 165:

AM7031

- 1 1. On page 1, line 2, strike "section" and insert
- 2 "sections 86-2001 and"; and in line 4 after the semicolon insert
- 3 "to provide a civil penalty; to harmonize provisions;" and strike
- 4 "section" and insert "sections".

**LEGISLATIVE BILL 155.** Placed on Select File.

**LEGISLATIVE BILL 163.** Placed on Select File.

**LEGISLATIVE BILL 129.** Placed on Select File.

**LEGISLATIVE BILL 472.** Placed on Select File as amended.

E & R amendment to LB 472:

AM7033

- 1 1. On page 1, line 1, strike "state policy" and insert
- 2 "provide for transfers of ground water and for liability".
- 3 2. On page 2, line 5, strike "(a)" and insert "(1)"; in
- 4 lines 5, 7, and 9 before "well" insert "water"; in line 8 strike
- 5 "(b)" and insert "(2)"; and in line 9 before "wells" insert
- 6 "water".

**LEGISLATIVE BILL 55.** Placed on Select File.

**LEGISLATIVE BILL 146.** Placed on Select File as amended.

E & R amendment to LB 146:

AM7035

- 1 1. On page 1, strike beginning with "sections" in line 1
- 2 through "45-341" in line 2 and insert "section 45-338"; and in line
- 3 5 strike "sections" and insert "section".

**LEGISLATIVE BILL 418.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

**MOTION - Approve Appointments**

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 546: Nebraska Ethanol Board - Charles J. "Tod" Brodersen and Mark McColley.

Voting in the affirmative, 34:

Aguilar	Baker	Bourne	Bruning	Burling
Byars	Connealy	Coordsen	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jones	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Pederson, D.	Price
Quandahl	Raikes	Robak	Schimek	Schrock
Smith	Thompson	Vrtiska	Wehrbein	

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Chambers	Cudaback	Jensen	Preister
Redfield	Stuhr	Suttle		

Excused and not voting, 7:

Brashear	Bromm	Brown	Kremer	McDonald
Tyson	Wickersham			

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 313A.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 193.** The Standing Committee amendment, AM0080, found on page 424 and considered on page 554, was renewed.

The Standing Committee amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Connealy renewed his pending amendment, AM0081, found on page 456.

The Connealy amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Chambers renewed his pending amendment, AM0172, found on page 471.

The Chambers amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senators Vrtiska and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 25.** Title read. Considered.

Senator Suttle renewed her pending amendment, AM0301, found on page 557.

Senators Wickersham, Bromm, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Suttle amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 25A.** Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 238.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 238A.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 152.** Title read. Considered.

The Standing Committee amendment, AM0101, found on page 429, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senators Dw. Pedersen and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

### **AMENDMENTS - Print in Journal**

Senator Suttle filed the following amendment to LB 21:  
AM0298

- 1 1. Insert the following new section:
- 2 "Sec. 2. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 2, line 2, strike "and implement"; and in
- 5 line 4 after "law" insert "within ninety days after the effective
- 6 date of this act. The department shall implement the option as
- 7 soon as possible after application. The services provided under
- 8 this section shall be the services designated by the state
- 9 substance abuse authority which are in place on the effective date

10 of this act".

Senator Baker filed the following amendment to LB 166:  
AM0189

- 1 1. Insert the following new section:
- 2 "Sec. 5. All federal grant money received by the state
- 3 on or after the effective date of this act under 23 U.S.C. 410 as a
- 4 result of the enactment of this legislative bill shall be remitted
- 5 to the State Treasurer for credit to the Highway Cash Fund."
- 6 2. Renumber the remaining section accordingly.

Senator Chambers filed the following amendment to LB 55:  
AM0332

- 1 1. On page 2, line 17, after "Code" insert "as defined
- 2 in section 49-801.01".

Senator Chambers filed the following amendment to LB 462:  
AM0348

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. The Legislature hereby finds and declares:
- 4 (1) The Legislature aims to say, his due give to the
- 5 Devil;
- 6 (2) Water, whether little or much does always seek its
- 7 level.
- 8 (3) Water, downhill always runs, this fact of life's a
- 9 given;
- 10 (4) Never will it, uphill flow unless by some force
- 11 driven.
- 12 (5) "Laws of Nature" as they're called, delineate a
- 13 system;
- 14 (6) Principles of which are seen unless the eye has
- 15 missed them.
- 16 (7) Science, servant of the truth, decoder of creation;
- 17 (8) Gives for all that's seen, smelled, tasted, felt, or
- 18 heard, an explanation.
- 19 (9) Nothing supernatural resides in Nature's cage;
- 20 (10) Magic? Just a child's delight in shows or on a
- 21 stage.
- 22 (11) Science showed the way to close deep, gaping wounds
- 23 with stitches;
- 24 (12) Science, many women saved from being burnt as
- 1 witches.
- 2 (13) Scientists, like highwaymen, did plunder weather's
- 3 purse;
- 4 (14) Proving storms were something other than an old
- 5 crone's curse.
- 6 (15) Livestock sickened? Some poor soul, the
- 7 superstitious would kill;

8 (16) Science intervened, explained: Disease makes  
 9 livestock ill.  
 10 (17) Illnesses are caused by life forms which the eye  
 11 can't see;  
 12 (18) "That poor soul is blameless," thundered science,  
 13 "let her be."  
 14 (19) Let the dread of science in the lab and classroom  
 15 end;  
 16 (20) Ever has it been, and will be, humankind's best  
 17 friend.  
 18 (21) Ignorance, profoundest of destructives cannot  
 19 thrive;  
 20 (22) Any place where knowledge, truth, and science are  
 21 alive.  
 22 Sec. 2. (1) Any medical professional who prescribes a  
 23 drug or therapy or requests performance of a diagnostic procedure,  
 24 which drug, therapy, or diagnostic procedure was derived from  
 25 aborted fetal tissue or research using aborted fetal tissue, shall  
 26 disclose to the patient the origin of the drug, therapy, or  
 27 diagnostic procedure.  
 1 (2) For purposes of this section, aborted fetal tissue  
 2 means human fetal tissue, cells, or organs that are obtained from a  
 3 living or dead embryo or fetus during or after an induced abortion.  
 4 Aborted fetal tissue does not include human fetal tissue, cells, or  
 5 organs that are obtained from a spontaneous abortion or ectopic  
 6 pregnancy."

Senator Chambers filed the following amendment to LB 462:  
 AM0290

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 "Section 1. Section 28-101, Revised Statutes Supplement,  
 4 2000, is amended to read:  
 5 28-101. Sections 28-101 to 28-1348 and sections 2 to 9  
 6 of this act shall be known and may be cited as the Nebraska  
 7 Criminal Code.  
 8 Sec. 2. It is the intent of the Legislature that the  
 9 University of Nebraska discontinue its use of fetal tissue from  
 10 abortions for research as soon as an adequate substitute material  
 11 can be obtained. The University of Nebraska shall report to the  
 12 Legislature prior to January 1 of each year its progress in finding  
 13 an adequate substitute material for as long as fetal tissue  
 14 continues to be used.  
 15 Sec. 3. For purposes of sections 2 to 9 of this act:  
 16 (1) Abortion has the same meaning as in section 28-326;  
 17 (2)(a) Consideration means:  
 18 (i) Any payment made or debt incurred;  
 19 (ii) Any gift, honorarium, or recognition of value  
 20 bestowed;

- 21 (iii) Any price, charge, or fee which is waived,  
22 forgiven, reduced, or indefinitely delayed;  
23 (iv) Any loan or debt which is canceled or otherwise  
24 forgiven; or  
1 (v) The transfer of any item from one person to another  
2 or provision of any service or granting of any opportunity for  
3 which a charge is customarily made, without charge or for a reduced  
4 charge.  
5 (b) Consideration does not mean:  
6 (i) A payment in an amount not exceeding fifty dollars  
7 for the cost of transporting, processing, preserving, and storing  
8 fetal tissue; or  
9 (ii) A payment in an amount not to exceed the actual  
10 cost, as documented by the delivery service, of transporting fetal  
11 tissue.  
12 (3) Delivery service means a motor carrier as defined in  
13 section 75-302 or any other person or entity used to transport  
14 fetal tissue;  
15 (4) Fetal tissue means any tissue, cells, or organs  
16 obtained from a dead human embryo or fetus after an abortion; and  
17 (5) Person has the same meaning as in section 49-801.  
18 Sec. 4. Except as specifically provided in sections 2 to  
19 9 of this act, nothing in such sections shall be construed as  
20 either permitting or prohibiting the use of fetal tissue for any  
21 type of scientific, research, laboratory, or other kind of  
22 experimentation, either prior to or subsequent to any abortion.  
23 Sec. 5. This act does not apply to:  
24 (1) The transfer of fetal tissue to a pathologist for  
25 testing or examination; or  
26 (2) The transfer of fetal tissue for the purpose of  
27 immediate burial, cremation, or final disposition.  
1 Sec. 6. (1) No person shall solicit, offer, knowingly  
2 acquire, accept, or transfer any fetal tissue for consideration.  
3 (2) No person shall solicit, offer, knowingly acquire,  
4 accept, or transfer any fetal tissue for the purpose of  
5 transplantation of such tissue into another person if:  
6 (a) The fetal tissue will be or is obtained pursuant to  
7 an abortion; and  
8 (b)(i) The donation of such fetal tissue will be or is  
9 made pursuant to a promise to the donating individual that the  
10 donated tissue will be transplanted into a recipient specified by  
11 such donating individual;  
12 (ii) Such fetal tissue will be transplanted into a  
13 relative of the donating individual; or  
14 (iii) The person who solicits or knowingly acquires or  
15 accepts the donation of such fetal tissue has provided  
16 consideration for the costs associated with such abortion.  
17 (3) Any person who intentionally, knowingly, or  
18 recklessly violates this section is guilty of a Class IV felony.



19 Sec. 7. (1) Every person who transfers fetal tissue to  
20 another person shall submit annually a written report to the  
21 Director of Health and Human Services which contains the following:

22 (a) The date of transfer;

23 (b) A description of the fetal tissue;

24 (c) The name and address of the transferor and the  
25 transferee;

26 (d) The amount of consideration received by the  
27 transferor for making the transfer;

1 (e) The mode of transfer or shipment; and

2 (f) The name of the delivery service.

3 (2) The identity of the woman donating the fetal tissue  
4 shall be confidential and shall not be included in the report  
5 required by this section.

6 (3) No person shall ship fetal tissue without disclosing  
7 to the delivery service that human tissue is contained in such  
8 shipment.

9 (4) Except as provided in this section, information  
10 obtained by the director under this section is confidential and  
11 shall not be disclosed in any manner that would reveal the identity  
12 of any person who submits a report to the director under this  
13 section. Such information, including information identifying any  
14 person submitting a report hereunder, may be disclosed to the  
15 Attorney General upon a showing that a reasonable cause exists to  
16 believe that a violation of sections 2 to 9 of this act has  
17 occurred. Any information disclosed to the Attorney General  
18 pursuant to this subsection shall be used solely for the purposes  
19 of a criminal prosecution.

20 (5) For purposes of maintaining confidentiality, a report  
21 required by this section shall identify the name and address of the  
22 person submitting such report only by confidential code number  
23 assigned by the director to such person, and the Department of  
24 Health and Human Services shall maintain the reports only by  
25 confidential code number.

26 (6) Any person who intentionally, knowingly, or  
27 recklessly violates this section is guilty of a Class I  
1 misdemeanor.

2 Sec. 8. (1) No person shall offer any monetary or other  
3 inducement to any other person for the purpose of procuring an  
4 abortion for the medical, scientific, experimental, or therapeutic  
5 use of fetal organs or tissue.

6 (2) No person shall offer or accept any valuable  
7 consideration for the fetal organs or tissue resulting from an  
8 abortion. However, nothing in this subsection prohibits payment  
9 for burial or other final disposition of the fetal remains or  
10 payment for a pathological examination, autopsy, or postmortem  
11 examination of the fetal remains.

12 (3) Any person who intentionally, knowingly, or  
13 recklessly violates this section is guilty of a Class I

14 misdemeanor.

15 Sec. 9. (1) No person shall use fetal organs or tissue  
16 for medical, scientific, experimental, or therapeutic use without  
17 the voluntary and informed consent of the woman donating such  
18 tissue. Such consent shall not be discussed or obtained prior to  
19 obtaining the consent for an abortion required under section  
20 28-327.

21 (2) Any person who intentionally, knowingly, or  
22 recklessly violates this section is guilty of a Class I  
23 misdemeanor.

24 Sec. 10. If any section in this act or any part of any  
25 section is declared invalid or unconstitutional, the declaration  
26 shall not affect the validity or constitutionality of the remaining  
27 portions.

28 Sec. 11. Original section 28-101, Revised Statutes  
29 2 Supplement, 2000, is repealed."

Senator Chambers filed the following amendment to LB 462:  
AM0291

1 Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3 "Section 1. (1) The Legislature recognizes the need and  
4 desirability of requiring the public schools to provide instruction  
5 that comports with the will of the people as expressed by the  
6 Legislature through lawfully enacted statutes. The Legislature  
7 intends, through enactment of this section to require public  
8 schools to provide such instruction.

9 (2) Section 28-325 declares the contents of sections  
10 28-325 to 28-345 to be "an expression of the will of the people of  
11 the State of Nebraska and . . . of the Legislature".

12 (3) The term "unborn child" is used to describe,  
13 designate, or refer to all stages of human development prior to  
14 birth.

15 (4) The term "fetus" is not used to describe, designate,  
16 or refer to any stage of human development.

17 (5) The will of the people and the policy of the State of  
18 Nebraska establish the term "unborn child" as the appropriate  
19 official designation or description of all stages of human  
20 development prior to birth.

21 (6) An employee of a public school shall not use the term  
22 "fetus" to refer to or describe a stage of human development during  
23 a presentation in a public school, rather the term "unborn child"  
24 shall be used. This requirement applies to all oral and written  
25 presentations, including textbooks. Any employee of a public  
26 school who violates this section is guilty of an infraction and  
27 commits an act of professional misconduct."

Senator Chambers filed the following amendment to LB 462:  
(Amendment, AM0292, may be found in the Bill Books. The amendment

has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Chambers filed the following amendment to LB 462:  
(Amendment, AM0293, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Chambers filed the following amendment to LB 376:  
AM0320

- 1 1. On page 22, line 9, strike "as amended", show as
- 2 stricken, and insert "as such act existed on the effective date of
- 3 this act".

Senator Landis filed the following amendment to LB 53:  
AM0339

- 1 1. On page 49, strike beginning with "contract" in line
- 2 25 through line 26 and insert "loan brokerage agreement".

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 334A.** 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 334, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 152A.** 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 152, Ninety-seventh Legislature, First Session, 2001.

### **EXPLANATION OF VOTE**

Had I been present, I would have voted "aye" on LB 36.

(Signed) Jon C. Bruning

**PRESIDENT MAURSTAD PRESIDING**

### **GENERAL FILE**

**LEGISLATIVE BILL 270.** Title read. Considered.

The Standing Committee amendment, AM0119, found on page 429, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Hudkins renewed her pending amendment, AM0170, found on page 558.

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

FA23

Amend AM0170

Strike "ninety" and insert "sixty".

Senators Beutler and Brashear asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Byars asked unanimous consent to be excused. No objections. So ordered.

The Hudkins amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

## STANDING COMMITTEE REPORTS

### Education

**LEGISLATIVE BILL 326.** Placed on General File as amended.

Standing Committee amendment to LB 326:

AM0225

1 1. On page 2, strike beginning with "the" in line 11  
 2 through line 28 and insert "child development, child care, how  
 3 children learn, children's health, services available to children  
 4 and parents, and any other information deemed relevant by the  
 5 Department of Health and Human Services, the Department of Health  
 6 and Human Services Regulation and Licensure, the Department of  
 7 Health and Human Services Finance and Support, or the State  
 8 Department of Education. The information contained in the packet  
 9 on these topics shall indicate appropriate information for infants,  
 10 toddlers, and preschoolers.

11 (3)".

12 2. On page 3, strike lines 1 through 9; and in line 10

13 strike "(4)".

(Signed) Ron Raikes, Chairperson

### Business and Labor

**LEGISLATIVE BILL 417.** Placed on General File as amended.

Standing Committee amendment to LB 417:

AM0267

1 1. On page 8, strike beginning with the second "and" in  
 2 line 3 through "corporation" in line 6, show the old matter as  
 3 stricken, and insert "and with the workers' compensation insurer.  
 4 Such election shall be effective upon receipt by the insurer for  
 5 the current policy and subsequent policies issued by such insurer  
 6 and shall remain in effect until the election is terminated, in  
 7 writing, by the officer and the termination is filed with the  
 8 insurer or until the insurer ceases to provide coverage for the  
 9 corporation, which ever occurs first. Any such termination of  
 10 election shall also be filed with the secretary of the  
 11 corporation".

**LEGISLATIVE BILL 216.** Indefinitely postponed.

**LEGISLATIVE BILL 638.** Indefinitely postponed.

(Signed) Matt Connealy, Chairperson

#### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 58.** Placed on General File.

**LEGISLATIVE BILL 211.** Indefinitely postponed.

**LEGISLATIVE BILL 416.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

#### **Agriculture**

**LEGISLATIVE BILL 589.** Placed on General File.

**LEGISLATIVE BILL 474.** Placed on General File as amended.

Standing Committee amendment to LB 474:

AM0244

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 "Section 1. Section 2-2304, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 2-2304. (1) The board shall be composed of seven members  
 6 who shall (a) be citizens of Nebraska, (b) be at least twenty-five  
 7 years of age, (c) have been actually engaged in growing wheat in  
 8 this state for a period of at least five years, and (d) derive a  
 9 substantial portion of their income from growing wheat. The  
 10 Director of Agriculture and the vice chancellor of the University  
 11 of Nebraska Institute of Agriculture and Natural Resources shall  
 12 serve as nonvoting, ~~ex officio~~ members of the board. With the  
 13 exception of the ~~ex officio~~ nonvoting members, the Governor shall  
 14 appoint the members to the board.  
 15 (2) The seven appointed members shall be appointed from  
 16 the following districts:

- 17 (a) District 1: The counties of Sioux, Scotts Bluff,  
 18 ~~Banner~~, Dawes, Box Butte, Morrill, Sheridan, and Garden;
- 19 (b) District 2: The counties of Kimball, Banner, and  
 20 Cheyenne;
- 21 (c) District 3: The counties of Perkins, Deuel, Keith,  
 22 Arthur, McPherson, Logan, Grant, Hooker, Thomas, and Cherry;
- 23 (d) District 4: The counties of Lincoln, Chase, Dundy,  
 24 Hayes, Hitchcock, and Frontier;
- 1 (e) District 5: The counties of Buffalo, Dawson, Phelps,  
 2 Custer, Gosper, Kearney, Red Willow, Furnas, Harlan, and Franklin;
- 3 (f) District 6: The counties of Adams, Webster,  
 4 Nuckolls, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, and  
 5 Richardson, ~~;~~ and
- 6 ~~(g) District 7: The counties of Otoe, Cass, Lancaster,~~  
 7 Seward, York, Hamilton, Hall, Sherman, Howard, Merrick, Nance,  
 8 Polk, Butler, Saunders, Sarpy, Douglas, Washington, Dodge, Colfax,  
 9 Platte, Burt, Cuming, Stanton, Madison, Boone, Valley, Greeley,  
 10 Antelope, Pierce, Wayne, Thurston, Dakota, Dixon, Cedar, Knox,  
 11 Wheeler, Garfield, Loup, Blaine, Brown, Rock, Holt, Boyd, Keya  
 12 Paha, Clay, Fillmore, and Saline; and
- 13 (g) District 7: The at-large district.
- 14 Sec. 2. Section 2-2305, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:
- 16 2-2305. ~~Within sixty days after July 1, 1991, the~~  
 17 ~~Governor shall appoint the member of the board from district 4 to~~  
 18 ~~serve for a term of five years. The term of the member serving~~  
 19 ~~from district 1 prior to April 11, 1991, shall expire on June 30,~~  
 20 ~~1994. The term of the member serving from district 4 prior to~~  
 21 ~~April 11, 1991, shall expire on June 30, 1995, and such member~~  
 22 ~~shall represent district 5 after April 11, 1991. The term of the~~  
 23 ~~member serving from district 5 prior to April 11, 1991, shall~~  
 24 ~~expire on June 30, 1995, and such member shall represent district 7~~  
 25 ~~after April 11, 1991. The term of the member serving from district~~  
 26 ~~6 prior to April 11, 1991, shall expire on June 30, 1991. The term~~  
 27 ~~of the member serving from district 7 shall expire on June 30,~~  
 1 ~~1994, and such member shall represent district 6 after April 11,~~  
 2 ~~1991. The term of the member serving from district 3 prior to~~  
 3 ~~April 11, 1991, shall expire on June 30, 1992. The term of the~~  
 4 ~~member serving from district 2 prior to April 11, 1991, shall~~  
 5 ~~expire on June 30, 1993. The term of the member serving for former~~  
 6 ~~district 1 shall expire on June 30, 2004. The term of the member~~  
 7 ~~7 serving for former district 2 shall expire on June 30, 2003. The~~  
 8 ~~term of the member serving for former district 3 shall expire on~~  
 9 ~~June 30, 2002. The term of the member serving for former district~~  
 10 ~~4 shall expire on June 30, 2001. The term of the member serving~~  
 11 ~~for former district 5 shall expire on June 30, 2005. The term of~~  
 12 ~~the member serving for former district 6 shall expire on June 30,~~  
 13 ~~2004. The member serving for former district 7 will assume the~~  
 14 ~~role of serving for new district 7 and his or her term shall expire~~

15 on June 30, 2005. As the terms of office of the appointees expire,  
 16 members serving on the effective date of this act expire as  
 17 provided in this section, their successors shall be appointed to  
 18 serve for terms of five years and until their successors are  
 19 appointed and qualified. Terms of office shall commence on July 1.  
 20 A member appointed to fill a vacancy, occurring before the  
 21 expiration of the term of a member separated from the board for any  
 22 cause, shall be appointed for the remainder of the term of the  
 23 member whose office has been so vacated in the same manner as his  
 24 or her predecessor.  
 25 Sec. 3. Original sections 2-2304 and 2-2305, Reissue  
 26 Revised Statutes of Nebraska, are repealed.  
 27 Sec. 4. Since an emergency exists, this act takes effect  
 1 when passed and approved according to law."

(Signed) Merton L. Dierks, Chairperson

**AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 270:

FA24

P. 11, line 5, strike "or oriental medical college"

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 258. No objections. So ordered.

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 677. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 767. No objections. So ordered.

**NOTICE OF COMMITTEE HEARING**

**Nebraska Retirement Systems**

LB 711	Wednesday, February 14, 2001	12:15 PM
LB 526	Wednesday, February 14, 2001	12:15 PM
LB 686	Wednesday, February 14, 2001	12:15 PM

(Signed) Jon C. Bruning, Chairperson

**VISITORS**

Visitors to the Chamber were 65 students and teachers from Elkhorn High School; and Les and Chadean Blunk from Elm Creek.

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Thursday, February 8, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-FIFTH DAY - FEBRUARY 8, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 8, 2001

**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 Hilgert and Landis who were excused; and Senators Aguilar, Beutler, Brashear, Brown, Cunningham, Hartnett, Kremer, Kristensen, Maxwell, McDonald, Raikes, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 494, strike lines 34 and 35 and insert:

"Philip Morris Management Corporation (Withdrawn 02/01/2001)  
Philip Morris, Inc."

Page 495, strike lines 11 and 12 and insert:

"Philip Morris Management Corporation (Withdrawn 02/01/2001)  
Philip Morris, Inc."

The Journal for the twenty-first day was approved as corrected.

The Journal for the twenty-fourth day was approved.

**ANNOUNCEMENT**

Senator Byars designates LB 692 as his priority bill.

**AMENDMENT - Print in Journal**

Senator Baker filed the following amendment to LB 313:  
AM0149

(Amendments to E & R amendments, AM7025)

- 1 1. On page 1, line 12; and page 8, line 22, strike 2 "2004" and insert "2003".
- 3 2. On page 6, line 21; page 7, lines 16 and 26; and page 4 10, line 7, strike "2004-05" and insert "2003-04".

### GENERAL FILE

**LEGISLATIVE BILL 166A.** Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

**LEGISLATIVE BILL 270.** Senator Chambers moved to indefinitely postpone.

Senators Dierks and Brashear 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 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 9:

Baker	Bourne	Chambers	Kristensen	Price
Raikes	Redfield	Robak	Thompson	

Voting in the negative, 28:

Aguilar	Bromm	Bruning	Burling	Byars
Coordsen	Cudaback	Cunningham	Engel	Erdman
Foley	Hudkins	Janssen	Jones	Kruse
Maxwell	McDonald	Pedersen, Dw.	Preister	Quandahl
Schimek	Schrock	Smith	Stuhr	Suttle
Tyson	Vrtiska	Wehrbein		

Present and not voting, 4:

Brown	Jensen	Kremer	Pederson, D.
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Excused and not voting, 8:

Beutler	Brashear	Connealy	Dierks	Hartnett
Hilgert	Landis	Wickersham		

The Chambers motion to indefinitely postpone failed with 9 ayes, 28 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA24, found on page 575.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

### SENATOR CUDABACK PRESIDING

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

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 41:

Aguilar	Baker	Bourne	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Engel	Erdman
Foley	Hartnett	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schrock	Smith
Stuhr	Suttle	Thompson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 2:

Kruse	Tyson
-------	-------

Excused and not voting, 6:

Beutler	Brashear	Dierks	Hilgert	Landis
Schimek				

The Chambers amendment was adopted with 41 ayes, 2 nays, and 6 present and not voting.

The Chair declared the call raised.

Senator Kristensen offered the following amendment:  
AM0382

- 1 1. Insert the following new section:
- 2 "Sec. 12. Section 71-182, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-182. Chiropractic practitioners shall observe and be
- 5 subject to all state and municipal laws and regulations relative to
- 6 the control of contagious and infectious diseases, and all matters

7 pertaining to public health. They shall report to the proper  
 8 health officers the same as other practitioners. Chiropractic  
 9 practitioners may sign death certificates. A chiropractor licensed  
 10 under the Uniform Licensing Law shall provide the same standard of  
 11 care to patients as that provided by a person licensed under the  
 12 Uniform Licensing Law to practice medicine and surgery, osteopathy,  
 13 or osteopathic medicine and surgery."  
 14 2. On page 11, line 14, after the period insert "An  
 15 acupuncturist licensed under the Uniform Licensing Law shall  
 16 provide the same standard of care to patients as that provided by a  
 17 person licensed under the Uniform Licensing Law to practice  
 18 medicine and surgery, osteopathy, or osteopathic medicine and  
 19 surgery."

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

### **PRESIDENT MAURSTAD PRESIDING**

The Kristensen amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment:  
 FA25

P. 10, line 9, strike beginning with "for" through "of" in line 10 and insert "in an effort to promote, maintain and restore"

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers amendment was adopted with 39 ayes, 2 nays, 3 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

Senators Bromm and Jones 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 244A.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 244, Ninety-seventh Legislature, First Session, 2001.

**STANDING COMMITTEE REPORTS**  
**Natural Resources**

**LEGISLATIVE BILL 586.** Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

**Judiciary**

**LEGISLATIVE BILL 413.** Placed on General File.

**LEGISLATIVE BILL 500.** Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 270.** Senator Chambers offered the following amendment:

FA26

P. 11, line 21, strike "traditional western" and insert "the practice of"

Senators Dw. Pedersen, Brashear, and Connealy asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Coordsen asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Hudkins offered the following amendment:

FA27

Page 11, line 10, insert "been presented by the patient with" after the word "has".

**SENATOR CUDABACK PRESIDING**

The Hudkins amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Senator Chambers offered the following amendment:

FA28

P. 12, line 6, strike "diplomate" and insert "holder of a diploma"

Senators Wickersham, Foley, Robak, Brashear, and D. Pederson asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his amendment.

Pending.

**STANDING COMMITTEE REPORTS**  
**Health and Human Services**

**LEGISLATIVE BILL 639.** Placed on General File.

**LEGISLATIVE BILL 22.** Placed on General File as amended.

Standing Committee amendment to LB 22:

AM0256

- 1 1. Insert the following new sections:
- 2 "Sec. 8. Section 25-2406, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 25-2406. The fees and expenses of an interpreter, except
- 5 as provided in section 20-159, shall be fixed and ordered paid by
- 6 the judge before whom such proceeding takes place, in accordance
- 7 with a fee schedule established by the Supreme Court, and be paid
- 8 out of the General Fund with funds appropriated to the Supreme
- 9 Court for that purpose.
- 10 Sec. 10. Section 29-2259, Revised Statutes Supplement,
- 11 2000, is amended to read:
- 12 29-2259. (1) The salaries, actual and necessary
- 13 expenses, and expenses incident to the conduct and maintenance of
- 14 the office shall be paid by the state. Actual and necessary
- 15 expenses shall be paid as provided in sections 81-1174 to 81-1177.
- 16 (2) The salaries and actual and necessary travel expenses
- 17 of the probation service shall be paid by the state. Actual and
- 18 necessary expenses shall be paid as provided in sections 81-1174 to
- 19 81-1177.
- 20 (3) Except as provided in sections 29-2262 and
- 21 29-2262.04, the costs of drug testing and equipment incident to the
- 22 electronic surveillance of individuals on probation shall be paid
- 23 by the state.
- 24 (4) The expenses incident to the conduct and maintenance
- 1 of the principal office within each probation district shall in the
- 2 first instance be paid by the county in which it is located, but
- 3 such county shall be reimbursed for such expenses by all other
- 4 counties within the probation district to the extent and in the
- 5 proportions determined by the Supreme Court based upon population,
- 6 number of investigations, and probation cases handled or upon such
- 7 other basis as the Supreme Court deems fair and equitable.
- 8 (5) Each county shall provide office space and necessary
- 9 facilities for probation officers performing their official duties
- 10 and shall bear the costs incident to maintenance of such offices
- 11 other than salaries, travel expenses, and data processing and word
- 12 processing hardware and software that is provided on the state
- 13 computer network.

14 (6) The cost of interpreter services for deaf and hard of  
 15 hearing persons and for persons unable to communicate the English  
 16 language shall be paid by the state with money appropriated to the  
 17 Supreme Court. The cost of interpreter services for deaf and hard  
 18 of hearing persons shall be paid by the state with money  
 19 appropriated to the Commission for the Deaf and Hard of Hearing  
 20 pursuant to section 20-159. Interpreter services shall include  
 21 auxiliary aids for deaf and hard of hearing persons as defined in  
 22 section 20-151 and interpreters to assist persons unable to  
 23 communicate the English language as defined in section 25-2402.  
 24 Interpreter services shall be provided under this section for the  
 25 purposes of conducting a presentence investigation and for ongoing  
 26 supervision by a probation officer of such persons placed on  
 27 probation.

1 (7) The probation administrator shall prepare a budget  
 2 and request for appropriations for the office and shall submit such  
 3 request to the Supreme Court and with its approval to the  
 4 appropriate authority in accordance with law."

5 2. On page 2, lines 15, 16, and 17; page 4, line 16; and  
 6 page 7, line 1, strike "guidelines" and insert "standards".

7 3. On page 2, line 24, after "districts" insert "  
 8 approved service agencies, approved cooperatives,"; and in line 27  
 9 reinstate the stricken matter and strike the new matter.

10 4. On page 2, line 27; page 3, lines 1 and 3; and page  
 11 9, line 4, strike "guidelines", show as stricken, and insert  
 12 "standards".

13 5. On page 3, lines 6 through 10, strike the new matter.

14 6. On page 4, strike lines 11 and 12 and insert "meets  
 15 the qualifications to be an educational interpreter pursuant to the  
 16 standards established by the State Department of".

17 7. On page 6, strike beginning with the underscored  
 18 comma in line 25 through "interpreters" in line 27.

19 8. On page 7, line 27, strike "or the department".

20 9. On page 8, line 12, after the period insert "The  
 21 commission shall not fine any school district, educational service  
 22 unit, approved service agency, or approved cooperative for a  
 23 violation of rules and regulations adopted and promulgated by the  
 24 department under subsection (3) of section 20-150.".

25 10. On page 9, line 5, after the period insert "Whenever  
 26 a court or probation officer is in need of an interpreter for a  
 27 deaf or hard of hearing person, the Commission for the Deaf and

1 Hard of Hearing shall provide the court or probation officer with a  
 2 licensed interpreter from the roster of licensed interpreters upon  
 3 request of the court or probation officer."; in line 6 after  
 4 "court" insert "or requested by a probation officer" and after  
 5 "the" insert "interpreter's"; and after "fee" insert "and  
 6 expenses"; and in line 8 strike "Supreme Court", show as stricken,  
 7 and insert "commission".

8 11. On page 19, line 14, after "20-159," insert

- 9 "25-2406," and after "25-2407," insert "29-2259".  
 10 12. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 241.** Placed on General File as amended.  
 Standing Committee amendment to LB 241:

AM0330

- 1 1. On page 5, line 21, after "products" insert "upon the  
 2 skin".  
 3 2. On page 7, line 26, strike "at" through "owner" and  
 4 insert "one esthetician".  
 5 3. On page 8, line 12, after "(3)" insert "By October 1,  
 6 2001, the State Board of Health shall appoint one esthetician for a  
 7 five-year term.  
 8 (4)"; in line 16 strike "(4)", show as stricken, and  
 9 insert "(5)"; in line 24 strike "(5)", show as stricken, and insert  
 10 "(6)"; and in line 27 strike "(6)", show as stricken, and insert  
 11 "(7)".  
 12 4. On page 14, line 23, strike "and three hundred  
 13 credits".  
 14 5. On page 32, line 24, strike "twenty", show as  
 15 stricken, and insert "six"; and in line 25 before "that" insert  
 16 "(a)" and strike the new matter and reinstate the stricken matter.  
 17 6. On page 33, lines 2 and 3 and 5, strike the new  
 18 matter and reinstate the stricken matter.

**LEGISLATIVE BILL 440.** Placed on General File as amended.  
 Standing Committee amendment to LB 440:

AM0323

- 1 1. On page 2, line 22, strike "authorized number of  
 2 lenses and refills"; and in line 28 after the period insert "An  
 3 optometrist or physician shall provide the prescription to a  
 4 patient following the fitting process and payment of all fees for  
 5 services rendered. The patient shall mail the prescription or send  
 6 a copy by facsimile or other electronic means to the mail-order  
 7 ophthalmic provider."  
 8 2. On page 5, line 1, strike "shall" and insert "may".

**LEGISLATIVE BILL 677.** Placed on General File as amended.  
 Standing Committee amendment to LB 677:

AM0329

- 1 1. On page 2, lines 8, 13, 20, 21, and 27; and page 3,  
 2 line 17, strike "as amended", show as stricken, and insert "as such  
 3 section existed on the effective date of this act".  
 4 2. On page 2, line 13, strike "section 1920A", show as  
 5 stricken, and insert "sections 1920A and 1920B"; in line 14 strike  
 6 "as amended", show as stricken, and insert "as such sections  
 7 existed on the effective date of this act"; and in line 18 strike  
 8 "as amended", show as stricken, and insert "as such titles existed  
 9 on the effective date of this act".



10 3. On page 3, line 10, after the comma insert "as such  
 11 section existed on the effective date of this act,"; and in line  
 12 28, after the underscored comma insert "as such section existed on  
 13 the effective date of this act".  
 14 4. On page 4, line 5, after the last comma insert "as  
 15 such sections existed on the effective date of this act,"; in line  
 16 7 after "300n" insert ", as such section existed on the effective  
 17 date of this act"; and in line 12 after "(c)" insert ", as such  
 18 section existed on the effective date of this act".

(Signed) Jim Jensen, Chairperson

### Revenue

**LEGISLATIVE BILL 712.** Placed on General File.

**LEGISLATIVE BILL 449.** Placed on General File as amended.  
 Standing Committee amendment to LB 449:  
 AM0377

- 1 1. Insert the following new section:
- 2 "Sec. 2. This act becomes operative on October 1,
- 3 2001."
- 4 2. Renumber the remaining section accordingly.

(Signed) William R. Wickersham, Chairperson

### Transportation and Telecommunications

**LEGISLATIVE BILL 830.** Placed on General File.

**LEGISLATIVE BILL 831.** Placed on General File.

**LEGISLATIVE BILL 800.** Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

### Education

**LEGISLATIVE BILL 240.** Placed on General File as amended.  
 Standing Committee amendment to LB 240:  
 AM0368

- 1 1. On page 3, line 6, strike "A" and insert "After a  
 2 public hearing, a"; and in line 13 after the period insert "The  
 3 hearing required by this subsection shall be held only after notice  
 4 of such hearing has been published for three consecutive weeks  
 5 prior to the hearing in a legal newspaper published or of general  
 6 circulation in the school district.".
- 7 2. On page 6, line 15, strike "or any successor  
 8 provision; and" and insert "as such section existed on the  
 9 effective date of this act,"; and in line 17 strike "or any

10 successor provision" and insert "as such section existed on the  
 11 effective date of this act; and  
 12 (g) Qualified zone academy allocation means the  
 13 allocation of the qualified zone academy bond limitation by the  
 14 State Department of Education to the qualified zone academies  
 15 pursuant to 26 U.S.C. 1397E(e)(2), as such section existed on the  
 16 effective date of this act".

17 3. On page 7, line 6, after the period insert "The total  
 18 principal amount of bonds which may be issued pursuant to this  
 19 section for qualified purposes with respect to a qualified zone  
 20 academy shall not exceed the qualified zone academy allocation  
 21 granted to the board by the department. The total amount that may  
 22 be financed by bonds pursuant to this section for qualified  
 23 purposes with respect to a qualified zone academy shall not exceed  
 24 seven and one-half million dollars statewide in a single year. In  
 25 any year that the statewide qualified zone academy allocations  
 26 exceed seven and one-half million dollars for qualified purposes to  
 27 be financed with bonds issued pursuant to this section, the  
 28 department shall reduce such allocations proportionally such that  
 29 the statewide total for such allocations equals seven and one-half  
 30 million dollars. The total of such reductions shall be reallocated  
 31 to requests from qualified zone academies that will not be financed  
 32 with bonds issued pursuant to this section."

(Signed) Ron Raikes, Chairperson

### Transportation and Telecommunications

**LEGISLATIVE BILL 389.** Placed on General File as amended.  
 Standing Committee amendment to LB 389:  
 AM0325

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 "Section 1. Section 86-808, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 86-808. ~~(1) Except as provided in subsection (2) of this~~  
 6 ~~section, the~~ The commission shall not regulate the following:  
 7 ~~(a) (1) One-way broadcast or cable television~~  
 8 ~~transmission of television or radio signals; and~~  
 9 ~~(b) (2) Mobile radio services, radio paging services, and~~  
 10 ~~wireless telecommunications service.~~  
 11 ~~(2) The commission, consistent with the federal act,~~  
 12 ~~shall require every provider of telecommunications services to~~  
 13 ~~contribute to any universal service mechanism established by the~~  
 14 ~~commission pursuant to state law.~~  
 15 Sec. 2. Section 86-1405, Revised Statutes Supplement,  
 16 2000, is amended to read:  
 17 86-1405. (1) The Nebraska Telecommunications Universal  
 18 Service Fund is hereby created. The fund shall provide the

19 assistance necessary to make universal access to telecommunications  
 20 services available to all persons in the state consistent with the  
 21 policies set forth in the Nebraska Telecommunications Universal  
 22 Service Fund Act. Only eligible telecommunications companies  
 23 designated by the commission shall be eligible to receive support  
 24 to serve high-cost areas from the fund. A telecommunications  
 1 company that receives such support shall use that support only for  
 2 the provision, maintenance, and upgrading of facilities and  
 3 services for which the support is intended. Any such support  
 4 should be explicit and sufficient to achieve the purpose of the  
 5 Nebraska Telecommunications Universal Service Fund Act. The act,  
 6 (2) Notwithstanding the provisions of section 86-808, the  
 7 commission (a) shall have authority and power to issue orders  
 8 carrying out its responsibilities and to review the compliance of  
 9 any eligible telecommunications company receiving support for  
 10 continued compliance with any such orders and may withhold all or a  
 11 portion of the funds to be distributed from any telecommunications  
 12 company failing to continue compliance with its orders, (b) shall,  
 13 consistent with the Telecommunications Act of 1996, require every  
 14 provider of telecommunications services to contribute to any  
 15 universal service mechanism established by the commission pursuant  
 16 to state law, and (c) may administratively fine pursuant to section  
 17 75-156 any person who violates the Nebraska Universal Service Fund  
 18 Act.  
 19 (3) Any money in the fund available for investment shall  
 20 be invested by the state investment officer pursuant to the  
 21 Nebraska Capital Expansion Act and the Nebraska State Funds  
 22 Investment Act.  
 23 ~~(2) The commission may administratively fine pursuant to~~  
 24 ~~section 75-156 any person who violates the Nebraska~~  
 25 ~~Telecommunications Universal Service Fund Act.~~  
 26 Sec. 3. Original section 86-808, Reissue Revised  
 27 Statutes of Nebraska, and section 86-1405, Revised Statutes  
 1 Supplement, 2000, are repealed."

(Signed) Curt Bromm, Chairperson

### MOTION - Print in Journal

Senator Foley filed the following motion to LB 840:  
 Withdraw LB 840.

### AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LB 133:  
 AM0369

- 1 1. Strike section 2 and insert the following new
- 2 sections:
- 3 "Sec. 2. Section 46-1202, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 46-1202. It is hereby declared that the purpose The  
6 purposes of the Water Well Standards and Contractors' Licensing Act  
7 is are to: (1) Provide for the protection of ground water through  
8 the licensing and regulation of water well contractors and pump  
9 installation contractors and the certification of water well  
10 drilling supervisors, ~~and~~ pump installation supervisors, water well  
11 monitoring technicians, and natural resources ground water  
12 technicians in the State of Nebraska; (2) protect the health and  
13 general welfare of the citizens of the state; (3) protect ground  
14 water resources from potential pollution by providing for proper  
15 siting and construction of water wells and proper decommissioning  
16 of illegal water wells; and (4) provide data on potential water  
17 supplies through well logs which will promote the economic and  
18 efficient utilization and management of the water resources of the  
19 state.

20 Sec. 3. Section 46-1203, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 46-1203. For purposes of the Water Well Standards and  
23 Contractors' Licensing Act, unless the context otherwise requires,  
24 the definitions found in sections 46-1205 to 46-1216 and sections 4  
1 and 5 of this act shall be used.

2 Sec. 4. Certified natural resources ground water  
3 technician means a natural resources ground water technician who  
4 has taken a training course, passed an examination based on the  
5 training course, and received a certificate from the department  
6 indicating that he or she is a certified natural resources ground  
7 water technician.

8 Sec. 5. Natural resources ground water technician means  
9 any individual employed by a natural resources district and engaged  
10 in the inspection of chemigation systems, measuring and recording  
11 static water levels, inspection and servicing of flow meters, and  
12 water sampling practices and techniques. Natural resources ground  
13 water technician does not include: (1) An individual who  
14 constructs a water well or installs or repairs pumps or pumping  
15 equipment or a water well; (2) a water well monitoring technician;  
16 or (3) an individual who carries out the measurement, sampling, or  
17 inspection of a water well which is on land owned by him or her and  
18 used by him or her for farming, ranching, or agricultural purposes  
19 or as his or her place of abode.

20 Sec. 6. Section 46-1214.01, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 46-1214.01. Water well monitoring ~~supervisor~~ technician  
23 shall mean any individual engaged solely in the measuring of ground  
24 water levels, the collection of ground water samples from existing  
25 water wells, or the inspection of installed water well equipment;  
26 or pumping systems. Water well monitoring technician does, ~~or~~  
27 ~~chemigation regulation devices. The term shall~~ not include: (1)  
1 An individual who constructs a water well or installs or repairs

2 pumps or pumping equipment or a water well; ~~or~~ (2) a natural  
3 resources ground water technician; or (3) an individual who carries  
4 out the measurement, sampling, or inspection of a water well which  
5 is on land owned by him or her and used by him or her for farming,  
6 ranching, or agricultural purposes or as his or her place of abode.

7 Sec. 7. The Department of Health and Human Services

8 Regulation and Licensure shall develop a certification program that  
9 is designed to train individuals to become certified natural  
10 resources ground water technicians. Such course shall be developed  
11 by the department in consultation with the natural resources  
12 districts. Such course shall include inspection of chemigation  
13 systems, measuring and recording static water levels, inspecting  
14 and servicing flow meters, and taking water samples. Training  
15 sessions shall not be less than two hours and shall not exceed  
16 eight hours. At the end of the training session, individuals  
17 taking the training shall be required to take a written  
18 examination.

19 Sec. 8. Section 46-1223, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 46-1223. (1) The department with the assistance of the  
22 board shall cause examination to be made of applicants for  
23 licensure or certification. The board shall determine the type,  
24 categories, contents, and required passing grade of examinations to  
25 be administered to applicants for licensing or certification.  
26 Examinations shall be held at such times and places as the  
27 department, with the advice of the board, may determine. The

1 department shall act within ninety days upon all completed  
2 applications for licensure or certification.

3 (2) Examinations for water well monitoring supervisors  
4 technicians shall be designed and adopted to examine the knowledge  
5 of the applicant regarding the minimum standards for water wells  
6 and water well pumps, the geological characteristics of the state,  
7 measuring ground water levels, and water sampling practices and  
8 techniques. Examinations for natural resources ground water  
9 technicians shall examine the knowledge of the applicant regarding  
10 inspection of chemigation systems, measuring and recording static  
11 water levels, inspecting and servicing flow meters, and water  
12 sampling practices and techniques. All other examinations shall be  
13 designed and adopted to examine the knowledge of the applicant  
14 regarding the minimum standards for water wells and water well  
15 pumps, the geological characteristics of the state, current  
16 drilling or pump installation practices and techniques, and such  
17 other knowledge as deemed appropriate by the board. The board may  
18 adopt any nationally developed standard examinations as  
19 constituting part or all of the Nebraska examinations.

20 (3) An examinee who fails to pass the initial examination  
21 may retake such examination without charge at any regularly  
22 scheduled examination held within four months after failing to pass  
23 the initial examination, except that when a national standardized

24 examination is utilized which requires the payment of a fee to  
 25 purchase such examination, the board shall require the applicant to  
 26 pay the appropriate examination fee whether an initial examination  
 27 or a retake of an examination is involved.

1 (4) In cases of hardship, the board may provide and  
 2 direct that special arrangements for administering examinations be  
 3 utilized. The board may also provide for temporary hardship  
 4 licensing without examination due to the death of the current  
 5 license holder or for other good cause shown.

6 Sec. 9. Section 46-1231, Reissue Revised Statutes of  
 7 Nebraska, is amended to read:

8 46-1231. Each water well drilling supervisor, pump  
 9 installation supervisor, natural resources ground water technician,  
 10 and water well monitoring ~~supervisor technician~~ shall make  
 11 application for a certificate of competence in his or her  
 12 respective trade. The application shall include the applicant's  
 13 social security number. Such application shall be made to the  
 14 department which shall charge an application fee set by the board  
 15 pursuant to section 46-1224 for the filing of such application, and  
 16 the department shall not act upon any application until the  
 17 application fee for such certificate has been paid. A certificate  
 18 shall be issued to every applicant who successfully passes the  
 19 examination for such certificate, pays the appropriate  
 20 certification fee, and otherwise complies with the Water Well  
 21 Standards and Contractors' Licensing Act and all standards, rules,  
 22 and regulations adopted and promulgated pursuant to such act. Any  
 23 individual employed by a water well contractor or a pump  
 24 installation contractor who is not deemed to qualify as a water  
 25 well drilling supervisor or pump installation supervisor may make  
 26 application for a certificate of competence in his or her  
 27 respective trade in the same manner as the water well drilling  
 1 supervisor or the pump installation supervisor.

2 Sec. 10. Section 46-1233.01, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 46-1233.01. Except as provided in section 46-1233, after  
 5 September 6, 1991, no water well shall be opened or the seal broken  
 6 by any person other than an owner of the water well unless the  
 7 opening or the breaking of the seal is carried out by a certified  
 8 water well monitoring ~~supervisor technician~~ or natural resources  
 9 ground water technician".

10 2. On page 2, line 3, strike "section 2" and insert  
 11 "sections 4, 5, and 7"; in line 12 strike "section 46-1201" and  
 12 insert "sections 46-1201, 46-1202, 46-1203, 46-1214.01, 46-1223,  
 13 46-1231, and 46-1233.01"; and in line 13 strike "is" and insert  
 14 "are".

15 3. Renumber the remaining section accordingly.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 10. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 150, LB 500, and LB 815. No objections. So ordered.

Senator Erdman asked unanimous consent to have his name added as cointroducer to LR 14CA. No objections. So ordered.

**WITHDRAW - Cointroducers**

Senators Baker and Kremer withdrew their names as cointroducers to LB 424.

**VISITORS**

Visitors to the Chamber were former Senator David Bernard-Stevens from North Platte; 30 representatives of the Chamber of Commerce from the Panhandle; and Robert Clemen, member of the State Legislature, Wulf Gallert, member and Whip of the State Legislature, Frank Grubitzsch, Journalist, Hildegard Mueller, Chairperson, Youth Wing of the Christian Democrat Union, and Sven Vollrath, personal assistant to the President of the German Parliament from Germany and interpreters, Maren Taylor from San Francisco, California, and Robert Devine from Fort Worth, Texas.

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

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Maxwell, the Legislature adjourned until 9:00 a.m., Friday, February 9, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**TWENTY-SIXTH DAY - FEBRUARY 9, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 9, 2001

**PRAYER**

The prayer was offered by Senator Coordsen.

**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 Landis who was excused; and Senators Brashear, Bromm, Brown, Engel, Foley, Kremer, Maxwell, D. Pederson, Price, and Tyson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-fifth day was approved.

**SPECIAL COMMITTEE REPORT  
Executive Board**

**LEGISLATIVE BILL 706.** Placed on General File as amended.  
Special Committee amendment to LB 706:  
AM0389

- 1 1. On page 2, line 8, after "(a)" insert "The Secretary
- 2 of State, who shall serve as chairperson of the committee;
- 3 (b)"; in line 10 strike "(b)" and insert "(c)"; in line
- 4 12 strike "(c)" and insert "(d)"; and in line 14 strike "(d)" and
- 5 insert "(e)".
- 6 2. On page 3, line 3, strike "Nebraska Arts Council" and
- 7 insert "office of the Secretary of State".

(Signed) George Coordsen, Chairperson

**NOTICE OF COMMITTEE HEARING**  
**Business and Labor**

Monday, February 26, 2001  
James Marvin - Nebraska Boiler Safety Code Advisory  
Board

1:30 PM

(Signed) Matt Connealy, Chairperson

**REPORTS**

The following reports were received by the Legislature:

**Investment Finance Authority, Nebraska (NIFA)**

- Quarterly Report - 1999 Series A-1, A-2, B-1, B-2, C-1, C-2, D-1 and D-2  
Community Development Loan Notes (City of Lincoln Program -1999)
- Quarterly Report - 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 2000  
AB and General Obligation Bonds Series 2000 G.O. -9
- Quarterly Report - Single Family Housing Revenue Bonds Series 2000  
CD and General Obligation Bonds Series 2000 G.O.-10
- Quarterly Report - Single Family Housing Revenue Bonds Series 2000  
EFG and General Obligation Bonds Series 2000 G.O.-11

**GENERAL FILE**

**LEGISLATIVE BILL 152A.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 28 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 28.

**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 67.** With Emergency.

A BILL FOR AN ACT relating to elections; to create a task force; to provide for a study of the election process; 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, 40:

Aguilar	Baker	Beutler	Bourne	Bromm
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Erdman
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kristensen	Kruse	McDonald	Pedersen, Dw.
Preister	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Kremer

Excused and not voting, 8:

Brashear	Brown	Engel	Foley	Landis
Maxwell	Pederson, D.	Price		

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 68 with 34 ayes, 2 nays, 5 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 68.**

A BILL FOR AN ACT relating to the Nebraska Time-Share Act; to amend sections 76-1701 to 76-1703, 76-1708, 76-1711, 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

redefine terms; to provide for a list of time-share estate and use owners; 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.

Whereupon the 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	Bourne	Bromm
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Erdman
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Maxwell
McDonald	Pedersen, Dw.	Preister	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Brown	Engel	Foley	Landis
Pederson, D.	Price			

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 111.**

A BILL FOR AN ACT relating to game and parks; to amend sections 37-407, 37-413, 37-414, and 37-455, Reissue Revised Statutes of Nebraska, and sections 37-409, 37-415, 37-426, 37-427, and 37-431, Revised Statutes Supplement, 2000; to change provisions relating to firearm and bow hunter education, limited deer permits, and fees; to provide for a lifetime habitat stamp; 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, 42:

Aguilar	Baker	Beutler	Bourne	Bromm
Bruning	Burling	Byars	Chambers	Connealy

Coordsen	Cudaback	Cunningham	Dierks	Erdman
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Maxwell
McDonald	Pedersen, Dw.	Preister	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Brown	Engel	Foley	Landis
Pederson, D.	Price			

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

#### **LEGISLATIVE BILL 118.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1837, Reissue Revised Statutes of Nebraska; to change provisions relating to county treasurers' tax deeds; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 42:

Aguilar	Baker	Beutler	Bourne	Bromm
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Erdman
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Maxwell
McDonald	Pedersen, Dw.	Preister	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 7:

Brashear	Brown	Engel	Foley	Landis
Pederson, D.	Price			

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 131.**

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 37-1212, 37-1218, 37-1227, and 37-1256, Reissue Revised Statutes of Nebraska, and sections 37-1228 and 37-1241.03, Revised Statutes Supplement, 2000; to change provisions relating to registrations, fees, certificates of number, personal watercraft, and accident reports; to eliminate a duty relating to motorboat registration lists; to provide and change powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal section 37-1218.01, 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	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Maxwell	McDonald	Pedersen, Dw.	Preister	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 6:

Brashear	Engel	Foley	Landis	Pederson, D.
Price				

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

### **LEGISLATIVE BILL 137.**

A BILL FOR AN ACT relating to 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.

Whereupon the 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	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Maxwell	McDonald	Pedersen, Dw.	Preister	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 6:

Brashear	Engel	Foley	Landis	Pederson, D.
Price				

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

**LEGISLATIVE BILL 138.** With Emergency.

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 acknowledgments; 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, 43:

Aguilar	Baker	Beutler	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Maxwell	McDonald	Pedersen, Dw.	Preister	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 6:

Brashear      Engel      Foley      Landis      Pederson, D.  
Price

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 151.**

A BILL FOR AN ACT relating to the Community-Based Neurobehavioral Action Plan Act; to amend sections 79-11,146 and 79-11,149, Revised Statutes Supplement, 2000; to change provisions relating to a report and termination of the act; 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	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Maxwell	McDonald	Pedersen, Dw.	Preister	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 6:

Brashear      Engel      Foley      Landis      Pederson, D.  
Price

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

**LEGISLATIVE BILL 156.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1315, Revised Statutes Supplement, 2000; to change a publication requirement relating to assessment rolls; and to repeal the original section.

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

Voting in the affirmative, 43:



Aguilar	Baker	Beutler	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Maxwell	McDonald	Pedersen, Dw.	Preister	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 6:

Brashear	Engel	Foley	Landis	Pederson, D.
Price				

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

**LEGISLATIVE BILL 168.** With Emergency.

A BILL FOR AN ACT relating to motor fuels; to amend sections 66-4,124, 66-4,125, and 66-4,129, Reissue Revised Statutes of Nebraska, and sections 66-486, 66-487, 66-488, 66-4,128, 66-675, 66-676, 66-678, and 66-6,110, Revised Statutes Supplement, 2000; to eliminate the permit process and change claim procedures for tax credit gasoline as prescribed; to change reporting requirements relating to the taxation of motor, diesel, and compressed fuels; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 66-4,122 and 66-4,123, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	McDonald	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Brashear      Engel              Landis              Pederson, D.

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

**LEGISLATIVE BILL 168A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to transfer funds to aid in carrying out the provisions of Legislative Bill 168, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Kremer	Kristensen
Kruse	Maxwell	McDonald	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Shimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Jones

Excused and not voting, 3:

Brashear      Landis              Pederson, D.

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 173 with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

Senator Burling asked unanimous consent to be excused. No objections. So ordered.

The following bill was put upon final passage:

**LEGISLATIVE BILL 173.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 2-4243, 3-147, 3-206, 3-227, 3-511, 3-613, 3-621, 3-707, 3-714, 13-824, 14-1721, 15-844, 18-2480, 51-218, 58-268, 58-324, and 58-430, Reissue Revised Statutes of Nebraska, and sections 3-504, 13-2546, and 51-809, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to tax exemptions for public property; to harmonize provisions; to repeal the original sections; and to outright repeal sections 3-606, 18-1506, and 46-267, 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	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	McDonald	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Burling            Landis            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 197 with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 197.**

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3002 to 2-3005, 54-1162, 54-1175, 54-1180, and 54-1181, Reissue Revised Statutes of Nebraska, and sections 54-1156 to 54-1160, 54-1165, 54-1168, 54-1169, 54-1171 to 54-1174, 54-1176, and 54-1182, Revised Statutes Supplement, 2000; to change intent, prohibited acts, and department powers and duties relating to poultry disease control; to rename the Livestock Auction Act; to define terms; to change provisions relating to the Livestock Auction Market Board, weighing of livestock, and designated veterinarians; to harmonize provisions; to eliminate obsolete provisions and the Nebraska Livestock Market Act; to provide operative dates; to repeal the original sections; and to outright repeal sections 54-1164, 54-2002 to 54-2011, 54-2013, and 54-2015 to 54-2019, Reissue Revised Statutes of Nebraska, and sections 54-2001, 54-2012, and 54-2014, Revised Statutes Supplement, 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	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	McDonald	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, 1:

Beutler

Excused and not voting, 3:

Burling          Landis          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 198 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 198.**

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3901, 2-3902, 2-3906, 2-3907, 2-3908, 2-3910, 2-3914, 2-3915, 2-3917, 2-3917.01, 2-3924, 2-3928, 2-3929, 2-3930, and 2-3938, Reissue Revised Statutes of Nebraska; to change provisions in the Nebraska Pasteurized Milk Law adopted by reference and to provide for appeals and fees; to change provisions in the Nebraska Manufacturing Milk Act relating to standards, classifications, and due process; 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	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	McDonald	Pedersen, Dw.	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 2:

Beutler            Preister

Excused and not voting, 3:

Burling            Landis            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 209 with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 209.** With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-1,107.26, 71-1,187, 71-1,194, 71-634, 71-1902, 71-1904, 71-1905, 71-2801, 71-2802, 71-2803.01, 71-2815, 71-2819, and 81-664, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-133, 71-161.10, 71-183.02, 71-193.04, 71-193.16, 71-1,107.16, 71-1,136.01, 71-340, 71-3,106, 71-3,224, 71-1901, 71-1903, 71-2804, 71-2807, and 71-7614, Revised Statutes Supplement, 2000; to change licensure provisions relating to dentistry, dental hygiene, physician assistants, optometry, audiology, speech-language pathology, cosmetology, nail technology, foster care, and physical therapy; to provide for waiver of fees for corrections to birth or death certificates; to repeal the Community Health Care Act, the Parkinson's Disease Registry Act, and provisions regarding the Nebraska Commission on Human Genetic Technologies; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-7501 to 71-7517, 71-7518.01 to 71-7518.09, 71-7520 to 71-7529, 81-681, 81-682, and 81-684 to 81-696, Reissue Revised Statutes of Nebraska, and sections 71-8101 to 71-8107 and 81-683, Revised Statutes Supplement, 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	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	McDonald	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 209A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 209, Ninety-seventh Legislature, First Session, 2001; 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, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Maxwell	McDonald	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, 1:

Kruse

Excused and not voting, 3:

Burling            Landis            Pederson, D.

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

**LEGISLATIVE BILL 214.**

A BILL FOR AN ACT relating to public health and welfare; to amend sections 28-377 and 71-5666, Reissue Revised Statutes of Nebraska, and sections 28-726, 71-5661, and 71-5668, Revised Statutes Supplement, 2000; to change provisions relating to certain records as prescribed; to change provisions relating to student loans; 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	Bourne	Brashear
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Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	McDonald	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Burling            Landis            Pederson, D.

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

### **LEGISLATIVE BILL 252.**

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, 2000; to provide for write-in space for the offices of President and Vice President; 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	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kruse
Maxwell	McDonald	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 1:

Kristensen

Present and not voting, 2:

Baker            Tyson



Excused and not voting, 3:

Burling            Landis            Pederson, D.

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

**LEGISLATIVE BILL 275.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1613.01, Revised Statutes Supplement, 2000; to change a certification date for specified county property tax information; 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	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	McDonald	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Burling            Landis            Pederson, D.

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

**LEGISLATIVE BILL 295.**

A BILL FOR AN ACT relating to horseracing; to amend section 2-1203, Reissue Revised Statutes of Nebraska; to adopt the Interstate Compact on Licensure of Participants in Horse Racing with Pari-Mutuel Wagering; to terminate a fund; to provide for the distribution of funds; and to repeal the original section.

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

Voting in the affirmative, 39:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Maxwell
McDonald	Pedersen, Dw.	Preister	Quandahl	Raikes
Robak	Schrock	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 6:

Chambers	Erdman	Foley	Price	Redfield
Smith				

Present and not voting, 1:

Schimek

Excused and not voting, 3:

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

### **LEGISLATIVE BILL 302.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-413, Revised Statutes Supplement, 2000; to change provisions relating to transfer of land by petition; 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	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Maxwell	McDonald	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, 2:

Hartnett            Kruse

Excused and not voting, 3:

Burling            Landis            Pederson, D.

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

**LEGISLATIVE BILL 365.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3446, Revised Statutes Supplement, 2000; to change base limitation 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, 46:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	McDonald	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Burling            Landis            Pederson, D.

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

**MOTION - Return LB 162 to Select File**

Senator Chambers moved to return LB 162 to Select File for his specific amendment, AM0294, found on page 553.

The Chambers motion to return prevailed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 162.** The Chambers specific amendment, AM0294, found on page 553, was adopted with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

**LEGISLATIVE BILL 128.** Senator Schrock withdrew his pending amendment, AM0088, found on page 390 and considered on page 466.

Senator Beutler withdrew his pending motion, found on page 472, to indefinitely postpone LB 128.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 128A.** Advanced to E & R for engrossment.

**LEGISLATIVE RESOLUTION 1CA.** E & R amendment, AM7008, found on page 389, was adopted.

Senators Stuhr and Beutler withdrew their pending amendment, AM0219, found on page 490.

Senator Beutler offered the following amendment:

AM0058

- 1 1. Strike sections 1 and 2 and all amendments thereto
- 2 and insert the following new sections:
- 3 "Section 1. At the general election in November 2002 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article I, section 27:
- 8 I-27 "The English language is hereby declared to be the
- 9 official language of this state. All ~~and all~~ official
- 10 proceedings, records, and publications shall be in such language,
- 11 The public schools shall teach all classes in the English language
- 12 except language classes. Supplementary education may be taught in
- 13 a person's native language, and the common school branches shall
- 14 be taught in said language in public, private, denominational and
- 15 parochial schools."
- 16 Sec. 2. The proposed amendment shall be submitted to the
- 17 electors in the manner prescribed by the Constitution of Nebraska,
- 18 Article XVI, section 1, with the following ballot language:
- 19 "A constitutional amendment to clarify English language
- 20 requirements in schools.

21 For  
22 Against".

Senator McDonald asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 67, 68, 111, 118, 131, 137, 138, 151, 156, 168, 168A, 173, 197, 198, 209, 209A, 214, 252, 275, 295, 302, and 365.

**SELECT FILE**

**LEGISLATIVE RESOLUTION 1CA.** The Beutler pending amendment, AM0058, found in this day's Journal, was renewed.

Senator Beutler withdrew his amendment.

Senator Chambers requested a record vote on the advancement of the resolution.

Voting in the affirmative, 38:

Aguilar	Baker	Beutler	Bourne	Bromm
Bruning	Byars	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Brashear	Brown	Connealy	Coordsen	Cunningham
Suttle				

Excused and not voting, 4:

Burling	Landis	McDonald	Pederson, D.
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Advanced to E & R for engrossment with 38 ayes, 1 nay, 6 present and not

voting, and 4 excused and not voting.

**LEGISLATIVE BILL 126.** E & R amendment, AM7020, printed separately and referred to on page 438, was adopted.

Senator Chambers renewed his pending amendment, AM0127, found on page 456.

The Chambers amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 278.** E & R amendment, AM7022, found on page 438, was adopted.

Senator Janssen renewed his pending amendment, AM0129, found on page 472.

The Janssen amendment was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 278A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 105.** Senator Bromm renewed his pending amendment, FA14, found on page 472.

The Bromm amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 313.** E & R amendment, AM7025, printed separately and referred to on page 463, was adopted.

Senator Baker withdrew his pending amendment, AM0149, found on page 577.

Senator Baker offered the following amendment:

AM0441

(Amendments to E & R amendments, AM7025)

1 1. On page 1, line 12; and page 8, line 22, strike

2 "2004" and insert "2003".

3 2. On page 6, line 21; page 7, lines 16 and 26; and page

4 10, line 7, strike "2004-05" and insert "2003-04".

5 3. On page 10, line 13, strike "2007" and insert "2006".

## SENATOR CUDABACK PRESIDING

The Baker amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Smith offered the following amendment:

AM0444

(Amendments to E & R amendments, AM7025)

1 1. Insert the following new section:

2 "Sec. 3. Section 79-1241, Revised Statutes Supplement,  
3 2000, is amended to read:

4 79-1241. (1) Funds appropriated for core services shall  
5 be distributed proportionally to each educational service unit by  
6 the State Department of Education on or before August 1 of each  
7 school fiscal year based on the fall membership in member districts  
8 in the preceding school fiscal year, except that no educational  
9 service unit shall receive less than two and one-half percent of  
10 the funds appropriated for core services. Funds distributed  
11 pursuant to this section shall be used for core services with the  
12 approval of representatives of two-thirds of the member school  
13 districts, representing a majority of the students in the member  
14 school districts. If a member school district provides evidence  
15 satisfactory to the educational service unit that the district will  
16 provide core services for itself in a cost-efficient manner, the  
17 educational service unit may distribute funds directly to the  
18 district to be used for providing core services, or if all member  
19 school districts within the boundaries of an educational service  
20 unit together provide evidence satisfactory to the State Department  
21 of Education that the districts will provide core services for  
22 themselves in a more cost-efficient manner than the educational  
23 service unit, the department shall distribute funds directly to the  
1 districts to be used for providing core services.

2 (2) If two or more educational service units merge, the  
3 resulting merged educational service unit shall, for each of the  
4 three fiscal years following the fiscal year in which the merger  
5 takes place, receive core services funds under this section in an  
6 amount equal to the total of the core services funds that each of  
7 the merging educational services units received in the fiscal year  
8 immediately preceding the merger. Thereafter the distribution of  
9 core services funds to the merged educational service unit shall be  
10 as provided in subsection (1) of this section."

11 2. On page 10, line 26, strike "and 79-1072.02" and  
12 insert "79-1072.02, and 79-1241".

13 3. Renumber the remaining sections accordingly.

Senator Smith withdrew his amendment.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 268.** E & R amendment, AM7026, found on page 463, was adopted.

Senator Baker offered the following amendment:

AM0221

(Amendments to Standing Committee amendments, AM0073)

- 1 1. Strike amendments 2 and 3 and insert the following
- 2 amendment:
- 3 "2. On page 2, line 13; and page 4, line 16, strike the
- 4 new matter and reinstate the stricken matter."
- 5 2. Renumber the remaining amendment accordingly.

The Baker amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 104.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 317.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 179.** Senator Beutler offered the following amendment:

AM0443

(Amendments to Standing Committee amendments, AM0085)

- 1 1. On page 1, line 8, strike "alternate members" and
- 2 insert "first alternate and second alternate members"; and strike
- 3 beginning with "presiding" in line 13 through "may" in line 14 and
- 4 insert "first alternate member shall".

The Beutler amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Robak asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 166.** Senator Baker withdrew his pending amendment, AM0189, found on page 566.

Senator Baker offered the following amendment:

AM0386

- 1 1. Insert the following new section:
- 2 "Sec. 5. All federal grant money received by the state
- 3 on or after the effective date of this act under 23 U.S.C. 410, as
- 4 such section existed on the effective date of this act, as a result
- 5 of the enactment of this legislative bill shall be remitted to the



6 State Treasurer for credit to the Roads Operations Cash Fund.  
 7 2. Renumber the remaining section accordingly.

Pending.

**STANDING COMMITTEE REPORTS**  
**Natural Resources**

**LEGISLATIVE BILL 457.** Placed on General File as amended.  
 Standing Committee amendment to LB 457:

AM0360

- 1 1. Insert the following new sections:
- 2 "Sec. 7. Section 46-1210, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 46-1210. Pump installation supervisor ~~shall mean means~~
- 5 any individual engaged in the installation of pumps and pumping
- 6 equipment or the decommissioning of water wells. Such supervisor
- 7 may have discretionary and supervisory authority over other
- 8 employees of a pump installation contractor. ~~The term shall Pump~~
- 9 installation supervisor does not include: (1) An individual who
- 10 installs or repairs pumps or pumping equipment for a water well or
- 11 decommissions a sandpoint well which is on land owned by him or her
- 12 and used by him or her for farming, ranching, or agricultural
- 13 purposes or as his or her place of abode; (2) an individual who
- 14 repairs pumps and pumping equipment at a location other than a
- 15 water well location; or (3) any licensed pump installation
- 16 contractor.
- 17 Sec. 9. Section 46-1214, Reissue Revised Statutes of
- 18 Nebraska, is amended to read:
- 19 46-1214. Water well drilling supervisor ~~shall mean means~~
- 20 any individual engaged in the construction or decommissioning of
- 21 water wells. Such supervisor may have discretionary and
- 22 supervisory authority over other employees of a contractor engaged
- 23 in the construction or decommissioning of water wells. ~~The term~~
- 24 shall Water well drilling supervisor does not include: (1) An
- 1 individual who constructs a water well or decommissions a sandpoint
- 2 well which is on land owned by him or her and used by him or her
- 3 for farming, ranching, or agricultural purposes or as his or her
- 4 place of abode; or (2) any licensed water well contractor."
- 5 2. On page 4, strike beginning with "by" in line 23
- 6 through "contractor" in line 24.
- 7 3. On page 10, line 21; and page 11, line 4, after
- 8 "well" insert "or who decommissions a sandpoint well".
- 9 4. On page 22, line 6, after the last comma insert
- 10 "46-1210,"; and in line 7 after the first comma insert "46-1214,".
- 11 5. Renumber the remaining sections accordingly.

(Signed) Ed Schrock, Chairperson

### Judiciary

**LEGISLATIVE BILL 355.** Placed on General File.

**LEGISLATIVE BILL 845.** Placed on General File.

**LEGISLATIVE BILL 848.** Placed on General File.

**LEGISLATIVE BILL 354.** Placed on General File as amended.

Standing Committee amendment to LB 354:

AM0396

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 25-1701, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 25-1701. On motion of a party against whom a claim has
- 6 been asserted in a civil action by a nonresident of this state,
- 7 after reasonable notice, and upon finding that security for costs
- 8 is reasonable and proper, the court may order the opposing party to
- 9 furnish a surety in an amount determined by the court to be
- 10 sufficient to cover all costs likely to accrue in the action. A
- 11 party ordered to furnish a surety may elect to furnish a cash bond
- 12 in the same amount. In case a surety is furnished, the surety
- 13 shall be a resident of this state or an incorporated surety company
- 14 authorized by the laws of this state to transact such business.
- 15 The surety shall be bound for the payment of all costs which may be
- 16 adjudged against the party asserting the claim in the court in
- 17 which the action is brought or heard. In all cases in which the
- 18 plaintiff is a nonresident of the county in which the action is to
- 19 be brought, before commencing such action the plaintiff must
- 20 furnish a sufficient surety for costs; or such plaintiff may at his
- 21 option furnish a cash bond by depositing with the judge or clerk of
- 22 the court wherein the action is brought, such sum in cash as shall,
- 23 at the filing of the suit, be by such judge or clerk, deemed
- 24 probably sufficient to cover the costs likely to accrue in said
- 1 action. In case a surety is furnished, the surety must be a
- 2 resident of the county where the action is to be brought, except
- 3 where such surety is an incorporated surety company authorized by
- 4 the laws of this state to transact such business, and must be
- 5 approved by the clerk. His obligation shall be complete upon
- 6 endorsement of the summons or signing his name on the complaint as
- 7 surety for costs. He shall be bound for the payment of all costs
- 8 which may be adjudged against the plaintiff in the court in which
- 9 the action is brought or in any other to which it may be carried,
- 10 and for costs of the plaintiff's witnesses, whether the plaintiff
- 11 obtained judgment or not.
- 12 Sec. 2. Section 25-1702, Reissue Revised Statutes of
- 13 Nebraska, is amended to read:
- 14 25-1702. An action in A claim for which security for
- 15 costs is required by ordered under section 25-1701, or in which a
- 16 cash bond has been fixed, and has not been given, shall be

17 dismissed on motion and notice by the defendant at any proper time  
 18 before judgment; unless in a reasonable time to be allowed by the  
 19 court such security for costs be is given or a cash bond be is  
 20 furnished.

21 Sec. 3. The court may order new or additional security  
 22 at any time upon notice and on reasonable and proper terms.

23 Sec. 4. Section 25-1705, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:

25 25-1705. After final judgment has been rendered in an  
 26 action in which security for costs has been given, as required by  
 27 this chapter, the court, on motion of the defendant, or any other  
 1 person having a right to such costs, or any part thereof, after ten  
 2 days' notice of such motion, may enter up judgment in the name of  
 3 the defendant or his legal representatives, against the surety for  
 4 costs, his executors or administrators, for the amount of the costs  
 5 adjudged against the plaintiff, or so much thereof as may be  
 6 unpaid. Executions may be issued on such judgment, as in other  
 7 cases, for the use and benefit of the persons entitled to such  
 8 costs. In the event that a cash bond has been given, the court  
 9 shall, on motion of the defendant, or any other person having a  
 10 right to such costs, or any part thereof, after ten days' notice of  
 11 such motion, enter judgment for the amount of costs adjudged  
 12 against the plaintiff, or so much thereof as may be unpaid, and  
 13 shall proceed to pay the same from said the cash bond; and any  
 14 surplus remaining after such costs have been paid and satisfied,  
 15 shall be returned to the plaintiff party who posted the cash bond.

16 Sec. 5. Original sections 25-1701, 25-1702, and 25-1705  
 17 Reissue Revised Statutes of Nebraska, are repealed.

18 Sec. 6. The following sections are outright repealed:  
 19 Sections 25-1703 and 25-1704, Reissue Revised Statutes of  
 20 Nebraska."

(Signed) Kermit A. Brashear, Chairperson

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 192.** Placed on Select File as amended.  
 E & R amendment to LB 192:  
 AM7037

1 1. On page 1, line 5, after "to" insert "define and"; in  
 2 line 6 after the semicolon insert "to provide for coverage for  
 3 Indian tribes and tribal businesses;"; and in line 8 after the  
 4 comma insert "appeals, enforcement,".

5 2. On page 4, line 24, after "(5)(b)" insert "of this  
 6 section".

7 3. On page 5, line 7, strike "on" and insert "in".

**LEGISLATIVE BILL 257.** Placed on Select File.

**LEGISLATIVE BILL 257A.** Placed on Select File.  
**LEGISLATIVE BILL 313A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

**STANDING COMMITTEE REPORTS**  
**Health and Human Services**

**LEGISLATIVE BILL 549.** Placed on General File.

(Signed) Jim Jensen, Chairperson

**Natural Resources**

**LEGISLATIVE BILL 75.** Placed on General File as amended.  
 Standing Committee amendment to LB 75:  
 AM0445

- 1 1. On page 3, line 8, strike "October 1, 2001" and
- 2 insert "January 1, 2002".

(Signed) Ed Schrock, Chairperson

**Agriculture**

**LEGISLATIVE BILL 436.** Placed on General File as amended.  
 Standing Committee amendment to LB 436:  
 AM0286

- 1 1. On page 13, line 27, strike the new matter, reinstate
- 2 the stricken matter, and after the period insert "The department
- 3 may delegate its authority for matters relating to disposal of
- 4 pesticides to political subdivisions.".
- 5 2. On page 38, line 19, after "accessible" insert "by
- 6 voice or electronic means"; and in line 24 strike beginning with
- 7 "a" through "time", show as stricken, and insert "three hours".
- 8 3. On page 41, strike beginning with "Within" in line 22
- 9 through the comma in line 28 and insert "If a license is suspended
- 10 under this subdivision, the license holder may request a date and
- 11 time for hearing. The director shall accommodate the requested
- 12 date and time, if possible. In any event, if the license holder
- 13 requests that the hearing be held within forty-eight hours, the
- 14 director shall set the date and time for the hearing within
- 15 forty-eight hours of the request. If a license holder does not
- 16 request a hearing date within fifteen days after the suspension.".
- 17 4. On page 45, line 11, reinstate "written".

(Signed) Merton L. Dierks, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 9, 2001, at 10:40 a.m., were the following: LBs 67e, 68, 111, 118e, 131, 137, 138e, 151, 156, 168e, 168Ae, 173, 197, 198, 209e, 209A, 214, 252, 275, 295, 302e, and 365.

(Signed) Carol A. Koranda  
Clerk of the Legislature's Office

**STANDING COMMITTEE REPORT**  
**Nebraska Retirement Systems**

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

Public Employees Retirement Board  
Denis Blank

VOTE: Aye: Senators Bruning, Erdman, Stuhr, and Wickersham. Nay: None. Absent: Senators Bourne and Wehrbein.

(Signed) Jon C. Bruning, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Agriculture**

LB 684	Tuesday, February 20, 2001	1:30 PM
LB 140	Tuesday, February 20, 2001	1:30 PM
LB 437	Tuesday, February 20, 2001	1:30 PM
LB 803	Tuesday, February 20, 2001	1:30 PM
LB 196	Tuesday, February 27, 2001	1:30 PM
LB 695	Tuesday, February 27, 2001	1:30 PM
LB 195	Tuesday, February 27, 2001	1:30 PM

(Signed) Merton L. Dierks, Chairperson

**AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 192:  
AM0318

- 1 1. On page 2, strike beginning with "section" in line 10
- 2 through "Act" in line 11 and insert "26 U.S.C. 3306(u), as such
- 3 section existed on the effective date of this act,"; and in line 13
- 4 strike beginning with "section" through "act" and insert "26 U.S.C.
- 5 3306(c)(7), as such section existed on the effective date of this
- 6 act,".
- 7 2. On page 5, line 1, after "Act" insert ", as the act
- 8 existed on the effective date of this act".

- 9 3. On page 9, line 25, after "Act" insert "42 U.S.C.  
10 1104, as such section existed on the effective date of this act.".
- 11 4. On page 10, line 11; page 11, lines 15, 24, and 25;  
12 and page 12, line 2, after "Code" insert "as defined in section  
13 49-801.01".
- 14 5. On page 12, line 21, after "56-249" insert "as the  
15 ruling existed on the effective date of this act"; and in line 23  
16 before the semicolon insert "as the rulings existed on the  
17 effective date of this act".
- 18 6. On page 23, line 26, after "Act" insert "8 U.S.C.  
19 1182(d)(5), as the section existed on the effective date of this  
20 act".
- 21 7. On page 24, line 9, after the comma insert "19 U.S.C.  
22 2296(a)(1), as the section existed on the effective date of this  
23 act"; in line 20 after the comma insert "as the act existed on the  
24 effective date of this act"; and in line 22 strike "the federal  
1 Trade Act of 1974", show as stricken, and insert "such act".

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 9, 2001, 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

Goc, John J.  
Nebraska Keno Operators

Gould, John 'Jack'  
Common Cause

Hirsch, Roger W.  
National Association of Fundraising Ticket Manufacturers  
Technik Manufacturing  
Universal Manufacturing Company

Klaasmeyer, Kenneth W.  
Nebraska Methodist Health Systems, Inc.

Mueller, William J.  
MultiState Associates Inc. on behalf of National Association of  
Settlement Purchasers

Newell, David R.  
City of Elkhorn

O'Hara & Associates, Inc.  
Avaya Inc.  
Motorola, Inc.

Ruth, Larry L.  
MultiState Associates Inc. on behalf of National Association of  
Settlement Purchasers

Wolff, Sara E.  
Orphan Medical, Inc.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 422. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 468. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Matt, Shelley, Gretchen, Becca, and Gabriel Schnert from McCook.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Hudkins, the Legislature adjourned until 9:00 a.m., Monday, February 12, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**TWENTY-SEVENTH DAY - FEBRUARY 12, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 12, 2001

**PRAAYER**

The prayer was offered by Pastor Charles Bichel, Fontanelle Church, Fontanelle, 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 Senator Cudaback who was excused; and Senators Beutler, Brashear, Byars, Kristensen, Landis, Dw. Pedersen, Schimek, and Vrtiska who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 616, line 31, strike "**116**" and insert "**166**".  
The Journal for the twenty-sixth day was approved as corrected.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 193.** Placed on Select File as amended.  
(E & R amendment, AM7036, 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 25.** Placed on Select File.  
**LEGISLATIVE BILL 25A.** Placed on Select File.  
**LEGISLATIVE BILL 238.** Placed on Select File.  
**LEGISLATIVE BILL 238A.** Placed on Select File.

**LEGISLATIVE BILL 152.** Placed on Select File as amended.  
E & R amendment to LB 152:

AM7038

1 1. On page 1, strike lines 2 and 3 and insert "81-657  
2 and 81-658, Revised Statutes".

**LEGISLATIVE BILL 166A.** Placed on Select File.

**LEGISLATIVE BILL 152A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

**MOTION - Withdraw LB 840**

Senator Foley renewed his pending motion, found on page 587, to withdraw LB 840.

The Foley motion to withdraw prevailed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 244A.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 225A.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 3 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 334.** Title read. Considered.

The Standing Committee amendment, AM0105, found on page 430, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senators Engel and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 334A.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 400.** Title read. Considered.

Senators D. Pederson and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, AM0115, found on page 430, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senators Engel and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Tyson moved to indefinitely postpone LB 400.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Senator Tyson moved for a call of the house. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

The Tyson motion to indefinitely postpone failed with 14 ayes, 25 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Bourne offered the following amendment:

FA29

On pg. 3 in subsection (4), line 16 add new language

The requirements of this subsection shall not apply to before-and-after-school or preschool services provided pursuant to 79-1104.

On pg. 4 in subsection (5), line 8 add new language.

The requirements of this subsection shall not apply to before-and-after-school or preschool services provided pursuant to 79-1104.

On pg. 4 in Sec. 3 line 28 after 71-1917, add , except for those before-and-after school or preschool services provided pursuant to 79-1104,

Senators Vrtiska and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Bourne withdrew his amendment.

Senator Dierks asked unanimous consent to be excused. No objections. So ordered.

Senator Tyson offered the following amendment:

FA30

Insert the following new section:

All one operator licensed day care facilities caring for no more than 10 children shall be exempt from the provisions of LB 400.

Senator Tyson moved for a call of the house. The motion prevailed with 20 ayes, 8 nays, and 21 not voting.

Senator Brown requested a roll call vote on the Tyson amendment.

Voting in the affirmative, 10:

Baker	Cunningham	Erdman	Hudkins	Jones
Kremer	Redfield	Smith	Stuhr	Tyson

Voting in the negative, 21:

Aguilar	Beutler	Brashear	Brown	Bruning
Burling	Byars	Connealy	Foley	Hilgert
Jensen	Kruse	Landis	Pedersen, Dw.	Pederson, D.
Price	Raikes	Schimek	Schrock	Suttle
Thompson				

Present and not voting, 14:

Bourne	Bromm	Chambers	Coordsen	Dierks
Engel	Hartnett	Janssen	Maxwell	McDonald
Preister	Robak	Wehrbein	Wickersham	

Excused and not voting, 4:

Cudaback	Kristensen	Quandahl	Vrtiska
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The Tyson amendment lost with 10 ayes, 21 nays, 14 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

### **STANDING COMMITTEE REPORTS** **Health and Human Services**

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

Commission for the Blind and Visually Impaired  
Robert Burns Jr.  
William Orester Jr.

Maya Samms  
 Barbara Walker  
 Dorothy Westin-Yockey

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Cunningham, Maxwell, and Erdman. Nay: None. Absent: None.

(Signed) Jim Jensen, Chairperson

**LEGISLATIVE BILL 568.** Placed on General File as amended.  
 Standing Committee amendment to LB 568:  
 AM0380

- 1 1. Insert the following new sections:
- 2 "Sec. 9. Sections 1, 2, 4, 5, and 10 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. 10. Original sections 19-2903 and 19-2905, Reissue
- 6 Revised Statutes of Nebraska, and sections 13-504 and 13-506,
- 7 Revised Statutes Supplement, 2000, are repealed."
- 8 2. On page 23, strike lines 5 through 8 and insert the
- 9 following new subdivision:
- 10 "(10) To develop a plan for implementing on-line filing
- 11 of budgeted and actual financial information by political
- 12 subdivisions. Such plan shall describe the technology and staff
- 13 resources necessary to implement on-line filing of such information
- 14 and the costs of these resources. Such plan shall be presented to
- 15 the Clerk of the Legislature on or before January 15, 2002; and";
- 16 in line 9 after "annual" insert "budget and actual"; and strike
- 17 beginning with "19-2903" in line 12 through the third comma in line
- 18 13.
- 19 3. Renumber the remaining sections accordingly.

(Signed) William R. Wickersham, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 251.** Placed on General File.  
**LEGISLATIVE BILL 442.** Placed on General File.

**LEGISLATIVE BILL 32.** Indefinitely postponed.  
**LEGISLATIVE BILL 143.** Indefinitely postponed.  
**LEGISLATIVE BILL 263.** Indefinitely postponed.  
**LEGISLATIVE BILL 284.** Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

**Natural Resources**

**LEGISLATIVE BILL 518.** Placed on General File.

**LEGISLATIVE BILL 405.** Placed on General File as amended.  
 Standing Committee amendment to LB 405:  
 AM0446

- 1 1. Strike section 1 and insert the following new  
 2 section:  
 3 "Section 1. (1) Any person transferring real property  
 4 not inside the corporate limits of a municipality shall complete  
 5 and provide to the transferee, at or before the closing of the  
 6 transfer, a water resources update certificate acknowledging  
 7 whether or not any surface water rights issued pursuant to Chapter  
 8 46, article 2, are attached to the real property being transferred  
 9 and whether there are any water wells on the real property being  
 10 transferred. If the water resources update certificate discloses  
 11 the existence of such surface water rights or such water wells,  
 12 except water wells used solely for domestic purposes and  
 13 constructed prior to September 9, 1993, the transferee shall file  
 14 the water resources update certificate with the Department of  
 15 Natural Resources within sixty days after recording the deed or  
 16 other instrument by which the transfer of real property is made.  
 17 The department shall use such certificate to update ownership of  
 18 surface water rights and water well registrations as required by  
 19 sections 46-230 and 46-602.  
 20 (2) The department shall prescribe the form and content  
 21 of the water resources update certificate and shall make such forms  
 22 available to title insurance companies and other persons as deemed  
 23 appropriate by the department. The recording, legality, or  
 24 sufficiency of a deed or other instrument evidencing the transfer  
 1 of real property shall not be affected by the requirement that a  
 2 water resources update certificate be filed with the department or  
 3 by the failure to file such a certificate.  
 4 (3) The department shall establish a fee which shall be  
 5 no higher than the amount necessary to cover costs incurred by the  
 6 department for processing the water resources update certificates.  
 7 The fee shall be paid at the time of filing the water resources  
 8 update certificate and shall be remitted to the State Treasurer for  
 9 credit to the Department of Natural Resources Cash Fund."

**LEGISLATIVE BILL 232.** Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

### NOTICE OF COMMITTEE HEARINGS Appropriations

LB 538	Tuesday, February 20, 2001	1:30 PM
LB 539	Tuesday, February 20, 2001	1:30 PM
LB 540	Tuesday, February 20, 2001	1:30 PM
LB 541	Tuesday, February 20, 2001	1:30 PM
LB 542	Tuesday, February 20, 2001	1:30 PM

LB 543 Tuesday, February 20, 2001 1:30 PM  
 LB 144 Tuesday, February 20, 2001 1:30 PM  
 LB 657 Tuesday, February 20, 2001 1:30 PM

LB 758 Wednesday, February 21, 2001 1:30 PM

Wednesday, February 21, 2001 1:30 PM

AGENCY 18 - Agriculture  
 AGENCY 39 - Brand Committee  
 AGENCY 56 - Wheat Board  
 AGENCY 57 - Oil and Gas Commission  
 AGENCY 61 - Dairy Industry Development Board  
 AGENCY 84 - Environmental Quality  
 AGENCY 86 - Dry Bean Commission  
 AGENCY 88 - Corn Board  
 AGENCY 92 - Grain Sorghum Board

Thursday, February 22, 2001 1:30 PM

AGENCY 74 - Power Review Board  
 AGENCY 30 - Electrical Board  
 AGENCY 22 - Insurance  
 AGENCY 45 - Barber Examiners  
 AGENCY 59 - Geologists Board  
 AGENCY 36 - Racing Commission  
 AGENCY 58 - Engineers and Architects  
 AGENCY 66 - Examiners Abstractors  
 AGENCY 73 - Landscape Architects  
 AGENCY 41 - Real Estate Commission  
 AGENCY 53 - Real Estate Appraiser Board  
 AGENCY 63 - Public Accountancy

Friday, February 23, 2001 1:30 PM

AGENCY 28 - Veterans Affairs  
 AGENCY 81 - Commission for the Blind and Visually Impaired  
 AGENCY 38 - Commission on Status of Women  
 AGENCY 68 - Mexican-American Commission  
 AGENCY 70 - Foster Care Review Board  
 AGENCY 76 - Commission on Indian Affairs  
 AGENCY 82 - Commission on Deaf and Hard of Hearing

(Signed) Roger R. Wehrbein, Chairperson

**Banking, Commerce and Insurance**

LB 459 Tuesday, February 20, 2001 1:30 PM  
 LB 719 Tuesday, February 20, 2001 1:30 PM  
 LB 798 Tuesday, February 20, 2001 1:30 PM  
 LB 826 Tuesday, February 20, 2001 1:30 PM

(Signed) David M. Landis, Chairperson

**Transportation and Telecommunications**

LB 65	Monday, March 5, 2001	1:30 PM
LB 388	Monday, March 5, 2001	1:30 PM
LB 488	Monday, March 5, 2001	1:30 PM
LB 553	Monday, March 5, 2001	1:30 PM
LB 190	Tuesday, March 6, 2001	1:30 PM
LB 345	Tuesday, March 6, 2001	1:30 PM
LB 656	Tuesday, March 6, 2001	1:30 PM
LB 766	Tuesday, March 6, 2001	1:30 PM
LB 839	Tuesday, March 6, 2001	1:30 PM
LB 260	Monday, March 12, 2001	1:30 PM
LB 274	Monday, March 12, 2001	1:30 PM
LB 307	Monday, March 12, 2001	1:30 PM
LB 310	Monday, March 12, 2001	1:30 PM
LB 311	Monday, March 12, 2001	1:30 PM

(Signed) Curt Bromm, Chairperson

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendments to LB 496:  
AM0398

- 1 1. On page 2, line 6, after "handgun" insert " ,
- 2 including a bulge caused by the handgun,".

AM0399

- 1 1. On page 2, line 10, after "fired" insert "or used as
- 2 a club or a sap".

AM0400

- 1 1. On page 2, line 16, after "name" insert "using no
- 2 initials or abbreviations".

AM0401

- 1 1. On page 2, line 23, after "fingerprints" insert
- 2 "taken from both hands"; and strike "shall" and insert "must".

AM0402

- 1 1. On page 2, line 25, after "922" insert " , as such
- 2 section existed on the effective date of this act"; and strike
- 3 "shall" and insert "must".

AM0403

- 1 1. On page 3, line 6, after "resides" insert "only if
- 2 all provisions of this section are met".



AM0404

- 1 1. On page 3, line 7, strike "five" and insert
- 2 "twenty-one".

AM0405

- 1 1. On page 3, line 7, strike "five" and insert
- 2 "fourteen".

AM0406

- 1 1. On page 3, line 9, strike "applied pursuant to" and
- 2 insert "complied with all provisions of".

AM0407

- 1 1. On page 3, line 14, after "violence" insert "or
- 2 antisocial behavior".

AM0408

- 1 1. On page 3, strike beginning with "in" in line 12
- 2 through "condition" in line 13 and insert "intoxicated or drugged".

AM0409

- 1 1. On page 3, line 18, after "incompetent" insert "by a
- 2 competent legal authority".

AM0410

- 1 1. On page 3, line 20, strike "one hundred eighty" and
- 2 insert "three hundred sixty-five".

AM0411

- 1 1. On page 3, line 27, strike "two" and insert "five".

AM0412

- 1 1. On page 4, line 2, strike "citizen" and insert "legal
- 2 resident".

AM0413

- 1 1. On page 4, line 16, after "requirements" insert "of
- 2 this section".

AM0414

- 1 1. On page 4, strike beginning with "is" in line 18
- 2 through "having" in line 19 and insert "shall have".

AM0415

- 1 1. On page 4, line 22, strike "years" and insert "days".

AM0416

- 1 1. On page 4, line 22, strike "years" and insert
- 2 "months".

AM0417

- 1 1. On page 4, line 22, strike "four years" and insert
- 2 "one year".

AM0418

- 1 1. On page 4, line 22, strike "four" and insert "two".

AM0419

- 1 1. On page 4, line 23, after "dollars" insert "and shall
- 2 be paid by the sheriff".

AM0420

- 1 1. On page 4, line 23, strike "issuing" and insert
- 2 "obtaining".

AM0421

1. On page 4, line 24, strike "county" and strike
- 2 "issuing" and insert "who issues".

AM0422

- 1 1. On page 4, line 23, strike "sixty" and insert "one
- 2 thousand".

AM0423

- 1 1. On page 4, line 23, strike "sixty" and insert "five
- 2 hundred".

AM0424

- 1 1. On page 4, line 23, strike "sixty" and insert "three
- 2 hundred".

AM0425

- 1 1. On page 4, line 24, strike "Fifteen" and insert
- 2 "Twenty-five"; and in line 26 strike "forty-five dollars" and
- 3 insert "the remainder".

AM0426

- 1 1. On page 5, strike beginning with "that" in line 2
- 2 through "of" in line 3 and insert "to serve"; and in line 3 strike
- 3 "or (b)" and insert ", (b) in or on any place where minors
- 4 customarily are or may be expected to be present, or (c)".

AM0427

- 1 1. On page 5, line 5, after "owner" insert "or
- 2 leaseholder".

AM0428

- 1 1. On page 5, strike beginning with "Nothing" in line 6
- 2 through line 7.

AM0429

- 1 1. Strike original section 8.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

AM0430

- 1 1. On page 5, line 15, after "permit" insert ", unless
- 2 such sheriff failed to exercise due care in issuing such permit".

AM0431

- 1 1. On page 5, line 18, strike "probable cause or"; and
- 2 in line 20 strike "bring an application" and "file an action".

AM0432

- 1 1. On page 5, strike beginning with the first "or" in
- 2 line 22 through "deputy" in line 23; in line 24 strike "prosecute a
- 3 case" and insert "file an action" and strike the second "a" and
- 4 insert "the permitholder's"; in line 25 strike "In case" and insert
- 5 "If"; strike beginning with "or" in line 25 through line 27 and
- 6 insert "to file such an action, the duty to file the action shall
- 7 be upon the Attorney General.".

AM0433

- 1 1. On page 5, line 28, strike beginning with "case"
- 2 through "the" and insert "action to revoke a permit to carry a
- 3 concealed handgun is civil.".
- 4 2. On page 6, strike lines 1 through 3.

AM0434

- 1 1. On page 5, line 28, strike ", and the" and insert ",
- 2 A".

AM0435

- 1 1. On page 6, line 4, strike "who has his or her permit"
- 2 and insert "whose permit is"; in lines 5 and 6 strike "be charged
- 3 with" and insert "pay"; and strike beginning with "The" in line 6
- 4 through line 8.

AM0436

- 1 1. On page 7, line 5, strike "leased or owned" and
- 2 insert "leased to or owned by such person".

AM0437

- 1 1. On page 7, line 9, strike ": (i) In" and insert
- 2 "in"; and strike beginning with the semicolon in line 10 through
- 3 "manner" in line 13.

AM0438

- 1 1. On page 9, line 11, after the last comma insert

2 "different".

AM0439

1 1. On page 9, line 13, after the period insert "If a  
 2 person obtains a permit to carry a concealed handgun after having  
 3 obtained an operator's license or state identification card, such  
 4 person shall, within five working days, obtain a replacement  
 5 license or card bearing the distinct designation. Failure to  
 6 obtain such a replacement license or card is an infraction, and the  
 7 permitholder's permit to carry a concealed handgun shall be invalid  
 8 and must be returned to the sheriff who issued it. Failure to  
 9 return the permit within five business days after failure to obtain  
 10 a replacement license or card is a Class I misdemeanor.".

AM0440

1 1. Strike original section 14 and insert the following  
 2 new section:  
 3 "Sec. 13. This act becomes operative on January 1,  
 4 3001."  
 5 2. Renumber the remaining section accordingly.

### ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB 142 as its priority bill.

### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 387:

AM0326

1 1. On page 4, line 27; and page 5, line 6, after "Act"  
 2 insert ", as such act existed on the effective date of this act,".  
 3 2. On page 4, lines 27 and 28, strike "section  
 4 3306(c)(7) of that act", show as stricken, and insert "26 U.S.C.  
 5 3306(c)(7), as such section existed on the effective date of this  
 6 act,".  
 7 3. On page 5, lines 6 and 7, strike "section 3306(c)(8)  
 8 of that act", show as stricken, and insert "26 U.S.C. 3306(c)(8),  
 9 as such section existed on the effective date of this act,".  
 10 4. On page 6, line 1, after "Act" insert ", as such  
 11 sections existed on the effective date of this act"; and in line 8  
 12 after the last period insert ", as the act existed on the effective  
 13 date of this act".  
 14 5. On page 8, line 15, strike "amended", show as  
 15 stricken, and insert "such section existed on the effective date of  
 16 this act".  
 17 6. On page 10, line 20; page 12, lines 16 and 17; page  
 18 15, line 11; page 21, line 11; and page 44, line 22, after "Code"  
 19 insert "as defined in section 49-801.01".

- 20 7. On page 14, line 15, strike "10102(13), as amended",  
 21 show as stricken, and insert "13102, as such section existed on the  
 22 effective date of this act"; in line 18 strike "1057", show as  
 23 stricken, and insert "part 376"; and in line 19 strike the first  
 24 "amended", show as stricken, and insert "such part existed on the  
 1 effective date of this act".  
 2 8. On page 16, line 10, before the semicolon insert ",  
 3 as such section existed on the effective date of this act".  
 4 9. On page 17, line 4, after "Act" insert ", as the act  
 5 existed on the effective date of this act,".

Senator Wickersham filed the following amendment to LB 170:  
 AM0381

(Amendments to Standing Committee amendments, AM0245)

- 1 1. On page 13, line 16, strike "licensed appraiser" and  
 2 insert "registered real estate appraiser as set forth in section  
 3 76-2229.01".

Senator Wehrbein filed the following amendment to LB 376:  
 AM0394

- 1 1. On page 11, lines 9, 10, and 14, after "combines"  
 2 insert "or other implements of husbandry"; in line 10 after  
 3 "harvesting" insert "or other agricultural work"; in lines 12 and  
 4 16 after "combine" insert "or other implement of husbandry"; and in  
 5 line 15 after "operation" insert "or other agricultural work".

### UNANIMOUS CONSENT - Add Cointroducers

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 501. No objections. So ordered.

Senator Hartnett asked unanimous consent to have his name added as cointroducer to LB 492. No objections. So ordered.

### VISITORS

Visitors to the Chamber were participants of the Nebraska Bankers Association Leadership Program; members of the Association of Career and Technical Education of Nebraska; and Professor Harry Fritz, who was characterized as Abraham Lincoln for the Civil War Reenactment, from the University of Montana.

### ADJOURNMENT

At 11:56 a.m., on a motion by Senator Jones, the Legislature adjourned until 9:00 a.m., Tuesday, February 13, 2001.

Patrick J. O'Donnell  
 Clerk of the Legislature



**TWENTY-EIGHTH DAY - FEBRUARY 13, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****TWENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 13, 2001

**PRAYER**

The prayer was offered by Father Robert Tucker, Cathedral of the Risen Christ 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 Senators Brashear, Bromm, Cunningham, Engel, Jensen, Kremer, Kristensen, Landis, Raikes, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-seventh day was approved.

**UNANIMOUS CONSENT - Member Excused**

Senator McDonald asked unanimous consent to be excused until he returns. No objections. So ordered.

**MOTION - Approve Appointment**

Senator Bruning moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointment found on page 621: Public Employees Retirement Board - Denis Blank.

Voting in the affirmative, 26:

Aguilar	Beutler	Bourne	Bruning	Burling
Byars	Connealy	Coordsen	Dierks	Erdman
Foley	Hartnett	Hilgert	Hudkins	Jones
Maxwell	Pederson, D.	Price	Quandahl	Redfield

Schrock	Smith	Stuhr	Thompson	Tyson
Vrtiska				

Voting in the negative, 0.

Present and not voting, 12:

Baker	Brown	Chambers	Cudaback	Janssen
Kruse	Pedersen, Dw.	Preister	Robak	Schimek
Suttle	Wehrbein			

Excused and not voting, 11:

Brashear	Bromm	Cunningham	Engel	Jensen
Kremer	Kristensen	Landis	McDonald	Raikes
Wickersham				

The appointment was confirmed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 313A.** Senator Coordsen offered the following amendment:

FA31

On page 2, in lines 2 and 13, strike "10,043,000" and insert "8,043,100".

The Coordsen 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.

#### GENERAL FILE

**LEGISLATIVE BILL 182.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

#### SENATOR CUDABACK PRESIDING

**LEGISLATIVE BILL 337.** Title read. Considered.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

#### PRESIDENT MAURSTAD PRESIDING

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not



voting, and 5 excused and not voting.

**LEGISLATIVE BILL 409.** Title read. Considered.

Advanced to E & R for review with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 133.** Title read. Considered.

The Standing Committee amendment, AM0135, found on page 442, lost with 1 aye, 29 nays, 15 present and not voting, and 4 excused and not voting.

Senator Schrock renewed his pending amendment, AM0369, found on page 587.

The Schrock amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 46.** Title read. Considered.

Senator Burling 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.

**LEGISLATIVE BILL 48.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 84.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 85.** Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 87.** 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 299.** Title read. Considered.

Senator Chambers offered the following amendment:

FA32

P. 4, strike lines 2-8.

The Chambers amendment was adopted with 30 ayes, 0 nays, 17 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 269.** Title read. Considered.

The Standing Committee amendment, AM0099, found on page 443, was considered.

Senator Brashear renewed his pending amendment, AM0187, found on page 471, to the Standing Committee amendment.

The Brashear amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, 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 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

## STANDING COMMITTEE REPORTS

### Natural Resources

**LEGISLATIVE BILL 103.** Placed on General File as amended.

Standing Committee amendment to LB 103:

AM0390

- 1 1. On page 3, line 3, strike "and" and show as stricken;
- 2 2 and in line 4 before the period insert "; and (i) methyl tertiary
- 3 butyl ether testing, to be conducted randomly at terminals within
- 4 the state for up to two years ending June 30, 2003. The amount
- 5 expended on the testing shall not exceed forty thousand dollars.
- 6 The testing shall be conducted by the Department of Agriculture.
- 7 The department may enter into contractual arrangements for such
- 8 purpose. The results of the tests shall be made available to the
- 9 Department of Environmental Quality".

(Signed) Ed Schrock, Chairperson

**General Affairs**

**LEGISLATIVE BILL 814.** Placed on General File.

**LEGISLATIVE BILL 582.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

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

The following bill was correctly reengrossed: LB 162.

**Correctly Engrossed**

The following bills and resolution were correctly engrossed: LBs 104, 105, 126, 128, 128A, 179, 268, 278, 278A, 313, 317, and LR 1CA.

**Enrollment and Review Change to LB 126**

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

ER9011

1. In the E & R amendments, AM7020, on page 19, line 17, ", as such section existed on the effective date of this act" has been inserted after "Act".
2. On page 1, line 3, "eliminate" has been struck and "change" inserted.

**Enrollment and Review Change to LB 128**

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

ER9013

1. On page 1, line 3, "Integrated" has been inserted before "Solid".

**Enrollment and Review Change to LB 162  
(Final Reading copy)**

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

ER9014

1. On page 16, line 25; page 19, line 8; page 21, line 22; and page 24, line 7, "furnished" has been struck and "furnish" inserted.

**Enrollment and Review Change to LB 268**

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

ER9012

1. On page 1, line 1, "and other gambling" has been struck.

(Signed) Philip Erdman, Chairperson

**UNANIMOUS CONSENT - Member Excused**

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 346.** Title read. Considered.

**SPEAKER KRISTENSEN PRESIDING**

The Standing Committee amendment, AM0044, found on page 446, 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 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 346A.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 226.** 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.

**LEGISLATIVE BILL 253.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 250.** Title read. Considered.

The Standing Committee amendment, AM0116, found on page 448, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Smith offered the following amendment:

FA33

P. 4, line 9, strike "one-half" and insert "twenty-five percent."

The Smith amendment was adopted with 35 ayes, 0 nays, 11 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 186.** Title read. Considered.

The Standing Committee amendment, AM0022, found on page 448, was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

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

**LEGISLATIVE BILL 280.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 97.** Title read. Considered.

The Standing Committee amendment, AM0132, found on page 458, was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 97A.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 358.** Title read. Considered.

The Standing Committee amendment, AM0163, found on page 459, was adopted with 34 ayes, 0 nays, 13 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.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 244A.** Placed on Select File.

**LEGISLATIVE BILL 225A.** Placed on Select File.

**LEGISLATIVE BILL 334.** Placed on Select File as amended.

E & R amendment to LB 334:

AM7039

- 1 1. On page 1, line 1, after "the" insert "Commission for
- 2 the" and strike "Commission".
- 3 2. On page 4, line 2, strike "fund", show as stricken,
- 4 and insert "Commission for the Deaf and Hard of Hearing Fund".

**LEGISLATIVE BILL 334A.** Placed on Select File.

**LEGISLATIVE BILL 400.** Placed on Select File.

**Correctly Engrossed**

The following bill was correctly engrossed: LB 313A.

(Signed) Philip Erdman, Chairperson

**STANDING COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 618.** Placed on General File.

**LEGISLATIVE BILL 215.** Placed on General File as amended.

Standing Committee amendment to LB 215:

AM0307

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 76-2,120, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 76-2,120. (1) For purposes of this section:
- 5 (a) Ground lease coupled with improvements shall mean a
- 6 lease for a parcel of land on which one to four residential
- 7 dwelling units have been constructed;
- 8 (b) Purchaser shall mean a person who acquires, attempts
- 9 to acquire, or succeeds to an interest in land;
- 10 (c) Residential real property shall mean real property on
- 11 which no fewer than one or more than four dwelling units are
- 12 located; and
- 13 (d) Seller shall mean an owner of real property who sells
- 14 or attempts to sell, including lease with option to purchase,
- 15 residential real property, whether an individual, partnership,
- 16 limited liability company, corporation, or trust. A sale of a
- 17 residential dwelling which is subject to a ground lease coupled
- 18 with improvements shall be a sale of residential real property for

19 purposes of this subdivision.

20 (2) ~~On and after January 1, 1995, each~~ Each seller of  
21 residential real property located in Nebraska shall provide the  
22 purchaser with a written disclosure statement of the real  
23 property's condition. The disclosure statement shall be executed  
24 by the seller. The requirements of this section shall also apply

1 to a sale of improvements which contain residential real property  
2 when the improvements are sold coupled with a ground lease and to  
3 any lease with the option to purchase residential real property.

4 (3) The disclosure statement shall include language at  
5 the beginning which states:

6 (a) That the statement is being completed and delivered  
7 in accordance with Nebraska law;

8 (b) That Nebraska law requires the seller to complete the  
9 statement;

10 (c) The real property's address and legal description;

11 (d) That the statement is a disclosure of the real  
12 property's condition as known by the seller on the date of  
13 disclosure;

14 (e) That the statement is not a warranty of any kind by  
15 the seller or any agent representing a principal in the  
16 transaction;

17 (f) That the statement should not be accepted as a  
18 substitute for any inspection or warranty that the purchaser may  
19 wish to obtain;

20 (g) That even though the information provided in the  
21 statement is not a warranty, the purchaser may rely on the  
22 information in deciding whether and on what terms to purchase the  
23 real property;

24 (h) That any agent representing a principal in the  
25 transaction may provide a copy of the statement to any other person  
26 in connection with any actual or possible sale of the real  
27 property; and

1 (i) That the information provided in the statement is the  
2 representation of the seller and not the representation of any  
3 agent and that the information is not intended to be part of any  
4 contract between the seller and purchaser.

5 (4) In addition to the requirements of subsection (3) of  
6 this section, the disclosure statement shall disclose the condition  
7 of the real property and any improvements on the real property,  
8 including:

9 (a) The condition of all appliances that are included in  
10 the sale and whether the appliances are in working condition;

11 (b) The condition of the electrical system;

12 (c) The condition of the heating and cooling systems;

13 (d) The condition of the water system;

14 (e) The condition of the sewer system;

15 (f) The condition of all improvements on the real  
16 property and any defects that materially affect the value of the

- 17 real property or improvements;
- 18 (g) Any hazardous conditions, including substances,  
19 materials, and products on the real property which may be an  
20 environmental hazard;
- 21 (h) Any title conditions which affect the real property,  
22 including encroachments, easements, and zoning restrictions; and
- 23 (i) The utility connections and whether they are public,  
24 private, or community.
- 25 (5) The disclosure statement shall be completed to the  
26 best of the seller's belief and knowledge as of the date the  
27 disclosure statement is completed and signed by the seller. If any  
1 information required by the disclosure statement is unknown to the  
2 seller, the seller may indicate that fact on the disclosure  
3 statement and the seller shall be in compliance with this section.  
4 On or before the effective date of any contract which binds the  
5 purchaser to purchase the real property, the seller shall update  
6 the information on the disclosure statement whenever the seller has  
7 knowledge that information on the disclosure statement is no longer  
8 accurate.
- 9 (6) This section shall not apply to a transfer:
- 10 (a) Pursuant to a court order, a foreclosure sale, or a  
11 sale by a trustee under a power of sale in a deed of trust;
- 12 (b) By a trustee in bankruptcy;
- 13 (c) To a mortgagee by a mortgagor or successor in  
14 interest or to a beneficiary of a deed of trust by a trustor or  
15 successor in interest;
- 16 (d) By a mortgagee, a beneficiary under a deed of trust,  
17 or a seller under a land contract who has acquired the real  
18 property at a sale conducted pursuant to a power of sale under a  
19 deed of trust, at a sale pursuant to a court-ordered foreclosure,  
20 or by a deed in lieu of foreclosure;
- 21 (e) By a fiduciary in the course of the administration of  
22 a decedent's estate, guardianship, conservatorship, or trust except  
23 when the fiduciary is also the occupant or was an occupant of one  
24 of the dwelling units being sold;
- 25 (f) From one co-owner to one or more other co-owners;
- 26 (g) Made to a spouse or to a person or persons in the  
27 lineal line of consanguinity of one or more of the transferors;
- 1 (h) Between spouses resulting from a decree of  
2 dissolution of marriage or a decree of legal separation or from a  
3 property settlement agreement incidental to such a decree;
- 4 (i) Pursuant to a merger, consolidation, sale, or  
5 transfer of assets of a corporation pursuant to a plan of merger or  
6 consolidation filed with the Secretary of State; or
- 7 (j) To or from any governmental entity;
- 8 (k) Of newly constructed residential real property which  
9 has never been occupied; or
- 10 (l) From a third-party relocation company if the  
11 third-party relocation company has provided the prospective



12 purchaser a disclosure statement from the most immediate seller  
 13 unless the most immediate seller meets one of the exceptions in  
 14 this section. If a disclosure statement is required, and if a  
 15 third-party relocation company fails to supply a disclosure  
 16 statement from its most immediate seller on or before the effective  
 17 date of any contract which binds the purchaser to purchase the real  
 18 property, the third-party relocation company shall be liable to the  
 19 prospective purchaser to the same extent as a seller under this  
 20 section.

21 (7) The disclosure statement and any update to the  
 22 statement shall be delivered by the seller or the agent of the  
 23 seller to the purchaser or the agent of the purchaser on or before  
 24 the effective date of any contract entered into on or after January  
 25 4, 1995, which binds the purchaser to purchase the real property,  
 26 and the purchaser shall acknowledge in writing receipt of the  
 27 disclosure statement or update.

1 (8) The seller shall not be liable under this section for  
 2 any error, inaccuracy, or omission of any information in a  
 3 disclosure statement if the error, inaccuracy, or omission was not  
 4 within the personal knowledge of the seller.

5 (9) A person representing a principal in the transaction  
 6 shall not be liable under this section for any error, inaccuracy,  
 7 or omission of any information in a disclosure statement unless  
 8 that person has knowledge of the error, inaccuracy, or omission on  
 9 the part of the seller.

10 (10) A person licensed as a salesperson or broker  
 11 pursuant to the Nebraska Real Estate License Act shall not be  
 12 required to verify the accuracy or completeness of any disclosure  
 13 statement prepared pursuant to this section, and the only  
 14 obligation of a buyer's agent pursuant to this section is to assure  
 15 that a copy of the statement is delivered to the buyer on or before  
 16 the effective date of any purchase agreement which binds the buyer  
 17 to purchase the property subject to the disclosure statement.

18 ~~(10)~~ (11) A transfer of an interest in real property  
 19 subject to this section may not be invalidated solely because of  
 20 the failure of any person to comply with this section.

21 (12) ~~(11)~~ If a conveyance of real property is not made in  
 22 compliance with this section, the purchaser shall have a cause of  
 23 action against the seller and may recover the actual damages, court  
 24 costs, and reasonable attorney's fees. The cause of action created  
 25 by this section shall be in addition to any other cause of action  
 26 that the purchaser may have. Any action to recover damages under  
 27 the cause of action shall be commenced within one year after the  
 1 purchaser takes possession or the conveyance of the real property,  
 2 whichever occurs first.

3 (13) ~~(12)~~ The State Real Estate Commission shall adopt  
 4 and promulgate rules and regulations to carry out this section.

5 Sec. 3. Section 76-2407, Reissue Revised Statutes of  
 6 Nebraska, is amended to read:

7 76-2407. Client shall mean a seller, landlord, buyer, or  
8 tenant who has entered into a brokerage relationship with a  
9 licensee pursuant to sections 76-2401 to 76-2430 and is the seller,  
10 landlord, buyer, or tenant to whom the licensee owes the duty as  
11 set forth in sections 76-2401 to 76-2430.

12 Sec. 9. Section 76-2426, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 76-2426. (1) A client shall not be liable for a  
15 misrepresentation of his or her limited agent arising out of the  
16 limited-agency agreement unless the client knew or should have  
17 known of the misrepresentation.

18 (2) A licensee who is serving as a limited agent or  
19 subagent of a client shall not be liable for a misrepresentation of  
20 his or her client arising out of the brokerage-services agreement  
21 unless the licensee knew or should have known of the  
22 misrepresentation.

23 (3) A licensee who is serving as a limited agent of a  
24 client shall not be liable for a misrepresentation of any subagent  
25 unless the licensee knew or should have known of the  
26 misrepresentation. ~~This section shall not limit the liability of a~~  
27 ~~designated broker for a misrepresentation by an affiliated licensee~~  
1 ~~under his or her supervision.~~

2 (4) A licensee who is serving as a subagent shall not be  
3 liable for a misrepresentation of the primary limited agent unless  
4 the subagent knew or should have known of the misrepresentation."

5 2. On page 4, line 11, strike "or", show as stricken,  
6 and insert "the customer, or any third party, including" and  
7 after the period insert "This subdivision shall not be a defense to  
8 the obligations and duties set forth in sections 76-2401 to  
9 76-2430.".

10 3. On page 6, line 16, strike the second "the", show as  
11 stricken, and insert "his or her"; and in line 17 after "or" insert  
12 "any third party, including" and after the period insert "This  
13 subdivision shall not be a defense to the obligations and duties  
14 set forth in sections 76-2401 to 76-2430.".

15 4. On page 9, lines 17 and 27, strike "intends to", show  
16 as stricken, and insert "may".

17 5. On page 36, line 25, after "hours" insert "or other  
18 criteria prescribed by rule and regulation of the commission"; and  
19 in line 26 strike "shall", show as stricken, and insert "may".

20 6. On page 37, line 2, after "program" insert "or other  
21 criteria prescribed by rule and regulation of the commission"; in  
22 line 19 after "sections" insert "76-2,120," and after the first  
23 comma insert "76-2407,"; and in line 20 after the second comma  
24 insert "76-2426,".

25 7. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 743.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 615. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 23 members of the Aurora and Merrick County Leadership Tomorrow class; and 14 members of Delta Kappa Gamma from across the state, and Speaker Kristensen's mother, Mary Lou Kristensen, from Minden.

**ADJOURNMENT**

At 11:18 a.m., on a motion by Senator Aguilar, the Legislature adjourned until 9:00 a.m., Wednesday, February 14, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**TWENTY-NINTH DAY - FEBRUARY 14, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 14, 2001

**PRAYER**

The prayer was offered by Senator Jones.

**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 Chambers and Wehrbein who were excused; and Senators Brashear, Bromm, Brown, Hilgert, Kristensen, Kruse, Maxwell, Raikes, Redfield, Suttle, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-eighth day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 182.** Placed on Select File.

**LEGISLATIVE BILL 337.** Placed on Select File as amended.

E & R amendment to LB 337:

AM7041

- 1 1. On page 1, lines 2 and 3; and page 2, lines 1 and 2
- 2 and 12 and 13, strike "Revised Statutes Supplement, 2000" and
- 3 insert "Reissue Revised Statutes of Nebraska".

**LEGISLATIVE BILL 409.** Placed on Select File.

**LEGISLATIVE BILL 133.** Placed on Select File as amended.

E & R amendment to LB 133:

AM7043

- 1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 46-1201, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 46-1201. Sections 46-1201 to 46-1241 and sections 4, 5,  
6 and 7 of this act shall be known and may be cited as the Water Well  
7 Standards and Contractors' Licensing Act.  
8 Sec. 2. Section 46-1202, Reissue Revised Statutes of  
9 Nebraska, is amended to read:  
10 46-1202. It is hereby declared that the purpose The  
11 purposes of the Water Well Standards and Contractors' Licensing Act  
12 is are to: (1) Provide for the protection of ground water through  
13 the licensing and regulation of water well contractors and pump  
14 installation contractors and the certification of water well  
15 drilling supervisors, and pump installation supervisors, water well  
16 monitoring technicians, and natural resources ground water  
17 technicians in the State of Nebraska; (2) protect the health and  
18 general welfare of the citizens of the state; (3) protect ground  
19 water resources from potential pollution by providing for proper  
20 siting and construction of water wells and proper decommissioning  
21 of illegal water wells; and (4) provide data on potential water  
22 supplies through well logs which will promote the economic and  
23 efficient utilization and management of the water resources of the  
24 state.
- 1 Sec. 3. Section 46-1203, Reissue Revised Statutes of  
2 Nebraska, is amended to read:  
3 46-1203. For purposes of the Water Well Standards and  
4 Contractors' Licensing Act, unless the context otherwise requires,  
5 the definitions found in sections 46-1205 to 46-1216 and sections 4  
6 and 5 of this act shall be used.
- 7 Sec. 4. Certified natural resources ground water  
8 technician means a natural resources ground water technician who  
9 has taken a training course, passed an examination based on the  
10 training course, and received a certificate from the department  
11 indicating that he or she is a certified natural resources ground  
12 water technician.
- 13 Sec. 5. Natural resources ground water technician means  
14 any individual employed by a natural resources district and engaged  
15 in the inspection of chemigation systems, measuring and recording  
16 static water levels, inspection and servicing of flow meters, and  
17 water sampling practices and techniques. Natural resources ground  
18 water technician does not include: (1) An individual who  
19 constructs a water well or installs or repairs pumps or pumping  
20 equipment or a water well; (2) a water well monitoring technician;  
21 or (3) an individual who carries out the measurement, sampling, or  
22 inspection of a water well which is on land owned by him or her and  
23 used by him or her for farming, ranching, or agricultural purposes  
24 or as his or her place of abode.
- 25 Sec. 6. Section 46-1214.01, Reissue Revised Statutes of

26 Nebraska, is amended to read:

27 46-1214.01. Water well monitoring ~~supervisor shall mean~~  
1 technician means any individual engaged solely in the measuring of  
2 ground water levels, the collection of ground water samples from  
3 existing water wells, or the inspection of installed water well  
4 equipment; or pumping systems. Water well monitoring technician  
5 does not include: ~~or chemigation regulation devices. The term shall not~~  
6 include: (1) An individual who constructs a water well or installs  
7 or repairs pumps or pumping equipment or a water well; ~~or~~ (2) a  
8 natural resources ground water technician; or (3) an individual who  
9 carries out the measurement, sampling, or inspection of a water  
10 well which is on land owned by him or her and used by him or her  
11 for farming, ranching, or agricultural purposes or as his or her  
12 place of abode.

13 Sec. 7. The department shall develop a certification  
14 program that is designed to train individuals to become certified  
15 natural resources ground water technicians. Such course shall be  
16 developed by the department in consultation with the natural  
17 resources districts. Such course shall include inspection of  
18 chemigation systems, measuring and recording static water levels,  
19 inspecting and servicing flow meters, and taking water samples.  
20 Training sessions shall not be less than two hours and shall not  
21 exceed eight hours. At the end of the training session,  
22 individuals taking the training shall be required to take a written  
23 examination.

24 Sec. 8. Section 46-1223, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 46-1223. (1) The department with the assistance of the  
27 board shall cause examination to be made of applicants for  
1 licensure or certification. The board shall determine the type,  
2 categories, contents, and required passing grade of examinations to  
3 be administered to applicants for licensing or certification.  
4 Examinations shall be held at such times and places as the  
5 department, with the advice of the board, may determine. The  
6 department shall act within ninety days upon all completed  
7 applications for licensure or certification.  
8 (2) Examinations for water well monitoring ~~supervisors~~  
9 technicians shall be designed and adopted to examine the knowledge  
10 of the applicant regarding the minimum standards for water wells  
11 and water well pumps, the geological characteristics of the state,  
12 measuring ground water levels, and water sampling practices and  
13 techniques. Examinations for natural resources ground water  
14 technicians shall examine the knowledge of the applicant regarding  
15 inspection of chemigation systems, measuring and recording static  
16 water levels, inspecting and servicing flow meters, and water  
17 sampling practices and techniques. All other examinations shall be  
18 designed and adopted to examine the knowledge of the applicant  
19 regarding the minimum standards for water wells and water well  
20 pumps, the geological characteristics of the state, current

21 drilling or pump installation practices and techniques, and such  
22 other knowledge as deemed appropriate by the board. The board may  
23 adopt any nationally developed standard examinations as  
24 constituting part or all of the Nebraska examinations.

25 (3) An examinee who fails to pass the initial examination  
26 may retake such examination without charge at any regularly  
27 scheduled examination held within four months after failing to pass  
1 the initial examination, except that when a national standardized  
2 examination is utilized which requires the payment of a fee to  
3 purchase such examination, the board shall require the applicant to  
4 pay the appropriate examination fee whether an initial examination  
5 or a retake of an examination is involved.

6 (4) In cases of hardship, the board may provide and  
7 direct that special arrangements for administering examinations be  
8 utilized. The board may also provide for temporary hardship  
9 licensing without examination due to the death of the current  
10 license holder or for other good cause shown.

11 Sec. 9. Section 46-1231, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 46-1231. Each water well drilling supervisor, pump  
14 installation supervisor, natural resources ground water technician,  
15 and water well monitoring ~~supervisor~~ technician shall make  
16 application for a certificate of competence in his or her  
17 respective trade. The application shall include the applicant's  
18 social security number. Such application shall be made to the  
19 department which shall charge an application fee set by the board  
20 pursuant to section 46-1224 for the filing of such application, and  
21 the department shall not act upon any application until the  
22 application fee for such certificate has been paid. A certificate  
23 shall be issued to every applicant who successfully passes the  
24 examination for such certificate, pays the appropriate  
25 certification fee, and otherwise complies with the Water Well  
26 Standards and Contractors' Licensing Act and all standards, rules,  
27 and regulations adopted and promulgated pursuant to such act. Any  
1 individual employed by a water well contractor or a pump  
2 installation contractor who is not deemed to qualify as a water  
3 well drilling supervisor or pump installation supervisor may make  
4 application for a certificate of competence in his or her  
5 respective trade in the same manner as the water well drilling  
6 supervisor or the pump installation supervisor.

7 Sec. 10. Section 46-1233.01, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 46-1233.01. Except as provided in section 46-1233, after  
10 September 6, 1991, no water well shall be opened or the seal broken  
11 by any person other than an owner of the water well unless the  
12 opening or the breaking of the seal is carried out by a certified  
13 water well monitoring ~~supervisor~~ technician or natural resources  
14 ground water technician.

15 Sec. 11. Original sections 46-1201, 46-1202, 46-1203,



16 46-1214.01, 46-1223, 46-1231, and 46-1233.01, Reissue Revised  
 17 Statutes of Nebraska, are repealed."  
 18 2. On page 1, strike beginning with "section" in line 1  
 19 through line 5 and insert "sections 46-1201, 46-1202, 46-1203,  
 20 46-1214.01, 46-1223, 46-1231, and 46-1233.01, Reissue Revised  
 21 Statutes of Nebraska; to provide for certification of natural  
 22 resources ground water technicians; to change provisions relating  
 23 to water well monitoring supervisors; to harmonize provisions; and  
 24 to repeal the original sections."

**LEGISLATIVE BILL 46.** Placed on Select File as amended.  
 E & R amendment to LB 46:  
 AM7040

1 1. On page 3, line 24, strike the semicolon and insert a  
 2 comma.

**LEGISLATIVE BILL 48.** Placed on Select File.  
**LEGISLATIVE BILL 84.** Placed on Select File.  
**LEGISLATIVE BILL 85.** Placed on Select File.  
**LEGISLATIVE BILL 87.** Placed on Select File.  
**LEGISLATIVE BILL 299.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

**MESSAGE FROM THE GOVERNOR**

February 13, 2001

Patrick J. O'Donnell  
 Clerk of the Legislature  
 State Capitol, Room 2018  
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills LB 67e, LB 68, LB 111, LB 118e, LB 131,  
 LB 137, LB 138e, LB 151, LB 156, LB 168e, LB 168Ae, LB 173, LB 197,  
 LB 198, LB 209e, LB 209A, LB 214, LB 252, LB 275, LB 295, LB 302e,  
 and LB 365 were received in my office on February 9, 2001.

I signed the bills listed above on February 13, 2001, and they were  
 delivered to the Secretary of State on February 13, 2001.

Sincerely,  
 (Signed) Mike Johanns  
 Governor

**ATTORNEY GENERAL'S OPINION**

Opinion #01004

DATE: February 13, 2001

SUBJECT: Constitutionality of Proposed Legislation - Inclusion of "Dairy Operations" as Qualified Businesses in the Rural Economic Opportunities Act

REQUESTED BY: Thomas Baker, Nebraska State Senator

WRITTEN BY: Don Stenberg, Attorney General  
William R. Barger, Assistant Attorney General

Our office has received your opinion request regarding the inclusion of "dairy operations" in the Rural Economic Opportunities Act. Neb. Rev. Stat. §§ 77-5401 - 77-5414. You generally ask whether it is constitutional to include a dairy operation as a "qualified business" under the Rural Economic Opportunities Act without additionally including feedlots.

The proposed amendment to the Act, which your office sent as a rough draft, is fairly concise. The amendment changes Neb. Rev. Stat. § 77-5403(13)(a) to include "A dairy operation" as a "qualified business." The only other change the amendment makes is to delete the reference to dairy cattle in Neb. Rev. Stat. § 77-5403(13)(b), as described in this excerpt of the statute:

[ ] For purposes of this subdivision, livestock operation means the feeding or holding of beef cattle, ~~dairy cattle~~, horses, swine, sheep, poultry, or other livestock in buildings, lots, or pens;

Neb. Rev. Stat. § 77-5403(13)(b).

The proposed amendment makes no other changes to the Rural Economic Opportunities Act.

In response to your question on constitutionality, we must examine whether the proposed amendment's changes to the Rural Economic Opportunities Act would result in a violation of the equal protection clause in the Nebraska and U.S. Constitutions. Nebraska's Constitution, as a result of a recent amendment, now mirrors the relevant language of U.S. Const. art. 14, stating in relevant part: "No person shall be deprived of life, liberty or property, without due process of law, nor be denied equal protection of the laws." Neb. Const. art. I, § 3. Since the amendment's passage, the court has stated "The Nebraska Constitution and U.S. Constitution have identical requirements for equal protection challenges." *DeCoste v. City of Wahoo*, 583 N.W.2d 595, 601, 255 Neb. 266, 274 (1998). So our analysis of the proposal is the same for both the U.S. and Nebraska Constitutions.

First, does the amendment create rights and benefits for one group, "dairy operations", while not giving these same benefits to similarly situated livestock operations, such as "feedlots"? The amendment includes "dairy operation" as one of the qualified businesses described in the Rural Economic Opportunities

Act, while deleting "dairy cattle" as part of the list of livestock operations which are excluded from the Rural Economic Opportunities Act. See Neb. Rev. Stat. §§ 77-5403(13)(a) & 77-5403(13)(b). Your question concerns the propriety of including dairy operations while excluding feedlots. Plaintiffs challenging such a statutory scheme would have the burden of proving they are "similarly situated" to dairy operations, so they could gain standing to challenge the amendment. *DeCoste*, 583 N.W.2d at 601, 255 Neb. at 274. To gain standing to challenge the statute, the litigating feedlot owners would first have to show they are "... similarly situated for the purposes of the challenged governmental action ..." to dairy cattle owners. *Id.* In describing the equal protection clause, the Court has stated: "... it simply keeps governmental decision makers from treating differently persons who are in all relevant respects alike." *Pfizer v. Lancaster Board of Equalization*, 260 Neb. 265, 273, 616 N.W.2d 326, 335 (2000). Dairy cattle, which would be part of a dairy operation, and beef cattle, which are in feedlots, are both listed as "livestock operations" in the Rural Economic Opportunities Act. Further, Nebraska's statutory scheme considers both dairy cattle and beef cattle to be "livestock". Neb. Rev. Stat. § 54-701.03 and 54-1902. Dairy cattle owners are similarly situated to other livestock operations, particularly feedlots. Next, a beef cattle producer "... must also have been treated differently than those persons to whom he is similarly situated." *DeCoste*, 583 N.W.2d at 601, 255 Neb. at 275. Dairy operations would be able to qualify for income tax credits for new jobs and new investments made, but beef feedlots would not qualify. This would be differential treatment of a similarly situated class.

Since dairy operations are similarly situated to other livestock operations, then "... the inquiry shifts to whether the legislation at issue can survive judicial scrutiny." *State v. Atkins*, 250 Neb. 315, 321, 549 N.W.2d 159, 163 (1996). Is a feedlot owner in a suspect class or a person with a fundamental right to own a feedlot? "[I]f a statute involves economic or social legislation not implicating a fundamental right or suspect class, courts will ask only whether a rational relationship exists between a legitimate state interest and the statutory means selected by the legislature to accomplish that end.... Upon a showing that such a rational relationship exists, courts will uphold the legislation." *Schindler v. Department of Motor Vehicles*, 256 Neb. 782, 784, 593 N.W.2d 295, 298 (1999). Feedlot owners are not in a suspect class or persons with a fundamental right under the constitutions, so the amendment is subject to the "rational basis" test, and not a higher form of scrutiny. The legislative history must show a legitimate state interest being furthered by the amendment, and must further show a rational relationship between the amendment's provisions and that state interest. "In 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 considered in its plain, ordinary, and popular sense." *Stenberg v. Moore*, 258 Neb. 199, 208, 602 N.W.2d 465, 472 (1999).

The Rural Economic Opportunities Act and the proposed amendment do not have language differentiating between dairy operations and feedlots. The legislative history of the Act does indicate that livestock operations are not to be included in the Rural Economic Opportunities Act. Floor Debate on LB

936, 96<sup>th</sup> Neb. Leg., 2<sup>nd</sup>. Sess. 11381-11386 (March 23, 2000). Although there is no discussion in the current Rural Economic Opportunities Act or its legislative history of an objective to classifying "dairy operations" differently, there are conceivable reasons for such a classification. Dairy operations may produce value-added foods, rather than just raw milk, which would keep more value for those products in Nebraska. Unique circumstances may exist with regard to dairy operations, which may make it more difficult to attract them to Nebraska than feedlots. To strengthen the amendment's standing under an equal protection challenge, the amendment and the Legislature's debate upon it should articulate a legitimate state interest in separately classifying dairy operations, and further articulate how the classification relates to that interest. Without such legislative intent being evident at this time, however, our office can only provide speculative justifications for a dairy operation's inclusion as a "qualified business". Under the mentioned justifications, the amendment should survive an equal protection challenge under the Nebraska and U.S. Constitutions.

In conclusion, our office has determined that a "dairy operation", which may include a dairy farm or a milk processing facility, is similarly situated to feedlots and other livestock operations. The inclusion of a dairy operation as a "qualified business" under the Rural Economic Opportunities Act results in a classification under the equal protection clauses of the Nebraska and U.S. Constitutions. Since the amendment's classification of "dairy operations" does not affect a suspect class or the fundamental rights of feedlot owners, the amendment will be analyzed to show how its tax incentives to dairy operations are rationally related to a legitimate state interest. While the proposed amendment, the Rural Economic Opportunities Act and its legislative history currently do not indicate a reason to classify dairy operations, there are likely justifications for such a classification which rationally relate to a legitimate state interest. If the Legislature's intent is clearly stated in the amendment or its legislative history, the amendment is even more likely to survive an equal protection challenge under the Nebraska or U.S. Constitutions.

Sincerely,  
DON STENBERG  
Attorney General  
(Signed) William R. Barger  
Assistant Attorney General

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

14-50-14

#### ANNOUNCEMENT

Senator Beutler designates LB 657 as his priority bill.

**MESSAGES FROM THE GOVERNOR**

February 9, 2001

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:**

Kimberly Buser, 1839 Norman Ave, Crete NE 68333  
David Long, 2315 W 9<sup>th</sup>, Hastings NE 68901  
Patrick Connell, 748 Sunset Tr, Omaha NE 68132  
\*Elnora Carr, 4707 N 60, Omaha NE 68104  
\*Bradley Sher, 5948 Culwells Rd, Lincoln NE 68516

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

February 9, 2001

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 PostSecondary Education:

**APPOINTEES:**

Roy Smith, 302 Basswood Cr, Bellevue NE 68005  
Marshall Borchert, 4239 Calvert Pl, Lincoln NE 68506

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

February 9, 2001

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:

Lon Fields, 1900 Woodland Rd, Aurora NE 68818

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

February 9, 2001

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 Power Review Board:

APPOINTEE:

Ken Kunze, 1407 Michigan Ave, York NE 68467

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

## RESOLUTIONS

### **LEGISLATIVE RESOLUTION 29.** Introduced by Foley, 29.

WHEREAS, Casey Dahlke is only fourteen years old and has earned the rank of Eagle Scout; and

WHEREAS, Casey has been active in the Cathedral of the Risen Christ's Boy Scout Troop 54 since September 1997; and

WHEREAS, for his Eagle Scout project, Casey planned, obtained specifications, and acquired necessary permits and permission to build a concrete basketball court in Porter Park in Lincoln, Nebraska; and

WHEREAS, Casey also earned the Heroism Award in the Boy Scouts for saving a young child's life.

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

1. That the Legislature recognizes and congratulates Casey Dahlke.
2. That a copy of this resolution be sent to Casey Dahlke.

Laid over.

### **LEGISLATIVE RESOLUTION 30.** Introduced by Foley, 29.

WHEREAS, Georgia Neruda, an esteemed resident of Lincoln, Nebraska, and a senior at Lincoln High School, has achieved national recognition for exemplary volunteer service by receiving a 2001 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. Neruda earned this award by giving generously of her time and energy to teaching gymnastic skills to disadvantaged children through the Lincoln Hispanic Community Center; 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. Neruda who use their considerable talents and resources to serve others.

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

1. That the Legislature congratulates and honors Georgia Neruda as a

recipient of a 2001 Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit, and extends best wishes for her continued success and happiness.

2. That a copy of this resolution be sent to Georgia Neruda.

Laid over.

### **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 628: Commission for the Blind and Visually Impaired - Robert Burns Jr., William Orester Jr., Maya Samms, Barbara Walker, and Dorothy Westin-Yockey.

Voting in the affirmative, 28:

Aguilar	Baker	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Janssen	Jensen
Jones	Kremer	McDonald	Pedersen, Dw.	Preister
Price	Quandahl	Robak	Schimek	Schrock
Stuhr	Tyson	Vrtiska		

Voting in the negative, 0.

Present and not voting, 8:

Beutler	Bourne	Hartnett	Hudkins	Landis
Pederson, D.	Smith	Thompson		

Excused and not voting, 13:

Brashear	Bromm	Brown	Chambers	Hilgert
Kristensen	Kruse	Maxwell	Raikes	Redfield
Suttle	Wehrbein	Wickersham		

The appointments were confirmed with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

### **GENERAL FILE**

**LEGISLATIVE BILL 791.** Title read. Considered.

Senator Janssen moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Janssen requested a roll call vote on the advancement of the bill.



Voting in the affirmative, 22:

Aguilar	Baker	Beutler	Bourne	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Hartnett	Hudkins	Janssen	McDonald
Pedersen, Dw.	Quandahl	Robak	Schrock	Smith
Stuhr	Thompson			

Voting in the negative, 11:

Bruning	Erdman	Foley	Jensen	Jones
Kremer	Landis	Price	Redfield	Tyson
Vrtiska				

Present and not voting, 6:

Brown	Burling	Pederson, D.	Preister	Schimek
Suttle				

Excused and not voting, 10:

Brashear	Bromm	Chambers	Hilgert	Kristensen
Kruse	Maxwell	Raikes	Wehrbein	Wickersham

Failed to advance to E & R for review with 22 ayes, 11 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 300.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

**SENATOR CUDABACK PRESIDING**

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 360.** Title read. Considered.

The Standing Committee amendment, AM0004, found on page 469, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 308.** 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 397.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 432.** Title read. Considered.

The Standing Committee amendment, AM0176, found on page 470, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Brown offered the following amendment:

AM0243

- 1 1. On page 8, lines 12 and 27; page 9, line 12; page 17,
- 2 line 21; and page 18, line 4, strike "certified" and insert
- 3 "accredited".
- 4 2. On page 8, lines 13 and 27 and 28; page 9, line 13;
- 5 page 17, line 22; and page 18, lines 4 and 5, strike "Lab
- 6 Directors" and insert "Laboratory Directors-LAB-Laboratory
- 7 Accreditation Board".
- 8 3. In the Standing Committee Amendments, AM0176, on page
- 9 1, lines 13 and 14, strike "certification" and insert
- 10 "accreditation".

The Brown amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Brown offered the following amendment:

FA34

On page 4, line 3, after "know", insert  
a person acting under the delegated authority of a physician shall understand  
and be qualified to provide the information required by subsection (1).

The Brown amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 411.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator McDonald asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 243.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 34.** 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.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 269.** Placed on Select File as amended.

E & R amendment to LB 269:

AM7042

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 24-517, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 24-517. Each county court shall have the following
- 6 jurisdiction:
- 7 (1) Exclusive original jurisdiction of all matters
- 8 relating to decedents' estates, including the probate of wills and
- 9 the construction thereof, except as provided in section 30-2486;
- 10 (2) Exclusive original jurisdiction in all matters
- 11 relating to the guardianship of a person, except if a separate
- 12 juvenile court already has jurisdiction over a child in need of a
- 13 guardian, concurrent original jurisdiction with the separate
- 14 juvenile court in such guardianship;
- 15 (3) Exclusive original jurisdiction of all matters
- 16 relating to conservatorship of any person, including (a) original
- 17 jurisdiction to consent to and authorize a voluntary selection,
- 18 partition, and setoff of a ward's interest in real estate owned in
- 19 common with others and to exercise any right of the ward in
- 20 connection therewith which the ward could exercise if competent and
- 21 (b) original jurisdiction to license the sale of such real estate
- 22 for cash or on such terms of credit as shall seem best calculated
- 23 to produce the highest price subject only to the requirements set
- 24 forth in section 30-3201;
- 1 (4) Concurrent jurisdiction with the district court to

2 involuntarily partition a ward's interest in real estate owned in  
3 common with others;

4 (5) Concurrent original jurisdiction with the district  
5 court in all civil actions of any type when the amount in  
6 controversy ~~does not exceed fifteen~~ is forty-five thousand dollars  
7 or less through June 30, 2005, and as set by the Supreme Court  
8 pursuant to subdivision (b) of this subdivision on and after July  
9 1, 2005.

10 (a) When the pleadings or discovery proceedings in a  
11 civil action indicate ~~an that the~~ amount in controversy ~~may exceed~~  
12 ~~fifteen thousand dollars~~ is greater than the jurisdictional amount  
13 of subdivision (5) of this section, the county court shall, upon  
14 the request of any party, certify the proceedings to the district  
15 court as provided in section 25-2706. An award of the county court  
16 which is greater than the jurisdictional amount of subdivision (5)  
17 of this section is not void or unenforceable because it is greater  
18 than such amount, however, if an award of the county court is  
19 greater than the jurisdictional amount, the county court shall tax  
20 as additional costs the difference between the filing fee in  
21 district court and the filing fee in county court.

22 (b) The Supreme Court shall adjust the jurisdiction  
23 amount for the county court every fifth year commencing July 1,  
24 2005. The adjusted jurisdictional amount shall be equal to the  
25 then current jurisdictional amount adjusted by the average  
26 percentage change in the unadjusted Consumer Price Index for All  
27 Urban Consumers published by the Federal Bureau of Labor Statistics  
1 for the five-year period preceding the adjustment date. The  
2 jurisdictional amount shall be rounded to the nearest  
3 one-thousand-dollar amount;

4 (6) Concurrent original jurisdiction with the district  
5 court in any criminal matter classified as a misdemeanor or for any  
6 infraction;

7 (7) Concurrent original jurisdiction with the district  
8 court in domestic relations matters as defined in section 25-2740  
9 and with the district court and separate juvenile court in  
10 paternity determinations as provided in section 25-2740;

11 (8) Exclusive original jurisdiction in any action based  
12 on violation of a city or village ordinance;

13 (9) Exclusive original jurisdiction in juvenile matters  
14 in counties which have not established separate juvenile courts;

15 (10) Exclusive original jurisdiction in matters of  
16 adoption, except if a separate juvenile court already has  
17 jurisdiction over the child to be adopted, concurrent original  
18 jurisdiction with the separate juvenile court; and

19 (11) All other jurisdiction heretofore provided and not  
20 specifically repealed by Laws 1972, Legislative Bill 1032, and such  
21 other jurisdiction as hereafter provided by law.

22 Sec. 2. Section 25-2706, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 25-2706. The county court shall certify proceedings to  
25 the district court of the county in which an action is pending (1)  
26 when the pleadings or discovery proceedings indicate ~~there is an~~  
27 that the amount in controversy in excess of fifteen thousand  
1 dollars is greater than the jurisdictional amount in subdivision  
2 (5) of section 24-517 and a party to the action requests the  
3 transfer or (2) when the relief requested is exclusively within the  
4 jurisdiction of the district court. The county court shall certify  
5 the proceedings to the district court and file the original papers  
6 of such action and a certified transcript of the docket entries  
7 with the clerk of the district court. The action shall then be  
8 tried and determined by the district court as if the proceedings  
9 were originally brought in such district court, except that no new  
10 pleadings need be filed unless ordered by the district court.  
11 If it is determined, upon adjudication, that the  
12 allegations of either party to such action are asserted with the  
13 intention solely of avoiding the jurisdiction of the county court,  
14 the offending party shall not recover any costs in the county court  
15 or the district court.

16 Sec. 3. Section 30-2488, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 30-2488. (a) As to claims presented in the manner  
19 described in section 30-2486 within the time limit prescribed in  
20 section 30-2485, the personal representative may mail a notice to  
21 any claimant stating that the claim has been disallowed. If, after  
22 allowing or disallowing a claim, the personal representative  
23 changes his or her decision concerning the claim, he or she shall  
24 notify the claimant. The personal representative may not change a  
25 disallowance of a claim after the time for the claimant to file a  
26 petition for allowance or to commence a proceeding on the claim has  
27 run and the claim has been barred. Every claim which is disallowed  
1 in whole or in part by the personal representative is barred so far  
2 as not allowed unless the claimant files a petition for allowance  
3 in the court or commences a proceeding against the personal  
4 representative not later than sixty days after the mailing of the  
5 notice of disallowance or partial allowance if the notice warns the  
6 claimant of the impending bar. Failure of the personal  
7 representative to mail notice to a claimant of action on his or her  
8 claim for sixty days after the time for original presentation of  
9 the claim has expired has the effect of a notice of allowance.  
10 ~~(b) (1)~~ (b) (1) At any time within fourteen days of the filing  
11 of a petition for allowance of a claim, ~~not in excess of fifteen~~  
12 ~~thousand dollars~~, the personal representative may transfer the  
13 claim to the regular docket of the county court by filing with the  
14 court a notice of transfer. The county court shall hear and  
15 determine the claim in the same manner as actions originally filed  
16 in the county court on the regular docket. The county court may  
17 order such additional pleadings as are necessary. If the claim is  
18 greater than the jurisdictional amount in subdivision (5) of

19 section 24-517 and the personal representative requests transfer of  
20 the claim to the district court, upon payment by the personal  
21 representative to the clerk of the district court of a docket fee  
22 in the amount of the filing fee in district court, the county court  
23 shall transfer the claim to the district court as provided in  
24 section 25-2706. If the claim is transferred to the district  
25 court, a jury trial is allowed unless waived by the parties as  
26 provided under section 25-1104.

27 (2) At any time within fourteen days of the filing of a  
1 petition for allowance of a claim in excess of fifteen thousand  
2 dollars, the personal representative may transfer the claim to the  
3 district court by filing with the county court a notice of transfer  
4 and depositing with the clerk a docket fee in the amount of the  
5 filing fee in district court for cases originally commenced in  
6 district court. Upon the filing of a notice of transfer and the  
7 deposit of the docket fee the clerk of the county court shall  
8 transmit to the clerk of the district court a certified copy of the  
9 notice of transfer, a certified copy of the petition for allowance  
10 of the claim, and the docket fee. Upon the filing of the notice  
11 and petition the district court shall have jurisdiction over the  
12 proceedings on the claim. The district court may order such  
13 additional pleadings as are necessary. The district court shall  
14 adjudicate the claim in the manner provided in section 25-1104 as  
15 to actions for the recovery of money or of specific real or  
16 personal property.

17 (c) Upon the petition of the personal representative or  
18 of a claimant in a proceeding for the purpose, the court may allow  
19 in whole or in part any claim or claims filed with the clerk of the  
20 court in due time and not barred by subsection (a) of this section.  
21 Notice in this proceeding shall be given to the claimant, the  
22 personal representative, and those other persons interested in the  
23 estate as the court may direct by order entered at the time the  
24 proceeding is commenced.

25 (d) A final judgment in a proceeding in any court against  
26 a personal representative to enforce a claim against a decedent's  
27 estate is an allowance of the claim.

1 (e) Unless otherwise provided in any final judgment in  
2 any court entered against the personal representative, allowed  
3 claims bear interest at the legal rate for the period commencing  
4 sixty days after the time for original presentation of the claim  
5 has expired unless based on a contract making a provision for  
6 interest, in which case they bear interest in accordance with that  
7 provision.

8 Sec. 4. Original sections 25-2706 and 30-2488, Reissue  
9 Revised Statutes of Nebraska, and section 24-517, Revised Statutes  
10 Supplement, 2000, are repealed."

**LEGISLATIVE BILL 346.** Placed on Select File as amended.  
E & R amendment to LB 346:

AM7044

- 1 1. On page 2, line 27, strike "changing" and insert
- 2 "change".

**LEGISLATIVE BILL 346A.** Placed on Select File.

**LEGISLATIVE BILL 226.** Placed on Select File.

**LEGISLATIVE BILL 253.** Placed on Select File.

**LEGISLATIVE BILL 250.** Placed on Select File.

**LEGISLATIVE BILL 186.** Placed on Select File as amended.

E & R amendment to LB 186:

AM7046

- 1 1. On page 1, line 7, after the semicolon insert "to
- 2 provide an operative date;".
- 3 2. On page 3, line 3, strike "less than"; and in line 4
- 4 after "inhabitants" insert "or less".

**LEGISLATIVE BILL 280.** Placed on Select File.

**LEGISLATIVE BILL 97.** Placed on Select File as amended.

E & R amendment to LB 97:

AM7045

- 1 1. On page 1, line 4, after "the" insert "Nebraska State
- 2 Historical Society and the".

**LEGISLATIVE BILL 97A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 574A.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 574, Ninety-seventh Legislature, First Session, 2001.

### **STANDING COMMITTEE REPORT**

#### **General Affairs**

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

State Electrical Board

Sterling Johnson

Ted Stutheit

VOTE: Aye: Senators Burling, Cunningham, Erdman, Janssen, Quandahl, Redfield, and Schrock. Nay: None. Absent: Senator McDonald.

(Signed) Ray Janssen, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 106.** 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 108.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 477.** Title read. Considered.

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

**LEGISLATIVE BILL 574.** Title read. Considered.

Senators McDonald, Robak, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### MOTION - Print in Journal

Senator Hilgert filed the following motion to LB 476:  
Place LB 476 on General File, pursuant to Rule 3, Section 19(b).

### AMENDMENTS - Print in Journal

Senator Suttle filed the following amendment to LB 254:  
AM0497

- 1 1. On page 2, line 20, strike the new matter and insert
- 2 "immediately".
- 3 2. On page 3, line 3, after "year" insert ". If such
- 4 person has had one or more convictions under this section in the
- 5 twelve years prior to the date of a current conviction under this
- 6 section, such person shall be guilty of a Class II misdemeanor, and
- 7 as part of any sentence, suspended sentence, or judgment of
- 8 conviction, the court shall order the defendant not to drive any
- 9 motor vehicle for any purpose in the State of Nebraska for not less
- 10 than thirty days nor more than one year".



Senator Landis filed the following amendment to LB 56:  
AM0483

- 1 1. On page 4, line 5, after "act" insert ", and no  
2 inference that the fiduciary has abused its discretion arises  
3 solely from the fact that the fiduciary has exercised an express  
4 power given to the fiduciary by the terms of the trust or the  
5 will".
- 6 2. On page 5, line 2, after "act" insert "and  
7 considering any power the trustee may have under the trust to  
8 invade principal or accumulate interest".
- 9 3. On page 8, after line 5 insert the following new  
10 subsection:  
11 "(g) Nothing in the Uniform Principal and Income Act  
12 shall give rise to liability for any exercise or failure to  
13 exercise a discretionary power under this section unless such  
14 exercise or failure to exercise constitutes an abuse of the  
15 trustee's discretion.".
- 16 4. On page 11, line 15, after the comma insert "the  
17 provisions of section 5 of this act shall not apply and".

**MOTION - Print in Journal**

Senator Beutler filed the following motion to LB 329:  
Indefinitely postpone LB 329.

**AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendment to LB 329:  
FA35

On lines 11 and 12 page 5 put a period after "year" and strike the remainder of the sentence.

Senator Beutler filed the following amendment to LB 329:  
FA36

On line 6, page 3 after "tax" add the following new words:  
"except property taxes used by natural resource districts to improve water quality, and"

**MOTIONS - Print in Journal**

Senator Beutler filed the following motion to LB 329:  
Bracket LB 329 to April 1, 2001.

Senator Engel filed the following motion to LB 771:  
Withdraw LB 771.

**STANDING COMMITTEE REPORT**  
**Health and Human Services**

**LEGISLATIVE BILL 235.** Placed on General File as amended.  
 Standing Committee amendment to LB 235:  
 AM0494

- 1 1. On page 3, line 16, strike "Any" and insert "Except  
 2 for acts of gross negligence or willful or wanton conduct, any".  
 3 2. On page 6, line 13, strike "as amended," and after  
 4 "263a," insert "as such act and section existed on the effective  
 5 date of this act,"; in line 23 strike "and fees" and insert "costs  
 6 and the administration fee"; in line 24 strike "Fee" and insert  
 7 "The administration fee"; and strike beginning with "In" in line 27  
 8 through line 28 and insert "The Department of Health and Human  
 9 Services shall set an administration fee of not more than ten  
 10 dollars. The department may use the administration fee to pay for  
 11 the costs of the central data registry, tracking, monitoring,  
 12 referral, quality assurance, program operation, program  
 13 development, program evaluation, and treatment services authorized  
 14 under sections 71-519 to 71-523. The fee shall be collected by the  
 15 contracting laboratory as provided in subdivision (4)(e) of this  
 16 section.".  
 17 3. On page 7, strike beginning with line 1 through  
 18 "collected" in line 12 and insert  
 19 "(6) Fees collected for the department".

(Signed) Jim Jensen, Chairperson

**VISITORS**

Visitors to the Chamber were Ken and Anne Ohrt from Orleans; and Dee Gillham from Bartlett, Sandy Bartholemew from Ord, and Joyce Huggins from Burwell.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, February 15, 2001.

Patrick J. O'Donnell  
 Clerk of the Legislature

**THIRTIETH DAY - FEBRUARY 15, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 15, 2001

**PRAYER**

The prayer was offered by Pastor Jeffery Grams, St. John's Lutheran Church, Scottsbluff, 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 Brown, Chambers, Foley, Hartnett, Landis, Raikes, and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-ninth day was approved.

**STANDING COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 385.** Placed on General File.

**LEGISLATIVE BILL 386.** Placed on General File.

**LEGISLATIVE BILL 664.** Placed on General File.

**LEGISLATIVE BILL 641.** Placed on General File as amended.

(Standing Committee amendment, AM0472, 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 525.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Banking, Commerce and Insurance**

LB 319	Monday, February 26, 2001	1:30 PM
LB 685	Monday, February 26, 2001	1:30 PM
LB 825	Monday, February 26, 2001	1:30 PM
LB 324	Tuesday, February 27, 2001	1:30 PM
LB 563	Tuesday, February 27, 2001	1:30 PM
LB 832	Tuesday, February 27, 2001	1:30 PM
LB 455	Monday, March 5, 2001	1:30 PM
LB 601	Monday, March 5, 2001	1:30 PM
LB 672	Monday, March 5, 2001	1:30 PM
LB 361	Tuesday, March 6, 2001	1:30 PM
LB 544	Tuesday, March 6, 2001	1:30 PM
LB 716	Tuesday, March 6, 2001	1:30 PM

(Signed) David M. Landis, Chairperson

**REPORT**

The following report was received by the Legislature:

**Energy Office, Nebraska**

Annual Report for Fiscal Year 1999-2000

**MOTION - Withdraw LB 771**

Senator Engel renewed his pending motion, found on page 673, to withdraw LB 771.

The Engel motion to withdraw prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 104.**

A BILL FOR AN ACT relating to certain cities and villages; to eliminate court action bond requirements 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
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Maxwell	McDonald	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 0.

Present and not voting, 2:

Kruse            Wickersham

Excused and not voting, 4:

Chambers      Hartnett      Landis      Schimek

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

#### **LEGISLATIVE BILL 105.**

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.

Whereupon the 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	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Maxwell	McDonald	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 2:

Kruse            Robak

Excused and not voting, 3:

Chambers       Hartnett       Landis

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 126 with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 126.**

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1505, Reissue Revised Statutes of Nebraska; to change certain notice requirements as prescribed; and to repeal the original section.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Engel
Erdman	Foley	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Landis
Maxwell	McDonald	Pedersen, Dw.	Pederson, D.	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, 2:

Dierks            Kruse

Excused and not voting, 2:

Chambers       Hartnett

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

declared passed and the title agreed to.

Senator Kruse 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 128.**

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2042, Revised Statutes Supplement, 2000; to change provisions relating to the Integrated Solid Waste Management Cash 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, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Maxwell	Pedersen, Dw.	Pederson, D.	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, 1:

McDonald

Excused and not voting, 3:

Chambers      Hartnett      Kruse

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

**LEGISLATIVE BILL 128A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 128, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Maxwell	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers      Hartnett      Kruse

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 162 with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 162.**

A BILL FOR AN ACT relating to real estate appraisers; to amend sections 76-2204, 76-2207, 76-2215, 76-2216, 76-2217.01, 76-2218, 76-2220, 76-2222, 76-2223, 76-2225 to 76-2229, 76-2233.02, 76-2237 to 76-2246, and 76-2247.01 to 76-2250, Reissue Revised Statutes of Nebraska, and sections 76-2201, 76-2203, 76-2221, 76-2229.01, 76-2230, 76-2231.01 to 76-2233.01, and 76-2236, Revised Statutes Supplement, 2000; to change credentialing and regulation provisions and fees; to eliminate obsolete and duplicative provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 76-2229.02, 76-2234, and 76-2235, Reissue Revised Statutes of Nebraska, and section 76-2234.01, Revised Statutes Supplement, 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Maxwell	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers	Hartnett	Kruse
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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 179.**

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-408, Reissue Revised Statutes of Nebraska; to change membership of the zoning board of appeals; 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, 46:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Landis	Maxwell	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers      Hartnett      Kruse

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

**LEGISLATIVE BILL 268.** With Emergency.

A BILL FOR AN ACT relating to bingo; to amend section 9-230.01, Reissue Revised Statutes of Nebraska, and section 9-241.03, Revised Statutes Supplement, 2000; to change provisions relating to special event bingo; 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, 37:

Aguiar	Baker	Beutler	Bourne	Brashear
Bromm	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Cunningham	Engel	Hilgert
Hudkins	Janssen	Jensen	Jones	Kristensen
Maxwell	McDonald	Pedersen, Dw.	Pederson, D.	Preister
Quandahl	Raikes	Redfield	Robak	Schrock
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 6:

Erdman	Foley	Kremer	Landis	Price
Smith				

Present and not voting, 3:

Brown	Dierks	Schimek
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Excused and not voting, 3:

Chambers      Hartnett      Kruse

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

**LEGISLATIVE BILL 317.**

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend

section 14-510, Reissue Revised Statutes of Nebraska; to authorize adoption of an imprest system of accounting; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Chambers      Hartnett

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 1CA.

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

Section 1. At the general election in November 2002 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, and such language shall be used in the public schools. ; ~~and the common school branches shall be taught in said 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 clarify English language requirements in 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, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 1:

Landis

Present and not voting, 1:

Tyson

Excused and not voting, 2:

Chambers Hartnett

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

### **MOTION - Suspend Rules**

Senator Bruning moved to suspend the rules, Rule 3, Sec. 14, to permit scheduling of a public hearing for LB 619, LB 596, LB 726, and LB 728.

The Bruning motion to suspend the rules prevailed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

### **SENATOR CUDABACK PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 270.** Senator Hudkins offered the following

amendment:

AM0485

1 1. Strike original sections 9 and 10 and insert the  
2 following new sections:  
3 "Sec. 4. Section 71-111, Revised Statutes Supplement,  
4 2000, is amended to read:  
5 71-111. For the purpose of giving examinations to  
6 applicants for license to practice the professions for which a  
7 license is required by the Uniform Licensing Law or for the purpose  
8 of certification or registration, the State Board of Health shall  
9 appoint a professional board for each of the professions under the  
10 Uniform Licensing Law except osteopathic medicine and surgery and  
11 acupuncture.

12 Sec. 5. Section 71-112, Revised Statutes Supplement,  
13 2000, is amended to read:

14 71-112. The professional boards provided in section  
15 71-111 shall be designated as follows:

16 (1) For medicine and surgery, acupuncture, and  
17 osteopathic medicine and surgery, Board of Medicine and Surgery;

18 (2) For athletic training, Board of Athletic Training;

19 (3) For respiratory care, Board of Respiratory Care  
20 Practice;

21 (4) For chiropractic, Board of Chiropractic;

22 (5) For dentistry and dental hygiene, Board of Dentistry;

23 (6) For optometry, Board of Optometry;

24 (7) For massage therapy, Board of Massage Therapy;

1 (8) For physical therapy, Board of Physical Therapy;

2 (9) For pharmacy, Board of Pharmacy;

3 (10) For audiology and speech-language pathology, Board  
4 of Audiology and Speech-Language Pathology;

5 (11) For medical nutrition therapy, Board of Medical  
6 Nutrition Therapy;

7 (12) For funeral directing and embalming, Board of  
8 Funeral Directing and Embalming;

9 (13) For podiatry, Board of Podiatry;

10 (14) For psychology, Board of Psychologists;

11 (15) For veterinary medicine and surgery, Board of  
12 Veterinary Medicine and Surgery; and

13 (16) For mental health practice, Board of Mental Health  
14 Practice.

15 Any change made by the Legislature of the names of boards  
16 listed in this section shall not change the membership of such  
17 boards or affect the validity of any action taken by or the status  
18 of any action pending before any of such boards. Any such board  
19 newly named by the Legislature shall be the direct and only  
20 successor to the board as previously named.

21 Sec. 6. Section 71-112.01, Revised Statutes Supplement,  
22 2000, is amended to read:

23 71-112.01. The Board of Medicine and Surgery shall be

- 24 responsible for regulating the ~~practice~~ practices of osteopathic  
 25 medicine and surgery and acupuncture in the same manner as such  
 26 board regulates the practice of medicine and surgery.
- 27 Sec. 12. An applicant for an initial license to practice  
 1 acupuncture shall apply to the department on forms provided by the  
 2 department. At the time of application, the applicant shall  
 3 present to the department proof that he or she:
- 4 (1) Is nineteen years of age or older and is of good  
 5 moral character;
- 6 (2) Has graduated from, after having successfully  
 7 completed the acupuncture curriculum requirements of, a formal,  
 8 full-time acupuncture program at a board-approved university,  
 9 college, or school of acupuncture which includes at least one  
 10 thousand seven hundred twenty-five hours of entry-level acupuncture  
 11 education consisting of a minimum of one thousand didactic and five  
 12 hundred clinical hours;
- 13 (3) Has successfully passed an acupuncture examination  
 14 approved by the board which shall include a comprehensive written  
 15 examination in acupuncture theory, diagnosis and treatment  
 16 technique, and point location; and
- 17 (4) Has successfully completed a clean-needle technique  
 18 course approved by the board.
- 19 Sec. 13. The board, with the approval of the department  
 20 shall adopt and promulgate rules and regulations regarding the  
 21 licensing, conduct, and practice of acupuncturists. Such rules and  
 22 regulations shall be adopted pursuant to the Administrative  
 23 Procedure Act. The rules and regulations regarding conduct which  
 24 constitutes sufficient grounds for revocation or suspension of a  
 25 license or other disciplinary measures shall be deemed to  
 26 constitute unprofessional conduct under subdivision (10) of section  
 27 71-147."
- 1 2. On page 2, line 5, strike "5 to 11" and insert "8 to  
 2 14".
- 3 3. On page 10, strikes lines 20 and 21 and insert:  
 4 "(3) Board means the Board of Medicine and Surgery."; and  
 5 in line 22 strike "5 to 10" and insert "8 to 14".
- 6 4. On page 13, line 1, after the third comma insert  
 7 "71-111, 71-112, 71-112.01,".
- 8 5. Renumber the remaining sections accordingly.

The Hudkins amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Kristensen offered the following amendment:  
 AM0510

(Amendments to AM0382)

- 1 1. On page 1, line 9, strike "A" and insert "When  
 2 performing acupuncture, a"; and in line 13 after "surgery" insert  
 3 "when such person performs acupuncture".

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kristensen amendment was adopted with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 270A.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 1 nay, 18 present and not voting, and 4 excused and not voting.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 574.** Senator Brashear offered the following amendment:

AM0522

- 1 1. On page 3, strike beginning with "and" in line 13  
 2 through line 14 and insert "  
 3 (4) The department may not release any digital image,  
 4 digital signature, or biometric identifier obtained pursuant to  
 5 this section except as provided in the Uniform Motor Vehicle  
 6 Records Disclosure Act.".

Senator Brashear withdrew his amendment.

Pending.

### **NOTICE OF COMMITTEE HEARING Nebraska Retirement Systems**

LB 619	Wednesday, February 21, 2001	12:00 PM
LB 596	Wednesday, February 21, 2001	12:00 PM
LB 726	Wednesday, February 21, 2001	12:00 PM
LB 728	Wednesday, February 21, 2001	12:00 PM

(Signed) Jon C. Bruning, Chairperson

### **REFERENCE COMMITTEE REPORT**

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

Borchert, Marshall - Coordinating Commission for Postsecondary Education - Education

Buser, Kimberly - Health and Human Services System Partnership Council - Health and Human Services

Carr, Elnora - Health and Human Services System Partnership Council - Health and Human Services

Connell, Patrick - Health and Human Services System Partnership Council - Health and Human Services

Fields, Lon - State Emergency Response Commission - Government, Military and Veterans Affairs

Kunze, Ken - Nebraska Power Review Board - Natural Resources

Long, David - Health and Human Services System Partnership Council - Health and Human Services

Sher, Bradley - Health and Human Services System Partnership Council - Health and Human Services

Smith, Roy - Coordinating Commission for Postsecondary Education - Education

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 362:  
AM0523

(Amendments to Final Reading copy)

- 1 1. On page 3, line 23, after "delivery" insert "if the
- 2 governing authority so chooses".

Senator Smith filed the following amendment to LB 400:  
AM0503

- 1 1. On page 2, line 11, strike the new matter; and in
- 2 lines 24 through 28 strike the new matter and insert "Providers of
- 3 programs licensed pursuant to section 71-1911 shall upon request
- 4 provide to potential or current clients of the program
- 5 documentation of the training levels of staff members of the
- 6 program.".
- 7 2. On page 3, strike lines 1 through 28.
- 8 3. On page 4, strike lines 1 through 8; in line 9 strike
- 9 "(6)" and insert "(5)"; and in line 17 strike "(7)" and insert
- 10 "(6)".



**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 191A.** 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 191, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 400A.** 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 400, Ninety-seventh Legislature, First Session, 2001.

**STANDING COMMITTEE REPORTS****Natural Resources**

**LEGISLATIVE BILL 458.** Placed on General File.

(Signed) Ed Schrock, Chairperson

**Judiciary**

**LEGISLATIVE BILL 112.** Placed on General File.

**LEGISLATIVE BILL 604.** Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

**Transportation and Telecommunications**

**LEGISLATIVE BILL 107.** Placed on General File.

**LEGISLATIVE BILL 377.** Placed on General File.

**LEGISLATIVE BILL 491.** Placed on General File.

**LEGISLATIVE BILL 499.** Placed on General File.

**LEGISLATIVE BILL 616.** Placed on General File.

**LEGISLATIVE BILL 39.** Indefinitely postponed.

**LEGISLATIVE BILL 41.** Indefinitely postponed.

**LEGISLATIVE BILL 70.** Indefinitely postponed.

**LEGISLATIVE BILL 89.** Indefinitely postponed.

**LEGISLATIVE BILL 90.** Indefinitely postponed.

**LEGISLATIVE BILL 148.** Indefinitely postponed.

**LEGISLATIVE BILL 261.** Indefinitely postponed.

**LEGISLATIVE BILL 463.** Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 574.** Senator Brashear offered the following amendment:

AM0520

- 1 1. Insert the following new section:
- 2 "Sec. 32. Section 60-2912, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 60-2912. (1) Any person requesting the disclosure of
- 5 personal information from department records who misrepresents his
- 6 or her identity or makes a false statement to the department on any
- 7 application required to be submitted pursuant to the Uniform Motor
- 8 Vehicle Records Disclosure Act shall be guilty of a Class IV
- 9 felony.
- 10 (2) Any officer, employee, agent, or contractor of the
- 11 department that knowingly discloses or knowingly permits disclosure
- 12 of sensitive personal information in violation of the act shall be
- 13 guilty of a Class I misdemeanor and shall be subject to removal
- 14 from office or discharge in the discretion of the Governor or
- 15 agency head, as appropriate."
- 16 2. On page 56, line 12, strike "and" and after the last
- 17 comma insert "and 60-2912,".
- 18 3. Renumber the remaining sections accordingly.

The Brashear amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Senator Brashear offered the following amendment:

AM0521

- 1 1. On page 3, strike beginning with "Beginning" in line
- 2 6 through line 10.

Senators Dierks, McDonald, Vrtiska, Burling, and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Brashear withdrew his amendment.

Advanced to E & R for review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 574A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator Jones asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 254.** Title read. Considered.

Senators Brashear, Tyson, and Erdman asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, AM0216, found on page 485, lost with 0 ayes, 22 nays, 15 present and not voting, and 12 excused and not voting.

Senator Suttle withdrew her pending amendment, AM0497, found on page 672.

Senator Suttle offered the following amendment:  
AM0514

1 1. On page 3, line 3, after "year" insert ". If such  
2 person has had one or more convictions under this section in the  
3 twelve years prior to the date of a current conviction under this  
4 section, such person shall be guilty of a Class II misdemeanor, and  
5 as part of any sentence, suspended sentence, or judgment of  
6 conviction, the court shall order the defendant not to drive any  
7 motor vehicle for any purpose in the State of Nebraska for not less  
8 than thirty days nor more than one year".

#### **SPEAKER KRISTENSEN PRESIDING**

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

The Suttle amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 104, 105, 126, 128, 128A, 162, 179, 268, 317, and LR 1CA.

#### **STANDING COMMITTEE REPORTS** **Natural Resources**

**LEGISLATIVE BILL 374.** Placed on General File as amended.  
Standing Committee amendment to LB 374:  
AM0478

1 1. On page 3, line 12, after "load" insert "demand"; and

2 in line 14 after "percent" insert "during the applicable billing  
 3 period. Any negotiated contract or agreement entered into pursuant  
 4 to this section shall contain a provision stating that any general  
 5 retail rate increase approved by the board of directors shall  
 6 include the parties to a contract or agreement for a discounted  
 7 rate".

(Signed) Ed Schrock, Chairperson

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 359.** Placed on General File as amended.  
 (Standing Committee amendment, AM0199, 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 547.** Placed on General File as amended.  
 Standing Committee amendment to LB 547:  
 AM0498

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 44-6604, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 44-6604. For purposes of the Insurance Fraud Act, a
- 5 person or entity commits a fraudulent insurance act if he or she:
- 6 (1) Knowingly and with intent to defraud or deceive
- 7 presents, causes to be presented, or prepares with knowledge or
- 8 belief that it will be presented to or by an insurer, or any agent
- 9 of an insurer, any statement as part of, in support of, or in
- 10 denial of a claim for payment or other benefit from an insurer or
- 11 pursuant to an insurance policy knowing that the statement contains
- 12 any false, incomplete, or misleading information concerning any
- 13 fact or thing material to a claim;
- 14 (2) Assists, abets, solicits, or conspires with another
- 15 to prepare or make any statement that is intended to be presented
- 16 to or by an insurer or person in connection with or in support of
- 17 any claim for payment or other benefit from an insurer or pursuant
- 18 to an insurance policy knowing that the statement contains any
- 19 false, incomplete, or misleading information concerning any fact or
- 20 thing material to the claim;
- 21 (3) Makes any false or fraudulent representations as to
- 22 the death or disability of a policy or certificate holder or a
- 23 covered person in any statement or certificate for the purpose of
- 24 fraudulently obtaining money or benefit from an insurer;
- 1 (4) Knowingly and willfully transacts any contract,
- 2 agreement, or instrument which violates this section;
- 3 (5) Receives money for the purpose of purchasing
- 4 insurance and converts the money to the person's own benefit;
- 5 (6) Willfully embezzles, abstracts, purloins,
- 6 misappropriates, or converts money, funds, premiums, credits, or

7 other property of an insurer or person engaged in the business of  
8 insurance;

9 (7) Knowingly and with intent to defraud or deceive  
10 issues or possesses fake or counterfeit insurance policies,  
11 certificates of insurance, insurance identification cards, or  
12 insurance binders;

13 (8) Knowingly and with intent to defraud or deceive makes  
14 any false entry of a material fact in or pertaining to any document  
15 or statement filed with or required by the department; or

16 (9) Knowingly and with intent to defraud or deceive  
17 removes, conceals, alters, diverts, or destroys assets or records  
18 of an insurer or person engaged in the business of insurance or  
19 attempts to remove, conceal, alter, divert, or destroy assets or  
20 records of an insurer or person engaged in the business of  
21 insurance."

22 2. On page 2, lines 9 and 16, after "benefit" insert

23 "from an insurer or"; and in line 21 after "holder" insert "or a  
24 covered person".

25 3. On page 10, line 4, after "(7)" insert "(a)"; in

26 lines 6 through 16 strike the new matter; and after line 18 insert  
27 the following new subdivision:

1 "(b) On or before March 1 of each year, each employer who  
2 is approved by the Nebraska Workers' Compensation Court as a  
3 self-insurer shall pay a fee as established by the director not to  
4 exceed one thousand dollars to the Nebraska Workers' Compensation  
5 Court to be remitted to the State Treasurer for credit to the  
6 Department of Insurance Cash Fund, which fees may be appropriated  
7 only to carry out the purposes of the Insurance Fraud Act. Willful  
8 refusal by any such self-insurer to pay the fee required under this  
9 subdivision shall be grounds for the compensation court to suspend  
10 or revoke the approval of such self-insurer to provide  
11 self-insurance coverage of workers' compensation liability pursuant  
12 to section 48-145."; and in line 19 after "44-6603" insert ",  
13 44-6604.".

14 4. Renumber the remaining sections accordingly.

(Signed) David M. Landis, Chairperson

### Revenue

**LEGISLATIVE BILL 465.** Placed on General File as amended.

(Standing Committee amendment, AM0376, 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 Affairs

**LEGISLATIVE BILL 671.** Placed on General File.

**LEGISLATIVE BILL 114.** Placed on General File as amended.  
Standing Committee amendment to LB 114:  
AM0509

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 53-101, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 53-101. Sections 53-101 to 53-1,121 and section 5 of
- 5 this act shall be known and may be cited as the Nebraska Liquor
- 6 Control Act.
- 7 Sec. 5. In order to further the public policy of
- 8 detering minors from obtaining or consuming alcoholic liquor,
- 9 persons under twenty-one years of age may be authorized to assist
- 10 duly authorized law enforcement officers to determine compliance
- 11 with sections 53-180 and 53-180.02. Such compliance checks shall
- 12 be conducted pursuant to guidelines adopted and promulgated by the
- 13 Nebraska State Patrol with input from the commission."
- 14 2. On page 2, line 14, after "residence" insert ",
- 15 premises of a church or other religious organization on which
- 16 premises wine is used for sacramental purposes, or a licensed
- 17 premises licensed under the Nebraska Liquor Control Act"; and in
- 18 line 16 after the period insert "The presumption may be overcome by
- 19 results of a chemical analysis of the minor's breath alcohol level
- 20 requested by the minor or by a law enforcement officer."
- 21 3. On page 6, strike lines 1 through 14 and insert "or
- 22 (4) of this section, he or she shall be ineligible to apply for an
- 23 operator's license for the time periods specified in such section.
- 24 If the person holds an operator's license when convicted or
- 1 adjudicated as a juvenile under subsection (3) of this section, the
- 2 person shall have his or her operator's license impounded for the
- 3 time periods specified in such subsection. If the person holds an
- 4 operator's license when convicted or adjudicated as a juvenile
- 5 under subsection (4) of this section, the person shall have his or
- 6 her operator's license suspended for the time periods specified in
- 7 such subsection. Beginning on July 1, 2002, an abstract of the
- 8 court record of every person convicted of violating section
- 9 53-180.02 whose license is suspended or impounded or who is
- 10 ineligible to apply for an operator's license pursuant to this
- 11 section shall be transmitted to the Department of Motor Vehicles.
- 12 For purposes of this section, operator's license has the same
- 13 meaning as in section 60-474."; and in line 21 after the last comma
- 14 insert "and section 53-101, Revised Statutes Supplement, 2000,".
- 15 4. Renumber the remaining sections accordingly.

(Signed) Ray Janssen, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of February 15, 2001, 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

Munguia, Roberto Fernando  
Burlington Northern Santa Fe

O'Hara & Associates, Inc.  
ADT Automotive, Inc.

Pappas, James E.  
Producers for Fair Check Off

Skochdopole, Robert A.  
Midwest Medical Insurance Company  
Nebraska Beef, Ltd.

Van Pelt, Carter  
American Cancer Society, (NE)

**NOTICE OF COMMITTEE HEARINGS**  
**Appropriations**

Monday, February 26, 2001	1:30 PM
AGENCY 16 - Revenue	
AGENCY 93 - Tax Equalization & Review	
AGENCY 96 - Department of Property Taxation and Assessment	
LB 504      Monday, February 26, 2001	1:30 PM
LB 635      Monday, February 26, 2001	1:30 PM
Monday, February 26, 2001	1:30 PM
AGENCY 29 - Water Resources	
LB 189      Tuesday, February 27, 2001	1:30 PM
LB 676      Tuesday, February 27, 2001	1:30 PM
Tuesday, February 27, 2001	1:30 PM
AGENCY 13 - Education	
AGENCY 34 - Library Commission	
AGENCY 69 - Arts Council	

Wednesday, February 28, 2001 1:30 PM  
 AGENCY 67 - Equal Opportunity Commission  
 AGENCY 5 - Supreme Court  
 AGENCY 11 - Attorney General  
 AGENCY 15 - Pardons and Parole  
 AGENCY 94 - Public Advocacy

LB 228 Thursday, March 1, 2001 1:30 PM

Thursday, March 1, 2001 1:30 PM  
 AGENCY 35 - Liquor Control Commission  
 AGENCY 78 - Crime Commission  
 AGENCY 64 - State Patrol  
 AGENCY 46 - Correctional Services

(Signed) Roger R. Wehrbein, Chairperson

#### **Nebraska Retirement Systems**

LB 622	Wednesday, February 28, 2001	12:00 PM
LB 687	Wednesday, February 28, 2001	12:00 PM
LB 379	Wednesday, February 28, 2001	12:00 PM
LB 801	Wednesday, February 28, 2001	12:00 PM

(Signed) Jon C. Bruning, Chairperson

#### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 303A.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 303, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

**LEGISLATIVE BILL 326A.** 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 326, Ninety-seventh Legislature, First Session, 2001.

#### **SELECT COMMITTEE REPORTS**

##### **Enrollment and Review**

**LEGISLATIVE BILL 358.** Placed on Select File as amended.

E & R amendment to LB 358:

AM7047

1 1. In the Standing Committee amendment, AM0163, on page



- 2 1, line 4, after "strike" insert "the second".
- 3 2. On page 2, line 2, strike "Cigarette" and insert
- 4 "Cigarettes"; and in line 25 strike "Balance" and insert
- 5 "Balanced".
- 6 3. On page 4, line 4, strike "28-1429.01 or" and insert
- 7 "28-1429 or sections"; and in line 13 strike "in, imported into"
- 8 and before "this" insert "or imported into".

**LEGISLATIVE BILL 300.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### VISITORS

Visitors to the Chamber were Ed Erickson from North Platte, Steve Duennerman from Kearney, and Barry Kubat from Omaha; members of the Leadership Tomorrow class from Grand Island and Hastings; and Cub Scout Pack 28 and leaders from Kearney.

The Doctor of the Day was Dr. Tony Dresbach from Lincoln.

### ADJOURNMENT

At 11:53 a.m., on a motion by Senator Wickersham, the Legislature adjourned until 9:00 a.m., Tuesday, February 20, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FIRST DAY - FEBRUARY 20, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 20, 2001

**PRAYER**

The prayer was offered by Pastor Tom Peyton, Community Bible Church, Bayard, 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 Brown who was excused; and Senators Brashear, Bromm, Byars, Coordsen, Dierks, Hartnett, Kristensen, Raikes, Schrock, Vrtiska, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirtieth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 15, 2001, at 12:00 p.m., were the following: LBs 104, 105, 126, 128, 128A, 162, 179, 268e, and 317.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**PRESENTED TO THE SECRETARY OF STATE**

Presented to the Secretary of State on February 15, 2001, at 12:00 p.m., was the following: LR 1CA.

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

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 360.** Placed on Select File as amended.

E & R amendment to LB 360:

AM7051

1 1. On page 1 strike beginning with "the" in line 1  
2 through line 16 and insert "insurance; to amend sections 44-417,  
3 44-516, 44-517, 44-520, 44-10,100, 44-10,106, 44-1981, 44-19,108,  
4 44-2121, 44-2702, 44-2703, 44-2707, 44-2709, 44-2713, and 44-4201,  
5 Reissue Revised Statutes of Nebraska, and sections 44-522, 44-523,  
6 44-1992, 44-19,115, 44-2708, and 44-4203, Revised Statutes  
7 Supplement, 2000; to define and redefine terms; to change  
8 provisions relating to credit for reinsurance, nonrenewal and  
9 cancellation of automobile liability policies, and service of  
10 process and notice requirements for foreign or alien societies; to  
11 change provisions of the Title Insurers Act, the Title Insurance  
12 Agent Act, the Insurance Holding Company System Act, the Nebraska  
13 Life and Health Insurance Guaranty Association Act, and the  
14 Comprehensive Health Insurance Pool Act; to harmonize provisions;  
15 and to repeal the original sections."

16 2. On page 25, line 27, strike "premium" and insert  
17 "premiums".

18 3. On page 26, line 3, strike "Premium" and insert  
19 "Premiums"; and in line 7 after "individual" insert an underscored  
20 comma.

21 4. On page 27, line 10, strike "(15)(a)(i)" and insert  
22 "(12)(a)(i)".

23 5. On page 30, line 1, strike "(1)(b)" and insert  
24 "(1)(a)(ii)" and after the semicolon insert "and"; and in line 19

1 strike "subsections" and insert "subdivisions".

2 6. On page 44, line 14, after "annuities" insert an  
3 underscored comma.

4 7. On page 56, line 18, strike "that" and insert "than";  
5 and in line 21 strike "for" and insert "of".

6 8. On page 58, line 12, after "bears" insert an  
7 underscored comma; in line 18 after "impaired" insert an  
8 underscored comma; and in line 23 reinstate the stricken matter and  
9 strike the new matter.

10 9. On page 61, line 27; and page 62, line 2, strike  
11 "commissioner" and insert "director".

12 10. On page 62, line 11, after "section" insert an  
13 underscored comma.

14 11. On page 67, line 6, strike "2" and insert "21"; and  
15 in line 15 strike "20" and insert "21".

**LEGISLATIVE BILL 308.** Placed on Select File.

**LEGISLATIVE BILL 397.** Placed on Select File.

**LEGISLATIVE BILL 432.** Placed on Select File as amended.  
(E & R amendment, AM7049, 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 411.** Placed on Select File.  
**LEGISLATIVE BILL 243.** Placed on Select File.

**LEGISLATIVE BILL 34.** Placed on Select File as amended.  
E & R amendment to LB 34:  
AM7048

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

**LEGISLATIVE BILL 106.** Placed on Select File.  
**LEGISLATIVE BILL 108.** Placed on Select File.  
**LEGISLATIVE BILL 477.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

#### **STANDING COMMITTEE REPORTS** **Nebraska Retirement Systems**

**LEGISLATIVE BILL 526.** Placed on General File.

**LEGISLATIVE BILL 408.** Placed on General File as amended.  
(Standing Committee amendment, AM0481, 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 711.** Placed on General File as amended.  
Standing Committee amendment to LB 711:  
AM0258

- 1 1. Insert the following new section:
- 2 "Sec. 5. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 9, strike lines 5 through 15 and insert
- 5 "refund of the member's contribution account balance with interest
- 6 plus an additional one hundred one percent of the member's
- 7 contribution account balance with interest or (b) an annuity
- 8 payable monthly for the surviving spouse's lifetime which shall be
- 9 equal to the benefit amount that had accrued to the member at the
- 10 date of the member's death, commencing when the member would have
- 11 reached age sixty, or the member's age at death if greater, reduced
- 12 by three percent for each year payments commence before the member
- 13 would have reached age sixty-five, and adjusted for payment in the
- 14 form of a one-hundred-percent joint and survivor annuity."

(Signed) Jon C. Bruning, Chairperson

**ANNOUNCEMENTS**

Senator Bromm designates LB 827 as his priority bill.

Senator Cudaback designates LB 92 as his priority bill.

**REPORTS**

The following reports were received by the Legislature:

**Investment Council, Nebraska**

Northern Ireland Investment Requirements

**Rural Development Commission, Nebraska**

Annual Report

**MOTION - Approve Appointments**

Senator Janssen moved the adoption of the report of the General Affairs Committee for the following appointments found on page 671: State Electrical Board - Sterling Johnson and Ted Stutheit.

Voting in the affirmative, 33:

Aguilar	Baker	Beutler	Bourne	Bruning
Burling	Byars	Connealy	Cunningham	Dierks
Engel	Foley	Hilgert	Hudkins	Janssen
Jones	Kremer	Kruse	Landis	Maxwell
McDonald	Pedersen, Dw.	Pederson, D.	Price	Quandahl
Redfield	Robak	Schimek	Smith	Stuhr
Thompson	Tyson	Vrtiska		

Voting in the negative, 0.

Present and not voting, 7:

Chambers	Cudaback	Erdman	Jensen	Preister
Suttle	Wehrbein			

Excused and not voting, 9:

Brashear	Bromm	Brown	Coordsen	Hartnett
Kristensen	Raikes	Schrock	Wickersham	

The appointments were confirmed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 51.** E & R amendment, AM7027, found on page 489, was adopted.

Senator Chambers renewed his pending amendment, AM0197, found on page 471.

The Chambers amendment was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Senator Beutler asked unanimous consent to replace his pending amendment, AM0167, found on page 544, with a substitute amendment. No objections. So ordered.

Senator Beutler withdrew his pending amendment, AM0167, found on page 544.

Senator Beutler offered the following substitute amendment:  
AM0558

- 1 1. On page 20, after line 17 insert the following new  
2 subsection:  
3 "(3) If an insurance producer terminates an appointment,  
4 employment, contract, or other insurance business relationship with  
5 an insurer or authorized representative of the insurer and the  
6 insurer or authorized representative has knowledge that the  
7 insurance producer has engaged in any of the activities set forth  
8 in section 13 of this act, the insurer or authorized representative  
9 shall notify the director of such activities within thirty days  
10 following the effective date of the termination. If an insurance  
11 producer terminates an appointment, employment, contract, or other  
12 insurance business relationship with an insurer or authorized  
13 representative and the insurer or authorized representative has  
14 knowledge that the insurance producer was found by a court,  
15 government body, or self-regulatory organization to have engaged in  
16 any of the activities set forth in section 13 of this act, the  
17 insurer or authorized representative shall notify the director  
18 within thirty days following the effective date of the termination.  
19 Upon the written request of the director, the insurer shall provide  
20 additional information, documents, records, or other data  
21 pertaining to the termination or activity of the producer."; in  
22 line 18 strike "(3)" and insert "(4)"; in line 22 after "(1)",  
23 insert "or (2)"; in line 24 strike "(4)" and insert "(5)"; in lines  
24 25 and 28 strike "or (3)" and insert "(3), or (4)"; and in line 27  
1 strike "(5)" and insert "(6)".
- 2 2. On page 21, strike lines 3 and 4 and insert  
3 "terminated pursuant to subsection (1) or (3) of this section, the  
4 insurer shall"; in line 16 strike "(7)" and insert "(8)"; and in  
5 lines 18 and 25 strike "(6)" and insert "(7)".
- 6 3. On page 22, lines 1, 6, 16, and 18, strike "(6)" and  
7 insert "(7)"; in lines 10 and 12 after "section" insert "or a  
8 report made pursuant to subsection (3) of this section"; and in  
9 line 22 strike "(7)" and insert "(8)".
- 10 4. On page 23, lines 11 and 18; and page 24, line 10,  
11 strike "(7)" and insert "(8)".

12 5. On page 24, line 14, after "terminations" insert "or  
13 reports made pursuant to subsection (3) of this section"; and in  
14 line 18 strike "(8)" and insert "(9)".

The Beutler amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Beutler withdrew his pending amendment, AM0280, found on page 562.

Senator Beutler offered the following amendment:

AM0564

- 1 1. Insert the following new section:
- 2 "Sec. 40. The Executive Board of the Legislative Council
- 3 shall study the problem of future state legislative prerogative
- 4 with respect to the Insurance Producers Licensing Act, enacted by
- 5 this legislative bill under the pressure of the federal
- 6 Gramm-Leach-Bliley Act, and recommend to the Legislature those
- 7 changes or initiatives which would best preserve the power of the
- 8 Legislature to control its own law in this area. The Clerk of the
- 9 Legislature shall send a copy of this section to each of the
- 10 Nebraska representatives in the Congress of the United States. It
- 11 is the intent of the Legislature to express by this action its
- 12 strong disagreement with the coercive strategy of the
- 13 Gramm-Leach-Bliley Act which in practical effect seriously curtails
- 14 state legislative initiatives and prerogatives in this area."
- 15 2. Renumber the remaining sections accordingly.

Senator Beutler moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Beutler	Bromm	Chambers	Connealy	Coordsen
Foley	Hilgert	Janssen	Preister	Quandahl
Robak	Schimek	Stuhr	Suttle	Wehrbein

Voting in the negative, 27:

Aguilar	Baker	Bourne	Brashear	Bruning
Burling	Byars	Cudaback	Dierks	Engel
Erdman	Jensen	Jones	Kremer	Kruse
Landis	McDonald	Pedersen, Dw.	Pederson, D.	Price
Raikes	Redfield	Smith	Thompson	Tyson
Vrtiska	Wickersham			



Present and not voting, 3:

Cunningham    Hudkins        Maxwell

Excused and not voting, 4:

Brown           Hartnett        Kristensen     Schrock

The Beutler amendment lost with 15 ayes, 27 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 53.** E & R amendment, AM7028, found on page 533, was adopted.

Senator Landis withdrew his pending amendment, AM0250, found on page 536.

Senator Landis renewed his pending amendment, AM0339, found on page 571.

The Landis amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 166.** The Baker pending amendment, AM0386, found on page 616, was renewed.

The Baker amendment lost with 12 ayes, 19 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 166A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 225.** E & R amendment, AM7029, found on page 547, was adopted.

Senator Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 27 ayes, 3 nays, 15 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 225A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 244.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 244A.** Advanced to E & R for engrossment.

Senators Robak and Kremer asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 245.** E & R amendment, AM7030, found on page 549, was adopted.

Senator Beutler withdrew his pending amendment, AM0282, found on page 562.

Senator Bromm offered the following amendment:

AM0508

1 1. Insert the following new section:

2 "Sec. 3. The State of Nebraska shall not participate in

3 any rail project or appropriate funds for any rail project proposed

4 by the Midwest Interstate Passenger Rail Compact unless the

5 specific project is authorized by the enactment of a legislative

6 bill. For purposes of this section, rail project includes the

7 planning phase of such a project.

8 Sec. 4. The Midwest Interstate Passenger Rail Compact

9 Cash Fund is created and shall consist of money appropriated by the

10 Legislature and gifts, grants, or bequests from any source,

11 including federal, state, public, and private sources. The money

12 shall be used to carry out passenger rail initiatives under the

13 Midwest Interstate Passenger Rail Compact. Any money in the fund

14 available for investment shall be invested by the state investment

15 officer pursuant to the Nebraska Capital Expansion Act and the

16 Nebraska State Funds Investment Act."

17 2. Renumber the remaining sections accordingly.

The Bromm 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 375.** E & R amendment, AM7032, found on page 549, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 376.** E & R amendment, AM7034, found on page 562, was adopted.

Senator Chambers renewed his pending amendment, AM0320, found on page 571.

The Chambers amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Wehrbein renewed his pending amendment, AM0394, found on page 637.

The Wehrbein amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 387.** Senator Chambers renewed his pending amendment, AM0326, found on page 636.

The Chambers amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 165.** E & R amendment, AM7031, found on page 562, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 155.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 163.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 129.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 472.** E & R amendment, AM7033, found on page 563, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 146.** E & R amendment, AM7035, found on page 563, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 418.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 192.** E & R amendment, AM7037, found on page 619, was adopted.

Senator Chambers renewed his pending amendment, AM0318, found on page 621.

The Chambers amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 257.** Senator Jensen offered the following amendment:

AM0466

- 1 1. Insert the following new section:
- 2 "Section 1. Section 68-1036.02, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 68-1036.02. (1) ~~The estate of a decedent who has~~
- 5 ~~received~~ The recipient of medical assistance benefits under the
- 6 medical assistance program established under section 68-1018 shall
- 7 be indebted to the Department of Health and Human Services Finance
- 8 and Support for the total amount paid for medical assistance on
- 9 behalf of the ~~decedent recipient~~ if:
- 10 (a) ~~The decedent recipient~~ was fifty-five years of age or
- 11 older at the time the medical assistance was provided; or
- 12 (b) ~~The decedent recipient~~ resided in a medical
- 13 institution and, at the time of institutionalization or application
- 14 for medical assistance, whichever is later, the department
- 15 determines that the ~~decedent recipient~~ could not have reasonably
- 16 been expected to be discharged and resume living at home. For
- 17 purposes of this section, medical institution ~~shall mean~~ means a
- 18 skilled nursing facility, intermediate care facility, intermediate
- 19 care facility for the mentally retarded, nursing facility, or
- 20 inpatient hospital.
- 21 (2) The debt accruing under subsection (1) of this
- 22 section arises during the life of the recipient but shall be held
- 23 in abeyance until the death of the recipient. No debt to the
- 24 department shall exist if the ~~decedent recipient dies and he or she~~
- 1 is survived (a) by a spouse or (b) by a child who either is under
- 2 twenty-one years of age or is blind or totally and permanently
- 3 disabled as defined by the Supplemental Security Income criteria.
- 4 (3) The debt shall include the total amount of medical
- 5 assistance provided when the recipient was fifty-five years of age
- 6 or older or during a period of institutionalization as described in
- 7 subsection (1) of this section and shall not include interest.
- 8 (4) In any probate proceedings in which the department
- 9 has filed a claim under this section, no additional evidence of
- 10 foundation shall be required for the admission of the department's
- 11 payment record supporting its claim if the payment record bears the
- 12 seal of the department, is certified as a true copy, and bears the
- 13 signature of an authorized representative of the department.
- 14 (5) The department may waive or compromise its claim, in
- 15 whole or in part, if the department determines that enforcement of
- 16 the claim would not be in the best interests of the state or would
- 17 result in undue hardship.
- 18 (6) The department may adopt and promulgate rules and
- 19 regulations to carry out this section."
- 20 2. On page 5, line 6, strike "section" and insert

21 "sections 68-1036.02 and"; and in line 7 strike "is" and insert  
22 "are".

23 3. Renumber the remaining sections accordingly.

The Jensen amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 257A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 193.** E & R amendment, AM7036, printed separately and referred to on page 625, was adopted.

Senator Connealy offered the following amendment:  
AM0504

(Amendments to E & R amendments, AM7036)

- 1 1. On page 12, line 23, strike "presiding officer" and
- 2 insert "Speaker".

The Connealy 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.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 25.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 25A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 238.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 238A.** Advanced to E & R for engrossment.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 152.** E & R amendment, AM7038, found on page 625, was adopted.

Senator Beutler offered the following amendment:  
AM0569

- 1 1. On page 3, line 10; and page 4, line 8, after
- 2 "injury" insert "and, if known, whether the injury resulted from an
- 3 accident involving the use of alcohol".

The Beutler amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 152A.** Advanced to E & R for engrossment.

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 329.** Title read. Considered.

Senator Beutler renewed his pending motion, found on page 673, to indefinitely postpone LB 329.

### SENATOR CUDABACK PRESIDING

Senators Landis and McDonald 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 31 ayes, 0 nays, and 18 not voting.

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

Voting in the affirmative, 16:

Aguilar	Beutler	Bourne	Bruning	Hilgert
Jensen	Kruse	Maxwell	Preister	Price
Quandahl	Schrock	Stuhr	Suttle	Thompson
Tyson				

Voting in the negative, 26:

Baker	Brashear	Bromm	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Foley	Hudkins	Janssen	Jones
Kremer	Kristensen	Landis	Pedersen, Dw.	Pederson, D.
Raikes	Redfield	Smith	Vrtiska	Wehrbein
Wickersham				

Present and not voting, 1:

Chambers

Excused and not voting, 6:

Brown	Erdman	Hartnett	McDonald	Robak
Schimek				

The Beutler motion to indefinitely postpone failed with 16 ayes, 26 nays, 1 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS Revenue

**LEGISLATIVE BILL 123.** Placed on General File.

**LEGISLATIVE BILL 57.** Placed on General File as amended.

Standing Committee amendment to LB 57:

AM0531

- 1 1. On page 3, line 4 after "84-712.01" insert ", except
- 2 those documents developed, produced, or acquired and made available
- 3 for commercial sale to the general public if the price or
- 4 reproduction cost of the document is not fixed by state law, rule,
- 5 or regulation".

**LEGISLATIVE BILL 45.** Indefinitely postponed.

**LEGISLATIVE BILL 59.** Indefinitely postponed.

**LEGISLATIVE BILL 390.** Indefinitely postponed.

**LEGISLATIVE BILL 424.** Indefinitely postponed.

**LEGISLATIVE BILL 430.** Indefinitely postponed.

**LEGISLATIVE BILL 464.** Indefinitely postponed.

**LEGISLATIVE BILL 495.** Indefinitely postponed.

**LEGISLATIVE BILL 537.** Indefinitely postponed.

**LEGISLATIVE BILL 606.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

## Transportation and Telecommunications

**LEGISLATIVE BILL 95.** Placed on General File as amended.

Standing Committee amendment to LB 95:

AM0355

- 1 1. On page 3, strike lines 12 through 28 and insert the
- 2 following new subsection:
- 3 "(4)(a) This section does not apply to persons who are
- 4 passengers of, but not operators of, a limousine being used in a
- 5 charter or special party service as such terms are defined by
- 6 Public Service Commission rules and regulations and subject to
- 7 Chapter 75, article 3. Such persons may possess open alcoholic
- 8 beverage containers and may consume alcoholic beverages while such
- 9 limousine is in a public parking area or on any highway in this
- 10 state, subject to the following requirements:
- 11 (i) The driver of such limousine is prohibited from
- 12 consuming or possessing alcoholic liquor; and
- 13 (ii) In the case of a special party service, the carrier
- 14 shall notify passengers at the time of reservation or purchase of

15 transportation services whether or not alcoholic beverages may be  
 16 consumed.

17 (b) For purposes of this subsection, limousine does not  
 18 include taxicabs."

19 2. On page 4, strike lines 1 through 5.

**LEGISLATIVE BILL 283.** Placed on General File as amended.

(Standing Committee amendment, AM0118, 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 470.** Placed on General File as amended.

(Standing Committee amendment, AM0145, 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 585.** Placed on General File as amended.

Standing Committee amendment to LB 585:

AM0462

1 1. On page 2, strike beginning with "Division" in line 9  
 2 through "Services" in line 10 and insert "Commission means the  
 3 Public Service Commission".

4 2. On page 4, lines 1, 6, 7, 11, 12, and 17; page 5,  
 5 lines 12 and 22; page 6, lines 12, 14, and 27; page 8, lines 3, 6,  
 6 10, 11, 16, 18, 22, and 25; and page 9, line 2, strike each  
 7 occurrence of "division" and insert "commission".

8 3. On page 4, line 28, strike "and".

9 4. On page 5, line 2, after "industry" insert "; and

10 (7) The Director of Administrative Services or his or her  
 11 designee who shall serve as an ex officio member"; and in line 3,  
 12 strike "Of the initial board" and insert "For members of the  
 13 initial board as described in subdivisions (1) through (6) of this  
 14 section".

15 5. On page 6, line 10, strike "service" and insert

16 "safety".

17 6. On page 8, line 12, strike "division's" and insert

18 "commission's".

**LEGISLATIVE BILL 661.** Placed on General File as amended.

Standing Committee amendment to LB 661:

AM0477

1 1. On page 2, line 18, strike "Director-State Engineer"  
 2 and insert "Director of Economic Development"; and in line 24  
 3 strike "Economic Development" and insert "Roads".

4 2. On page 3, lines 12 and 19, strike "Roads" and insert  
 5 "Economic Development".

(Signed) Curt Bromm, Chairperson



**Judiciary**

**LEGISLATIVE BILL 92.** Placed on General File.

**LEGISLATIVE BILL 357.** Placed on General File.

**LEGISLATIVE BILL 752.** Placed on General File.

**LEGISLATIVE BILL 99.** Placed on General File as amended.

Standing Committee amendment to LB 99:

AM0365

- 1 1. On page 4, lines 12 through 14, strike the new matter
- 2 and insert "The claimant shall send a copy of a recorded lien to
- 3 the contracting owner within ten days after recording, and the
- 4 recording shall be within the time specified for the filing of
- 5 liens under section 52-137.".
- 6 2. On page 6, lines 6 and 8, after "owner" insert "of a
- 7 copy of a recorded lien or"; and in line 11 after "claimants"
- 8 insert "who have provided a copy of a recorded lien or".

**LEGISLATIVE BILL 161.** Placed on General File as amended.

Standing Committee amendment to LB 161:

AM0130

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 13-922, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 13-922. (1) Except as provided in subsection (2) of this
- 6 section, the total amount recoverable against any employee for
- 7 claims filed pursuant to section 13-920 or 13-921 arising out of an
- 8 occurrence after May 13, 1987, and prior to the effective date of
- 9 this act shall be limited to: (1) (a) One million dollars for any
- 10 person for any number of claims arising out of a single occurrence;
- 11 and (2) (b) five million dollars for all claims arising out of a
- 12 single occurrence.
- 13 (2) The total amount recoverable against any employee for
- 14 claims filed pursuant to section 13-920 arising out of an
- 15 occurrence on or after the effective date of this act or for claims
- 16 arising out of an occurrence prior to the effective date of this
- 17 act which are not barred by section 13-919 shall be limited to two
- 18 million dollars for any person for any number of claims arising out
- 19 of a single occurrence.
- 20 (3) On July 1, 2002, and each July 1 thereafter, the Risk
- 21 Manager shall adjust the amount in subsection (2) of this section
- 22 by a percentage equal to the increase in the change in the Consumer
- 23 Price Index for All Urban Consumers as determined by the United
- 24 States Department of Labor, Bureau of Labor Statistics, for the
- 1 period of July 1 of the prior year to June 30 of the present year.
- 2 The amount as adjusted shall apply to claims arising out of an
- 3 occurrence on or after July 1 and on or before the following June
- 4 30. The amount as adjusted shall be published by the risk

5 management and state claims division of the Department of  
6 Administrative Services in a timely manner. The department shall  
7 adopt and promulgate rules and regulations to carry out this  
8 section.  
9 Sec. 2. Section 13-926, Reissue Revised Statutes of  
10 Nebraska, is amended to read:  
11 13-926. (1) Except as provided in subsection (2) of this  
12 section, the ~~The~~ total amount recoverable under the Political  
13 Subdivisions Tort Claims Act for claims arising out of an  
14 occurrence after November 16, 1985, and prior to the effective date  
15 of this act shall be limited to:  
16 ~~(1)~~ (a) One million dollars for any person for any number  
17 of claims arising out of a single occurrence; and  
18 ~~(2)~~ (b) Five million dollars for all claims arising out  
19 of a single occurrence.  
20 (2) The total amount recoverable under the Political  
21 Subdivisions Tort Claims Act for claims arising out of an  
22 occurrence on or after the effective date of this act or for claims  
23 arising out of an occurrence prior to the effective date of this  
24 act which are not barred by section 13-919 shall be limited to two  
25 million dollars for any person for any number of claims arising out  
26 of a single occurrence.  
27 (3) On July 1, 2002, and each July 1 thereafter, the Risk  
1 Manager shall adjust the amount in subsection (2) of this section  
2 by a percentage equal to the increase in the change in the Consumer  
3 Price Index for All Urban Consumers as determined by the United  
4 States Department of Labor, Bureau of Labor Statistics, for the  
5 period of July 1 of the prior year to June 30 of the present year.  
6 The amount as adjusted shall apply to claims arising out of an  
7 occurrence on or after July 1 and on or before the following June  
8 30. The amount as adjusted shall be published by the risk  
9 management and state claims division of the Department of  
10 Administrative Services in a timely manner. The department shall  
11 adopt and promulgate rules and regulations to carry out this  
12 section.  
13 (4) If the damages sustained by an innocent third party  
14 pursuant to section 13-911 are not fully recoverable from one or  
15 more political subdivisions due to the limitations in this section,  
16 additional sources for recovery shall be as follows: First, any  
17 offsetting payments specified in subsection (3) of section 13-911  
18 shall be reduced to the extent necessary to fully compensate the  
19 innocent third party; and second, if such reduction is insufficient  
20 to fully compensate the innocent third party, the right of  
21 reimbursement granted to the political subdivision in subsection  
22 (2) of section 13-911 shall be reduced to the extent necessary to  
23 fully compensate the innocent third party.  
24 Sec. 3. Original sections 13-922 and 13-926, Reissue  
25 Revised Statutes of Nebraska, are repealed."

**LEGISLATIVE BILL 188.** Placed on General File as amended.  
Standing Committee amendment to LB 188:  
AM0195

- 1 1. On page 2, line 4, reinstate "shall" and strike
- 2 "may".

**LEGISLATIVE BILL 466.** Placed on General File as amended.  
Standing Committee amendment to LB 466:  
AM0248

- 1 1. On page 4, line 9, after "juvenile" insert "who was a
- 2 ward of the juvenile court at the inception of his or her
- 3 guardianship and".

**LEGISLATIVE BILL 489.** Placed on General File as amended.  
Standing Committee amendment to LB 489:  
AM0547

- 1 1. On page 2, line 7, after "(2)" insert "(a)"; strike
- 2 beginning with "within" in line 11 through line 16, show the old
- 3 matter as stricken, and insert "as follows:
- 4 (i) For products manufactured in Nebraska, within ten
- 5 years after the date the product which allegedly caused the
- 6 personal injury, death, or damage was first sold or leased for use
- 7 or consumption; or
- 8 (ii) For products manufactured outside Nebraska, within
- 9 the time allowed by the applicable statute of repose, if any, of
- 10 the state or country where the product was manufactured, but in no
- 11 event less than ten years. If the state or country where the
- 12 product was manufactured does not have an applicable statute of
- 13 repose, then the only limitation upon the commencement of an action
- 14 for product liability shall be as set forth in subsection (1) of
- 15 this section.
- 16 (b) If the changes made to this subsection by this
- 17 legislative bill are declared invalid or unconstitutional, this
- 18 subsection as it existed prior to the effective date of this act
- 19 shall be deemed in full force and effect and shall apply to all
- 20 claims in which a final order has not been entered.".

**LEGISLATIVE BILL 598.** Placed on General File as amended.  
Standing Committee amendment to LB 598:  
AM0192

- 1 1. On page 2, strike beginning with "but" in line 16
- 2 through "43-406" in line 18.
- 3 2. On page 3, line 4, strike beginning with "make"
- 4 through "conforms" and insert "provide treatment services which
- 5 conform".

**LEGISLATIVE BILL 236.** Indefinitely postponed.  
**LEGISLATIVE BILL 256.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

### Natural Resources

**LEGISLATIVE BILL 717.** Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

### Revenue

**LEGISLATIVE BILL 20.** Placed on General File as amended.  
Standing Committee amendment to LB 20:

AM0566

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. This act becomes operative on October 1,
- 4 2001.
- 5 Sec. 2. The following section is outright repealed:
- 6 Section 77-2704.22, Reissue Revised Statutes of Nebraska."

(Signed) William R. Wickersham, Chairperson

### Transportation and Telecommunications

**LEGISLATIVE BILL 827.** Placed on General File as amended.  
(Standing Committee amendment, AM0499, 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

### General Affairs

**LEGISLATIVE BILL 545.** Placed on General File as amended.  
(Standing Committee amendment, AM0571, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ray Janssen, Chairperson

### ANNOUNCEMENT

The General Affairs Committee designates LB 671 as its priority bill.

### RESOLUTION

**LEGISLATIVE RESOLUTION 31.** Introduced by Hilgert, 7.

WHEREAS, Gregory Buchta of Omaha has earned the Boy Scouts' highest honor and rank of Eagle Scout and was awarded this honor on January 7, 2001; and

WHEREAS, Gregory Buchta has been active in the Assumption School Boy Scout Troop 495 since January 31, 1993; and

WHEREAS, Gregory Buchta also holds the Cub Scouts' highest honor of the Arrow of Light and has held the offices of Assistant Patrol Leader, Patrol Leader, and Scribe; and

WHEREAS, Gregory Buchta is only the fourteenth member of troop 495 to achieve the rank of Eagle Scout; and

WHEREAS, Gregory Buchta has achieved great success as an exemplary member of the Scouting program and has represented his troop with excellence.

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

1. That the Legislature congratulates Gregory Buchta on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes the outstanding leadership example he has provided to his troop.

2. That a copy of this resolution be sent to Gregory Buchta and his family.

Laid over.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 186A.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 186, Ninety-seventh Legislature, First Session, 2001.

### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 186:  
AM0495

1. On page 2, line 10, after "Code" insert "as defined
- 2 in section 49-801.01"; and in lines 13 and 14 strike "Internal
- 3 Revenue Code", show as stricken, and insert "code".

Senator Chambers filed the following amendment to LB 128:  
AM0464

(Amendments to Final Reading copy)

1. On page 2, line 13, before the last period insert "2
- 2 as such section existed on the effective date of this act".

Senator Chambers filed the following amendment to LB 300:  
AM0526

1. On page 2, line 24, after "Code" insert ", as defined
- 2 in section 49-801.01".
3. On page 7, line 21, after the comma insert "15 U.S.C.
- 4 661 et seq., as the act existed on the effective date of this
- 5 act".

Senator Chambers filed the following amendment to LB 358:  
AM0502

- 1 1. On page 2, lines 3, 15, 19, and 22; and page 3, line
- 2 12, before the semicolon insert ", as such section existed on the
- 3 effective date of this act".
- 4 2. On page 2, line 26, strike "amended" and insert "such
- 5 section existed on the effective date of this act"; and in line 28
- 6 before the semicolon insert ", as the act existed on the effective
- 7 date of this act".
- 8 3. On page 3, line 23, strike "and any regulations" and
- 9 insert ", as such section existed on the effective date of this
- 10 act".

Senator Chambers filed the following amendment to LB 432:  
AM0525

(Amendments to E & R amendments, AM7049)

- 1 1. On page 4, line 4, before the semicolon insert ", as
- 2 such regulations existed on the effective date of this act".
- 3 2. On page 15, line 10, after "C.F.R." insert ", as such
- 4 regulations existed on the effective date of this act".

Senator Chambers filed the following amendment to LB 299:  
AM0480

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) A member of a duly organized state,
- 4 county, or municipal peace unit of another state of the United
- 5 States who enters this state in fresh pursuit under authority of
- 6 the Uniform Act on Fresh Pursuit shall be jointly and severally
- 7 liable, along with the state, county, or municipal peace unit
- 8 employing the member, for death, injury, or property damage to an
- 9 innocent third party proximately caused by the action of the member
- 10 during fresh pursuit.
- 11 (2) A member of a duly organized state, county, or
- 12 municipal peace unit of another state of the United States who
- 13 enters this state in fresh pursuit under authority of the Uniform
- 14 Act on Fresh Pursuit shall be deemed to have given his or her
- 15 consent to be subject to the laws of this state, and such action by
- 16 the member shall constitute sufficient contact with this state for
- 17 the exercise of personal jurisdiction over such person, with
- 18 respect to a cause of action regarding death, injury, or property
- 19 damage to an innocent third party proximately caused by the actions
- 20 of the member during fresh pursuit.
- 21 (3) Any duly organized state, county, or municipal peace
- 22 unit of another state of the United States that authorizes its
- 23 members to enter this state during fresh pursuit under authority of
- 24 the Uniform Act on Fresh Pursuit shall be deemed to have given its
- 1 consent to be subject to the laws of this state, and such action by
- 2 the members shall constitute sufficient contact with this state for

3 the exercise of personal jurisdiction over such peace unit, with  
 4 respect to a cause of action regarding death, injury, or property  
 5 damage to an innocent third party proximately caused by the actions  
 6 of such members during fresh pursuit.

7 Sec. 2. Section 29-419, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 29-419. For the ~~purpose~~ purposes of sections 29-416 to  
 10 ~~29-420~~ the Uniform Act on Fresh Pursuit, the word state shall  
 11 include the District of Columbia.

12 Sec. 3. Section 29-420, Reissue Revised Statutes of  
 13 Nebraska, is amended to read:

14 29-420. ~~The~~ For purposes of the Uniform Act on Fresh  
 15 Pursuit, the term fresh pursuit, ~~as used in sections 29-416 to~~  
 16 ~~29-420~~, shall include fresh pursuit as defined by the common law,  
 17 and also the pursuit of a person who has committed a felony or who  
 18 is reasonably suspected of having committed a felony. It shall  
 19 also include the pursuit of a person suspected of having committed  
 20 a supposed felony, though no felony has actually been committed, if  
 21 there is reasonable ground for believing that a felony has been  
 22 committed. Fresh pursuit, ~~as used herein~~, shall not necessarily  
 23 imply instant pursuit, but pursuit without unreasonable delay.

24 Sec. 4. Section 29-421, Reissue Revised Statutes of  
 25 Nebraska, is amended to read:

26 29-421. Sections 29-416 to 29-421 and section 1 of this  
 27 act shall be known and may be cited as the Uniform Act on Fresh  
 1 Pursuit.

2 Sec. 5. Original sections 29-419, 29-420, and 29-421,  
 3 Reissue Revised Statutes of Nebraska, are repealed."

Senator Bromm filed the following amendment to LB 283:  
 AM0344

(Amendments to Standing Committee amendments, AM0118)

1 1. Insert the following new section:

2 "Sec. 196. All rules, regulations, and orders of the  
 3 Department of Roads adopted prior to the effective date of this act  
 4 shall continue to be effective until revised, amended, repealed, or  
 5 nullified pursuant to law. All contracts entered into by the  
 6 Department of Roads prior to the effective date of this act are  
 7 hereby acknowledged, with the the Department of Transportation  
 8 succeeding to all rights and obligations. Any cash funds,  
 9 custodial funds, gifts, trusts, grants, and appropriations of funds  
 10 from prior fiscal years available to satisfy obligations incurred  
 11 under such contracts shall be appropriated to the Department of  
 12 Transportation for the payment of such obligations. All permits,  
 13 registrations, and other forms of approval issued by the Department  
 14 of Roads prior to the effective date of this act shall remain valid  
 15 as issued unless revoked or their effectiveness is otherwise  
 16 terminated as provided by law. No suit, action, or other  
 17 proceeding, judicial or administrative, lawfully commenced prior to

18 the effective date of this act, or which could have been commenced  
19 prior to the effective date of this act, by or against the  
20 Department of Roads, the Director-State Engineer, or any employee  
21 thereof, in such director's or employee's official capacity or in  
22 relation to the discharge of his or her official duties, shall  
23 abate by reason of this legislative bill."

1 2. Renumber the remaining section accordingly.

Senator Raikes filed the following amendment to LB 433:

AM0565

1 1. On page 4, line 12, after "Licensure" insert "and,  
2 for child care services for children from birth through age eight,  
3 accredited by a nationally recognized early childhood education  
4 organization,"; in line 17 after "(2)" insert "(a)" and after  
5 "services" insert "for children from birth through age eight"; and  
6 in line 21 after "children" insert "from birth through age eight".  
7 2. On page 5, line 10, after the period insert "(b) Any  
8 business firm which provides child care services only for children  
9 age nine and older shall be allowed a credit against the individual  
10 income tax, corporate income tax, premium or related retaliatory  
11 tax, or franchise tax equal to ten percent of the costs incurred by  
12 the business firm in providing child care services for children age  
13 nine and older of employees for each taxable year, up to  
14 twenty-five percent of such business firm's total tax liability.  
15 In the case of a sole proprietorship, partnership, or limited  
16 liability company which is taxed as a pass-through entity or a  
17 corporation which has in effect an election under subchapter S of  
18 the Internal Revenue Code, the maximum allowable amount of credit  
19 shall be twenty-five percent of the income tax liability determined  
20 as if such business firm had been a corporation subject to the  
21 state income tax imposed by section 77-2734.02. Such pass-through  
22 entities shall allocate the allowable credit among their  
23 proprietors, partners, members, or shareholders in the same manner  
24 as taxable income is allocated. In the case of a fiduciary, the  
1 maximum allowable amount of the credit shall be twenty-five percent  
2 of the income tax liability of the fiduciary computed without any  
3 deduction for distributions, and the allowable credit shall be  
4 allocated among the fiduciary and its beneficiaries in proportion  
5 to the taxable income included by each beneficiary in his or her  
6 Nebraska income tax returns.  
7 (c)".

Senator Chambers filed the following amendment to LB 360:

AM0530

1 1. On page 33, line 8, after "1144" insert ", as such  
2 section existed on the effective date of this act".  
3 2. On page 51, line 4, after "Code" insert "as defined  
4 in section 49-801.01".



**MOTION - Print in Journal**

Senator Hilgert filed the following motion to LB 476:  
Place LB 476 on General File, pursuant to Rule 3, Section 20(b).

**NOTICE OF COMMITTEE HEARING  
Education**

Monday, March 12, 2001 1:30 PM  
Mary Lauritzen - Coordinating Commission for Postsecondary Education  
Marshall Borchert - Coordinating Commission for Postsecondary Education  
Roy Smith - Coordinating Commission for Postsecondary Education

(Signed) Ron Raikes, Chairperson

**MOTION - Print in Journal**

Senator Connealy filed the following motion:  
Permit the introduction of new bills by the Business and Labor Committee,  
Req. #1061 and Req. #1062, pursuant to Rule 5, Section 4(c)(2).

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Dw. Pedersen asked unanimous consent to have his name added as  
cointroducer to LB 357. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were members of the North Platte Area Chamber of  
Commerce; Jerome Knoll from North Platte; Matt Bogard, Tyrel  
Christensen, Brandon Mueller, and Kristin McLaughlin, members of the  
Future Business Leaders of America; Larry Cilhaek from Pierce; 32 tenth  
grade students and sponsor of the Youth Leadership Tomorrow Class from  
Grand Island; and the Northeast Family YMCA Preschool from Lincoln.

The Doctor of the Day was Dr. Richard Gustafson from Lincoln.

**ADJOURNMENT**

At 12:07 p.m., on a motion by Speaker Kristensen, the Legislature  
adjourned until 9:00 a.m., Wednesday, February 21, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SECOND DAY - FEBRUARY 21, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 21, 2001

**PRAYER**

The prayer was offered by Reverend Robert Rademacher, Emmaus and Immanuel Lutheran Church, Kennard, 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, Engel, Hartnett, Kristensen, Landis, McDonald, Raikes, Schimek, Wehrbein, 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 270.** Placed on Select File as amended. (E & R amendment, AM7050, 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 270A.** Placed on Select File.

**LEGISLATIVE BILL 574.** Placed on Select File as amended.  
E & R amendment to LB 574:

AM7052

- 1 1. On page 1, line 3, strike "and" and after the last
- 2 comma insert "and 60-2912,"; and in line 13 after the last
- 3 semicolon insert "to provide penalties;".

- 4 2. On page 2, line 22, after the second "or" insert an  
5 underscored comma; and in line 24 after "act" insert an underscored  
6 comma.
- 7 3. On page 16, line 13; page 19, line 4; and page 21,  
8 line 26, after "date" insert "prescribed by the director in section  
9 3 of this act".
- 10 4. On page 27, line 20, strike "Upon" and show as  
11 stricken; and in line 21 strike "being", show as stricken, and  
12 insert "If".
- 13 5. On page 46, line 24, insert an underscored period  
14 after the new matter.
- 15 6. On page 51, strike beginning with the comma in line  
16 14 through "shall" in line 15 and show as stricken.

**LEGISLATIVE BILL 574A.** Placed on Select File.

**LEGISLATIVE BILL 254.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

#### ANNOUNCEMENT

The Chair announced today is Senator Hudkins's birthday.

#### GENERAL FILE

**LEGISLATIVE BILL 186A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 337.** E & R amendment, AM7041, found on page 653, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 409.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 133.** E & R amendment, AM7043, found on page 653, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 46.** E & R amendment, AM7040, found on page 657, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 48.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 269.** E & R amendment, AM7042, found on page 667, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 346.** E & R amendment, AM7044, found on page 670, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 346A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 226.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 253.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 250.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 280.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 97.** E & R amendment, AM7045, found on page 671, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 97A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 299.** Senator Chambers renewed his pending amendment, AM0480, found on page 718.

The Chambers amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 186.** E & R amendment, AM7046, found on page 671, was adopted.

Senator Chambers renewed his pending amendment, AM0495, found on page 717.

The Chambers amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 358.** E & R amendment, AM7047, found on page 696, was adopted.

Senator Chambers renewed his pending amendment, AM0502, found on page 718.

The Chambers amendment was adopted with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

Senator Janssen offered the following amendment:

AM0568

- 1 1. Strike original section 7.
- 2 2. On page 3, strike line 13; and in line 18 before the
- 3 period insert "; and
- 4 (4) Import or reimport into the United States for sale or
- 5 distribution under any trade name, trade dress, or trademark that
- 6 is the same as, or is confusingly similar to, any trade name, trade
- 7 dress, or trademark used for cigarettes manufactured in the United
- 8 States for sale or distribution in the United States".
- 9 3. Renumber the remaining sections and correct internal
- 10 references accordingly.

The Janssen amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 300.** Senator Chambers renewed his pending amendment, AM0526, found on page 717.

The Chambers 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 334.** E & R amendment, AM7039, found on page 646, was adopted.

Senator Beutler offered the following amendment:

AM0589

- 1 1. On page 2, line 15, strike "reasonable fees" and
- 2 insert "a fee between the range of twenty and one hundred fifty
- 3 dollars per hour".

The Beutler amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 334A.** Senator Jensen offered the following amendment:

AM0599

- 1 1. On page 2, line 2, strike "\$9,000" and insert
- 2 "\$7,000" and after the second "Fund" insert "and \$2,000 from the
- 3 Telehealth System Fund".

The Jensen 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.

**LEGISLATIVE BILL 182.** Senator Beutler offered the following amendment:

AM0596

- 1 1. On page 2, line 17, after "services" insert ". The
- 2 appointments under this subdivision shall be non-voting members
- 3 unless and until the agencies represented by these appointees
- 4 formally authorize such appointees to vote on all matters before
- 5 the council".

The Beutler 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.

### GENERAL FILE

**LEGISLATIVE BILL 329.** Considered.

Senator Beutler renewed his pending amendment, FA35, found on page 673.

The Beutler amendment lost with 10 ayes, 20 nays, 13 present and not voting, and 6 excused and not voting.

Senator Beutler asked unanimous consent to replace his pending amendment, FA36, found on page 673, with a substitute amendment. No objections. So ordered.

Senator Beutler withdrew his pending amendment, FA36, found on page 673.

Senator Beutler offered the following substitute amendment:

AM0597

- 1 1. Insert the following new section:
- 2 "Section 1. Section 2-3214, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-3214. (1) District directors shall be elected as
- 5 provided in section 32-513. Elections shall be conducted as
- 6 provided in the Election Act. Registered voters residing within
- 7 the district shall be eligible for nomination as candidates for any
- 8 at-large position or, in those districts that have established
- 9 subdistricts, as candidates from the subdistrict within which they
- 10 reside.
- 11 (2) The board of directors may choose to: (a) Nominate
- 12 candidates from subdistricts and from the district at large who

13 shall be elected by the registered voters of the entire district;  
14 (b) nominate and elect each candidate from the district at large;  
15 or (c) nominate and elect candidates from subdistricts of  
16 ~~substantially equal population~~ except that any at-large candidate  
17 would be nominated and elected by the registered voters of the  
18 entire district. Unless the board of directors determines that the  
19 nomination and election of all directors will be at large, the  
20 board shall ~~strive to~~ divide the district into subdistricts of  
21 ~~substantially equal population, except that no subdistrict shall~~  
22 ~~have a population greater than three times the population of any~~  
23 ~~other subdistrict within the district.~~ Such subdistricts shall be  
24 consecutively numbered and shall be established with due regard to  
1 all factors including, but not limited to, the location of works of  
2 improvement and the distribution of population and taxable values  
3 within the district. The boundaries and numbering of such  
4 subdistricts shall be designated at least six months prior to the  
5 primary election. Unless the district has been divided into  
6 subdistricts, ~~with substantially equal population,~~ all directors  
7 shall be elected by the registered voters of the entire district  
8 and all registered voters shall vote on the candidates representing  
9 each subdistrict and any at-large candidates. If a district has  
10 been divided into subdistricts, ~~with substantially equal~~  
11 ~~population,~~ the board of directors may determine that directors  
12 shall be elected only by the registered voters of the subdistrict  
13 except that an at-large director may be elected by registered  
14 voters of the entire district.

15 (3) Except in districts which have chosen to have a  
16 single director serve from each subdistrict, the number of  
17 subdistricts for a district shall equal a number which is one less  
18 than a majority of directors for the district. In districts which  
19 have chosen to have a single director serve from each subdistrict,  
20 the number of subdistricts shall equal a number which is equal to  
21 the total number of directors of the district or which is one less  
22 than the total number of directors for the district if there is an  
23 at-large candidate. If the number of directors to be elected  
24 exceeds the number of subdistricts or if the term of the at-large  
25 director expires in districts which have chosen to have a single  
26 director serve from each subdistrict, candidates may file as a  
27 candidate from the district at large. Registered voters may each  
1 cast a number of votes not larger than the total number of  
2 directors to be elected.

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

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

8 (6) The board of directors shall certify to the Secretary  
9 of State and the election commissioners or county clerks the number  
10 of directors to be elected at each election and the length of their



11 terms as provided in section 32-404."

12 2. On page 7, line 27, strike "section" and insert

13 "sections 2-3214 and".

14 3. Renumber the remaining sections accordingly.

Senator Wickersham requested a ruling of the Chair on whether the Beutler amendment is germane to the bill.

The Chair ruled the Beutler amendment is not germane to the bill.

Senator Beutler moved to suspend the rules, Rule 7, Sec. 3(d), to permit consideration of AM0597 to LB 329.

Senator D. Pederson 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 16 ayes, 0 nays, and 33 not voting.

Senator Beutler requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 14:

Beutler	Bourne	Bruning	Chambers	Foley
Hilgert	Kruse	Landis	Preister	Price
Quandahl	Robak	Schimek	Thompson	

Voting in the negative, 23:

Aguilar	Baker	Burling	Connealy	Coordsen
Cunningham	Dierks	Erdman	Hudkins	Janssen
Jones	Kremer	Kristensen	McDonald	Pedersen, Dw.
Raikes	Redfield	Schrock	Smith	Stuhr
Tyson	Vrtiska	Wickersham		

Present and not voting, 8:

Brashear	Bromm	Byars	Cudaback	Engel
Jensen	Maxwell	Suttle		

Excused and not voting, 4:

Brown	Hartnett	Pederson, D.	Wehrbein
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The Beutler motion to suspend the rules failed with 14 ayes, 23 nays, 8 present and not voting, and 4 excused and not voting.

Senator Beutler withdrew his pending motion, found on page 673, to bracket LB 329 to April 1, 2001.

The Chair declared the call raised.

Senator Bourne offered the following amendment:

AM0574

- 1 1. Strike original section 1.
- 2 2. On page 5, strike beginning with "any" in line 10 through "and" in line 11.
- 4 3. On page 7, line 28, strike "sections 13-518 and 5 13-519" and insert "section 13-518".
- 6 4. Renumber the remaining sections accordingly.

Senator Bromm 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 26 ayes, 0 nays, and 23 not voting.

Senator Wickersham requested a roll call vote on the Bourne amendment.

Voting in the affirmative, 24:

Aguilar	Baker	Beutler	Bourne	Brashear
Bruning	Burling	Connealy	Cunningham	Hilgert
Hudkins	Janssen	Jensen	Kremer	Kruse
Maxwell	Pedersen, Dw.	Preister	Quandahl	Robak
Smith	Stuhr	Suttle	Thompson	

Voting in the negative, 14:

Byars	Coordsen	Cudaback	Dierks	Erdman
Foley	Kristensen	Landis	McDonald	Price
Raikes	Redfield	Vrtiska	Wickersham	

Present and not voting, 6:

Chambers	Engel	Jones	Schimek	Schrock
Tyson				

Excused and not voting, 5:

Bromm	Brown	Hartnett	Pederson, D.	Wehrbein
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The Bourne amendment lost with 24 ayes, 14 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Schimek moved to reconsider the vote on the Bourne amendment, AM0574.

**SENATOR CUDABACK PRESIDING**

Senator Beutler 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 Schimek motion to reconsider the Bourne amendment prevailed with 26 ayes, 12 nays, 7 present and not voting, and 4 excused and not voting.

The Bourne amendment, AM0574, found in this day's Journal, was reconsidered.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Senator Bourne moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Bourne requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Bruning	Burling	Byars	Connealy
Cunningham	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kruse	Maxwell	Pedersen, Dw.
Preister	Quandahl	Robak	Smith	Stuhr
Suttle	Thompson	Tyson		

Voting in the negative, 16:

Chambers	Coordsen	Cudaback	Dierks	Erdman
Foley	Kristensen	Landis	McDonald	Price
Raikes	Redfield	Schimek	Schrock	Vrtiska
Wickersham				

Present and not voting, 2:

Engel	Pederson, D.
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Excused and not voting, 3:

Brown	Hartnett	Wehrbein
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The Bourne reconsidered amendment was adopted with 28 ayes, 16 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senators Coordsen, Erdman, and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved to bracket LB 329 to March 30, 2001.

Pending.

### **MOTION - Introduce New Bills**

Senator Connealy renewed his pending motion, found on page 721, to permit the introduction of new bills by the Business and Labor Committee, Req. #1061 and Req. #1062, pursuant to Rule 5, Section 4(c)(2).

Senators Robak, McDonald, and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

The Connealy motion prevailed with 34 ayes, 0 nays, 7 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 849.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

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 850.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Preister, 5; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

### **NOTICE OF COMMITTEE HEARINGS**

#### **Judiciary**

Thursday, March 15, 2001	1:30 PM
Robert L. Boozer - Board of Parole	
Charles Brewster - Crime Victims Reparation Committee	
William Brueggemann - Crime Victims Reparation Committee	

LB 757	Wednesday, February 28, 2001 (cancel)	1:30 PM
LB 757	Thursday, March 15, 2001 (reschedule)	1:30 PM

(Signed) Kermit A. Brashear, Chairperson

**General Affairs**

LB 11	Monday, March 5, 2001	1:30 PM
LB 231	Monday, March 5, 2001	1:30 PM
LB 347	Monday, March 5, 2001	1:30 PM
LB 828	Monday, March 5, 2001	1:30 PM
LB 658	Monday, March 12, 2001	1:30 PM
LB 680	Monday, March 12, 2001	1:30 PM
LB 802	Monday, March 12, 2001	1:30 PM

(Signed) Ray Janssen, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 32.** Introduced by Schrock, 38.

WHEREAS, Edward Trupp and Doris Trupp have conveyed to the Nebraska Game and Parks Foundation real estate located in Morrill County, 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 real estate presently held in trust by the Nebraska Game and Parks Foundation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 Northwest Quarter (NW1/4) of Section 34, Township 22 North, Range 52 West of the 6th principal meridian, except that part thereof lying south of the north line of Farmers Mutual Canal Company irrigation canal, all situated in Morrill County, Nebraska.

The conveyance in this section describes real estate located in Morrill County, Nebraska, for a total of 160 acres, more or less.

2. That such approval is granted with the understanding that the real estate described shall be designated and utilized as a wildlife management area.

Laid over.

**LEGISLATIVE RESOLUTION 33.** Introduced by Kristensen, 37.

WHEREAS, Chief Red Cloud, warrior-statesman of the Oglala Lakota Sioux, was born near Blue Water Creek in western Nebraska in May 1821; and

WHEREAS, Red Cloud's early prowess as a warrior secured his role as a leader of his people; and

WHEREAS, Red Cloud became the only Native American leader to win a major war against the United States when, in 1866-68, he fought the United States Army, forcing the closing of the Bozeman Trail which had encroached upon Indian territory secured by treaty; and

WHEREAS, Red Cloud turned away from warfare and sought to preserve his people's future by negotiating the Fort Laramie Treaty of 1868 which established a vast reservation homeland, including the Black Hills, and required the United States government to ease the transition to a more settled way of life by providing goods and education; and

WHEREAS, Red Cloud devoted his later life to diplomacy in an effort to counter settlement and migration policies that violated the treaties, compromised reservation lands, and threatened traditional Lakota culture; and

WHEREAS, Red Cloud's character, courage, and leadership, and ultimately his vision of peace, mark him as among the most significant Native American leaders in our history.

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

1. That Chief Red Cloud's induction as the twenty-third inductee into the Nebraska Hall of Fame on March 22, 2001, is recognition that he richly merits for his contributions to the life of his people and to the history of the State of Nebraska.

2. That a copy of this resolution be presented to Chief Red Cloud's descendants, to the Oglala Sioux Tribe, and to the Commission on Indian Affairs.

Laid over.

**LEGISLATIVE RESOLUTION 34.** Introduced by Kristensen, 37.

WHEREAS, the NEBRASKAland Foundation on Saturday, March 3, 2001, at the Annual Statehood Dinner, held in the Nebraska State Capitol, shall present the Pioneer Award, the Wagonmaster Award, the distinguished NEBRASKAlander Award, and the Sower Award; and

WHEREAS, the Pioneer Award is presented to Terry Pettit who was Nebraska's women's volleyball coach from 1977-1999, becoming the fifth-winningest coach in NCAA volleyball history, and who is regarded as one of the nation's finest coaches, not only shaping the face of Nebraska volleyball but playing a major role in the success of women's volleyball across the nation; and

WHEREAS, the Wagonmaster Award is presented to Gene Budig who began his career as a batboy for the McCook Cats baseball team and moved on to serve as the President of the American League baseball organization, and whose leadership also included major administrative posts at four outstanding public universities, setting an impressive example of a distinguished career for all Nebraskans to admire; and

WHEREAS, the distinguished NEBRASKAlander Award is presented to Jim, Dick, and Mary Cabela for their contribution to our state's social, historical, cultural, and economic well-being by turning a hobby into the

nation's largest mail order and Internet supplier of outdoor sporting goods, a major tourist attraction in Nebraska, and a symbol of economic prosperity in rural Nebraska; and

WHEREAS, the prestigious SOWER Award is presented to Eugene T. Mahoney who has contributed significantly to the benefit of mankind and to our state through his leadership in the Legislature, his later management of the Game and Parks Commission, and his creation of a foundation which has enhanced the statewide parks system. Our Nebraska parks are now a source of pride to all Nebraskans due to his efforts, and his most current endeavors as the Executive Director and chief fundraiser of the Henry Doorly Zoo Foundation continue to bring national recognition to our state.

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

1. That the Legislature extends its appreciation and congratulations to the aforesaid honorees for their service to the Great State of Nebraska.

2. That a copy of this resolution be given to all honorees at the 2001 Nebraska Statehood Day Dinner.

Laid over.

**LEGISLATIVE RESOLUTION 35.** Introduced by Schimek, 27.

WHEREAS, in January 1901 a bill was introduced in the Legislature for the purpose of creating a Public Library Commission; and

WHEREAS, on March 26, 1901, legislation was enacted and made effective on June 28, 1901, to create the Nebraska Public Library Commission; and

WHEREAS, on November 11, 1901, the newly created Nebraska Public Library Commission commenced operation and began the work of promotion and development of library services throughout the State of Nebraska; and

WHEREAS, the Nebraska Public Library Commission, renamed in 1972 as the Nebraska Library Commission, has throughout its 100-year history worked toward the establishment and extension of library services to the people of Nebraska; and

WHEREAS, the history and progress of Nebraska and its many communities are marked by the contribution of libraries to the education, enlightenment, and welfare of the people of Nebraska; and

WHEREAS, the value of libraries has been sustained and extended from the early days of books and traveling libraries through the experience in more recent decades of the benefits of electronic networks, interlibrary cooperation, and multimedia resources; and

WHEREAS, in 2001 the Nebraska Library Commission celebrates its centennial year and rededicates its commitment to the statewide promotion, development, and coordination of library services; and

WHEREAS, the Nebraska Library Commission and Nebraska libraries will continue their efforts to achieve excellence in service to the people of Nebraska now and long into the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

## NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulate the Nebraska Library Commission on its 100 years of service to the State of Nebraska and recognize Nebraska libraries for their contribution to Nebraska's quality of life.

2. That the Clerk of the Legislature send a copy of this resolution to the Nebraska Library Commission for distribution to all libraries in Nebraska.

Laid over.

**MESSAGE FROM THE GOVERNOR**

February 20, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills LB 104, LB 105, LB 126, LB 128, LB 128A, LB 162, LB 179, LB 268e, and LB 317 were received in my office on February 15, 2001.

I signed the bills listed above on February 20, 2001, and they were delivered to the Secretary of State on February 20, 2001.

Sincerely,  
(Signed) Mike Johanns  
Governor

**ANNOUNCEMENT**

Senator Janssen designates LB 429 as his priority bill.

Senator Redfield designates LB 277 as her priority bill.

**STANDING COMMITTEE REPORTS**  
**Natural Resources**

**LEGISLATIVE BILL 667.** Placed on General File as amended.

Standing Committee amendment to LB 667:

AM0570

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

3 "Section 1. Section 46-636, Reissue Revised Statutes of  
4 Nebraska, is amended to read:



5 46-636. The Legislature finds that the pumping of water  
6 for irrigation purposes from water wells located within fifty feet  
7 of the bank of a channel of any natural stream may have a direct  
8 effect on the surface flow of such stream.

9 Sec. 2. Section 46-637, Revised Statutes Supplement,  
10 2000, is amended to read:

11 46-637. The use of water described in section 46-636 may  
12 only be made after securing a permit from the Department of Natural  
13 Resources for such use. If the applicant is an individual, the  
14 application for a permit shall include the applicant's social  
15 security number. In approving or disapproving applications for  
16 such permits, the Director of Natural Resources shall take into  
17 account the effect that such pumping may have on the amount of  
18 water in the stream and its ability to meet the requirements of  
19 appropriators from the stream. This section does not apply to (1)  
20 water wells located within fifty feet of the bank of a channel of  
21 any natural stream which were in existence on July 1, 2000, and (2)  
22 replacement water wells as defined in section 46-602 that are  
23 located within fifty feet of the banks of a channel of a stream if  
24 the water wells being replaced were originally constructed prior to  
1 July 1, 2000, and were located within fifty feet of the bank a  
2 channel of any natural stream.

3 Sec. 4. Original section 46-636, Reissue Revised  
4 Statutes of Nebraska, and sections 46-637 and 46-656.25, Revised  
5 Statutes Supplement, 2000, are repealed.

6 Sec. 5. Since an emergency exists, this act takes effect  
7 when passed and approved according to law."

8 2. On page 5, strike beginning with "the" in line 2  
9 through "court" in line 3 and insert "January 1, 2001".

10 3. Renumber the remaining section accordingly.

(Signed) Ed Schrock, Chairperson

### **Banking, Commerce and Insurance**

**LEGISLATIVE BILL 719.** Placed on General File.

**LEGISLATIVE BILL 663.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

### **Agriculture**

**LEGISLATIVE BILL 435.** Placed on General File as amended.  
Standing Committee amendment to LB 435:  
AM0524

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 8 of this act shall be known

4 and may be cited as the Agricultural Suppliers Lease Protection  
5 Act.

6 Sec. 2. The Legislature finds that agricultural  
7 production in this state is highly dependent upon businesses  
8 providing inputs for agricultural producers and markets for  
9 agricultural commodities which have historically located on lands  
10 owned and served by railroads. It is vital to the continued  
11 prosperity of agriculture that such businesses maintain reasonable  
12 access to rail service and maintain reasonable terms of tenancy  
13 upon land owned by railroads or their successors in interest. The  
14 Legislature also finds that agribusiness leaseholders' substantial  
15 investments in structures and improvements unique to their rail  
16 location, as well as dependency on rail access, place them at a  
17 disadvantage in negotiating lease renewals. The Legislature  
18 further finds that given the substantial investment in structures  
19 and improvements made by agribusiness leaseholders, it is equitable  
20 that such agribusiness leaseholders have a right of first refusal  
21 to purchase the land they lease, should it be offered for sale.  
22 The purpose of the Agricultural Suppliers Lease Protection Act is  
23 to establish a system for fair resolution of lease disputes that  
24 may arise between railroad property owners or their successors and  
1 agribusiness tenants, and to guard against unreasonable lease  
2 renewal terms or unjust lease termination.

3 Sec. 3. For purposes of the Agricultural Suppliers Lease  
4 Protection Act:

5 (1) Agricultural tenant means any public warehouse  
6 licensee as defined in section 88-526 or any other persons  
7 primarily engaged in the sale or distribution of fertilizer,  
8 agricultural chemicals, or farm implements, machinery, or equipment  
9 occupying railroad land owned or controlled by a railroad or its  
10 grantee or successor in 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 substantial improvements  
21 thereon; and

22 (5) Substantial improvements means buildings or other  
23 fixtures to property that are permanent in nature and shall include  
24 storage and handling facilities and equipment that are affixed to  
25 real property;

26 (6) Successor in interest includes any agent, successor,  
27 assignee, trustee, receiver, or other person acquiring interests or  
1 rights in railroad land, including, but not limited to, the owner

2 or holder of any servient estate or right of reversion relating to  
3 railroad land.

4 Sec. 4. (1) At the expiration of an existing lease, the  
5 agricultural tenant shall be given the opportunity to renew the  
6 lease at fair market value.

7 (2) All controversies regarding application and  
8 reasonableness of lease terms and conditions or fair market value  
9 arising between a railroad or its successor in interest and an  
10 agricultural tenant who is the owner, lessee, or licensee of a  
11 substantial improvement situated on railroad land owned or  
12 controlled by the railroad or its successor in interest shall be  
13 resolved by negotiation or by Department of Agriculture action.

14 (3) The parties shall first negotiate in good faith to  
15 resolve any controversy. If any such controversy is not resolved  
16 within sixty days after notification is given to an agricultural  
17 tenant by a railroad or its successor in interest that it wishes to  
18 (a) renew a lease upon new terms, (b) terminate a lease, (c) not  
19 renew a lease upon the expiration of a current lease, or (d) change  
20 the terms of an existing lease, then either party may file a  
21 complaint with the department setting forth facts upon which such  
22 grievance is based.

23 (4) The department, after reasonable notice to the  
24 parties, shall hear and determine all matters in controversy and  
25 make such order as the facts of the controversy warrant. With  
26 respect to hearing and determination of the matters in controversy,  
27 the department shall have those powers granted to it under sections  
1 84-913 to 84-915.01. Any party shall have the right to appeal from  
2 such order in accordance with sections 84-917 to 84-919.

3 Sec. 5. (1) If a railroad or its successor in interest  
4 wishes to sell or offer to sell property leased to an agricultural  
5 tenant upon which substantial improvements owned by the  
6 agricultural tenant are located, then, except where the sale or  
7 offer to sell is made to a purchaser which will use the property  
8 for railroad operating purposes or for interim trail use under the  
9 federal National Trails System Act, 16 U.S.C. 1243, as such act  
10 existed on the effective date of this act, the railroad or its  
11 successor in interest shall first extend to the agricultural tenant  
12 a written offer to sell the railroad land to the agricultural  
13 tenant at fair market value.

14 (2) The agricultural tenant shall have thirty days after  
15 the written offer to give written notice of either (a) acceptance  
16 of the offer to sell and of the offerer's determination of fair  
17 market value or (b) acceptance of the offer to sell and rejection  
18 of the offerer's determination of fair market value in which case  
19 the parties shall negotiate the fair market value and, if the  
20 parties cannot agree, the agricultural tenant shall have sixty days  
21 after the agricultural tenant gives notice of rejection to file a  
22 complaint with the Department of Agriculture seeking determination  
23 of fair market value.

24 (3) The Department of Agriculture, after reasonable  
25 notice to the parties, shall hear and determine the fair market  
26 value of the land offered for sale and make such order as the facts  
27 of the controversy warrant. In conducting its hearing, the  
1 department shall have those powers granted it under the  
2 Administrative Procedure Act. Any person shall have the right to  
3 appeal from such order in accordance with the act.

4 (4) If the agricultural tenant fails to give timely  
5 notice or to file a timely complaint under subsection (2) of this  
6 section or to complete the purchase of the property within sixty  
7 days after the fair market value has been accepted by the  
8 agricultural tenant or determined by the department unless the  
9 delay in completing the purchase is attributable to the railroad or  
10 its successor in interest, then the railroad or its successor in  
11 interest may sell or offer to sell the property to any purchaser,  
12 and such purchaser shall not be bound by this section. If the  
13 property is sold to a purchaser which will use the property for  
14 railroad operating purposes or for interim trail use under the  
15 federal National Trails System Act, 16 U.S.C. 1243, as such act  
16 existed on the effective date of this act, then the purchaser shall  
17 be bound by all of the provisions of the Agricultural Suppliers  
18 Lease Protection Act.

19 Sec. 6. (1) The Department of Agriculture may employ the  
20 services of a certified general real estate appraiser with an MAI  
21 or an ARA designation when determination of fair market value is a  
22 matter in controversy or relevant to the hearing and determination  
23 of the matter in controversy.

24 (2) All costs incurred by the department hearing and  
25 determining all matters in controversy pursuant to the Agricultural  
26 Suppliers Lease Protection Act shall be paid equally by the  
27 parties.

1 Sec. 7. The Agricultural Suppliers Lease Protection Act  
2 shall not apply to any valid lease entered into prior to the  
3 effective date of this act or any renewal or extension thereof on  
4 the same terms and conditions, but the provisions of the act shall  
5 apply to and govern any renewal or extension of such lease on any  
6 different terms or conditions or any material modifications of any  
7 such lease effected on or after the effective date of this act.

8 Sec. 8. The Agricultural Suppliers Lease Protection Cash  
9 Fund is created. All funds collected by the Department of  
10 Agriculture under the Agricultural Suppliers Lease Protection Act  
11 shall be remitted to the State Treasurer for credit to the fund.  
12 The fund shall be used by the department to aid in defraying the  
13 expenses of administering the act. Any money in the fund available  
14 for investment shall be invested by the state investment officer  
15 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
16 State Funds Investment Act.

17 Sec. 9. Section 75-109, Revised Statutes Supplement,  
18 2000, is amended to read:

19 75-109. (1) Except as provided in sections 19-4603,  
20 86-803, and 86-808, and the Agricultural Suppliers Lease Protection  
21 Act, the commission shall regulate and exercise general control as  
22 provided by law over all common and contract carriers engaged in  
23 the transportation of freight or passengers for hire or furnishing  
24 telecommunications services for hire in Nebraska intrastate  
25 commerce.

26 (2) The commission is authorized to do all things  
27 reasonably necessary and appropriate to implement the federal  
1 Telecommunications Act of 1996, Public Law 104-104, including  
2 section 252 of the act which establishes specific procedures for  
3 negotiation and arbitration of interconnection agreements between  
4 telecommunications companies. Interconnection agreements approved  
5 by the commission pursuant to section 252 of the act may contain  
6 such enforcement mechanisms and procedures that the commission  
7 determines to be consistent with the establishment of fair  
8 competition in Nebraska telecommunications markets. In addition,  
9 the commission may administratively fine pursuant to section 75-156  
10 any person who violates any enforcement mechanism or procedure  
11 established pursuant to this subsection. The authority granted to  
12 the commission pursuant to this subsection shall be broadly  
13 construed in a manner consistent with the federal  
14 Telecommunications Act of 1996.

15 Sec. 10. Original section 75-109, Revised Statutes  
16 Supplement, 2000, is repealed.".

**LEGISLATIVE BILL 438.** Placed on General File as amended.

Standing Committee amendment to LB 438:

AM0512

1 1. Strike original sections 2 and 6 and insert the  
2 following new sections:  
3 "Sec. 2. Section 54-701.02, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 54-701.02. The Legislature finds and declares that  
6 animal disease control is essential to the livestock industry and  
7 the health of the economy of this state. In carrying out its  
8 powers and duties, the department shall evaluate activities  
9 resulting from the following subdivisions to determine their  
10 relevance to protecting the health of livestock and review its  
11 available resources. When department funds and personnel are  
12 available and such activities are determined by the department to  
13 be relevant, feasible, and consistent with the purpose of Chapter  
14 54, article 7, the department:  
15 (1) Shall develop a statewide livestock emergency  
16 response system capable of coordinating and executing a rapid  
17 response to the incursion, or potential incursion, of a dangerous  
18 livestock disease episode which poses a threat to the health of the  
19 state's livestock and could cause a serious economic impact on the  
20 state;

- 21 (2) Shall conduct surveillance to monitor program disease  
22 control and eradication programs;
- 23 (3) Shall conduct surveillance to detect and monitor  
24 nonprogram diseases which are, or have the potential of, causing a  
1 serious health threat to livestock. The department shall determine  
2 and employ the most efficient and practical means to conduct  
3 surveillance for livestock diseases at such places as in livestock  
4 herds, at slaughter establishments, at livestock concentration  
5 points, and at other places where livestock are assembled. When  
6 the diseases are nonprogram diseases, surveillance shall be done  
7 when in concurrence with the owner of the premises where the  
8 surveillance is to be conducted, except that if the State  
9 Veterinarian determines, in consultation and agreement with the  
10 respective livestock health committee described in subdivision (4)  
11 of this section, that the diseases may pose a serious threat to the  
12 livestock industry, the State Veterinarian may order surveillance  
13 to be conducted at any place where livestock are assembled. If an  
14 agreement between the State Veterinarian and the respective  
15 livestock health committee cannot be reached, the final decision  
16 shall be made by the director;
- 17 (4) Shall encourage involvement from livestock producers  
18 by forming livestock health committees to provide ways for  
19 producers to assist the department in developing policy regarding  
20 livestock disease issues. Membership of such committees shall be  
21 selected by the respective livestock groups. Additional  
22 appointments may be made by the director. The purpose of the  
23 committees is to advise and recommend, to the department, when a  
24 disease or diseases should be monitored by surveillance and what  
25 diseases should be considered for proposed legislation for a  
26 disease control eradication program;
- 27 (5) Shall provide voluntary livestock certification  
1 programs as provided in sections 10 to 16 of this act;
- 2 (6) Shall assist public health agencies, diagnostic  
3 laboratories, and researchers in conducting epidemiological studies  
4 of diseases known to be, or suspected of being, transmitted from  
5 livestock to humans;
- 6 (7) Shall cooperate and contract with persons or local,  
7 state, and national organizations, public or private, and enter  
8 into agreements with other state or federal agencies to allow such  
9 agencies' personnel to work in Nebraska and to allow the  
10 department's personnel to work in other states or with federal  
11 agencies under a cooperative work program; and
- 12 (8) Shall encourage the use of private accredited  
13 veterinarians whenever feasible in carrying out the provisions of  
14 sections 54-701 to 54-753.05 and sections 10 to 16 of this act.  
15 The Legislature further finds and declares that, without additional  
16 resources, the Department of Agriculture will not be able to (1)  
17 improve surveillance and compliance in regard to animal disease  
18 control to attain goals such as achieving and maintaining the

19 United States Department of Agriculture's classification of Class  
20 Free State for brucellosis in cattle, (2) maintain and enhance the  
21 pseudorabies control and eradication program required by the  
22 Pseudorabies Control and Eradication Act, or (3) maintain current  
23 services to livestock producers due to the withdrawal of field  
24 staff from Nebraska by the Animal and Plant Health Inspection  
25 Service of the United States Department of Agriculture. The  
26 Department of Agriculture may employ special investigators pursuant  
27 to subdivision (7) of section 81-201 and other personnel deemed  
1 necessary to maintain and improve animal disease control in this  
2 state.

3 Sec. 4. Section 54-703, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 54-703. (1) The Department of Agriculture and all  
6 inspectors and persons appointed and authorized to assist in the  
7 work of such the department shall enforce the provisions of  
8 sections 54-701 to 54-753.05 and section 20 of this act as  
9 designated.

10 (2) The department and any officer, agent, employee, or  
11 appointee of the department shall have the right to enter upon the  
12 premises of any person who has, or is suspected of having, any  
13 animal thereon, including any premises where the carcass of a dead  
14 animal may be found or where a facility for the disposal or storage  
15 of dead animals is located, for the purpose of making any and all  
16 inspections, examinations, tests, and treatments of such animal, to  
17 inspect carcass disposal practices, and to declare, carry out, and  
18 enforce any and all quarantines.

19 (3) The department, in consultation with the Department  
20 of Environmental Quality and the Department of Health and Human  
21 Services Regulation and Licensure, may adopt and promulgate rules  
22 and regulations reflecting best management practices for the burial  
23 of carcasses of dead animals.

24 (4) The department shall further adopt and promulgate  
25 such rules and regulations as are necessary to promptly and  
26 efficiently enforce and effectuate the general purpose and  
27 provisions of such sections.

1 Sec. 6. Section 54-705, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 54-705. The Department of Agriculture or any officer,  
4 agent, employee, or appointee thereof ~~shall have power to~~ may call  
5 upon any sheriff, deputy sheriff, or other police officer to  
6 execute the orders of the department, and the officer shall obey  
7 the orders of the department. The officers performing such duties  
8 shall receive compensation therefor as is prescribed by law for  
9 like services and shall be paid therefor by the county. Any  
10 officer may arrest and take before the county judge of the county  
11 any person found violating any of the provisions of sections 54-701  
12 to 54-753.05 and section 20 of this act, and such officer shall  
13 immediately notify the county attorney of such arrest. The county

14 attorney shall prosecute the person so offending according to law.

15 Sec. 7. Section 54-744, Revised Statutes Supplement,  
16 2000, is amended to read:

17 54-744. (1) Except as set out in ~~subsection (2)~~

18 ~~subsections (2) and (3)~~ of this section, it is the duty of the  
19 owner or custodian of any ~~dead animal which dies from and on~~  
20 ~~account of any infectious, contagious, or otherwise transmissible~~  
21 ~~disease~~ to cause such animal, within thirty-six hours after

22 receiving knowledge of the death of such animal, to be buried at  
23 least four feet below the surface of the ground or to be completely  
24 burned on the premises where such animal dies unless the animal is  
25 disposed of to a duly licensed rendering establishment in this  
26 state. Such animal shall not be moved or transported from the

27 premises where such animal has died except by the authorized agents  
1 and employees of the rendering establishment to which such carcass  
2 is disposed. ~~Any animal which dies of disease or is found dead~~  
3 ~~shall be presumed to have died from and on account of an~~  
4 ~~infectious, contagious, or otherwise transmissible disease.~~

5 (2) Livestock carcasses up to ~~three six~~ hundred pounds  
6 may be incorporated into a composting facility on the premises  
7 where the livestock died and shall remain in such compost facility  
8 until completely composted before spreading on land. Any person  
9 incorporating livestock carcasses into a composting facility shall  
10 follow the operating procedures as set forth in the Journal of the  
11 American Veterinary Medical Association, Volume 210, No. 8. Not  
12 less than one copy of such journal, or portion thereof, shall be  
13 filed for use and examination by the public in the offices of the  
14 Clerk of the Legislature and the Secretary of State. The  
15 Department of Agriculture shall regulate the composting of  
16 livestock carcasses and shall adopt and promulgate rules and  
17 regulations governing the same by December 1, 2000, which rules and  
18 regulations may incorporate or may modify the operating procedures  
19 set forth in this subsection.

20 (3) An animal carcass or carcass part may be transported  
21 by the owner or the owner's agent to a veterinary clinic or  
22 veterinary diagnostic laboratory for purposes of performing  
23 diagnostic procedures.

24 (4) Carcasses disposed of in compliance with this section  
25 or section 20 of this act are exempt from the requirements for  
26 disposal of solid waste under the Integrated Solid Waste Management  
27 Act.

1 Sec. 17. Section 54-751, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 54-751. It shall be unlawful for any person to violate  
4 any rule or regulation prescribed and promulgated by the Department  
5 of Agriculture pursuant to authority granted by sections 54-701 to  
6 54-753 and section 20 of this act, and any person so offending  
7 shall be deemed guilty of a Class II misdemeanor.

8 Sec. 18. Section 54-752, Reissue Revised Statutes of



9 Nebraska, is amended to read:

10 54-752. Any person violating any of the provisions of  
11 sections 54-701 to 54-753, and section 20 of this act shall be  
12 guilty of a Class II misdemeanor.

13 Sec. 19. Section 54-753, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 54-753. The penal provisions of section 54-752 shall not  
16 be exclusive, but the district courts of this state, in the  
17 exercise of their equity jurisdiction, ~~shall have power~~ may, by  
18 injunction, ~~to~~ compel the observance of, and by that remedy  
19 enforce, the provisions of sections 54-701 to 54-753 and section 20  
20 of this act, and the rules and regulations established and  
21 promulgated by the Department of Agriculture.

22 Sec. 20. (1) Livestock carcasses may be disposed of in a  
23 research or demonstration facility for innovative livestock  
24 disposal methods registered with the Department of Agriculture,  
25 except that a research or demonstration facility of liquefaction  
26 shall not be registered under this section and liquefaction shall  
27 not be permitted as a method of livestock disposal. The  
1 registration of a facility under this section shall contain a  
2 description of the facility, the location and proposed duration of  
3 the research or demonstration, and a description of the method of  
4 disposal to be utilized. The department may register up to five  
5 such research or demonstration facilities conducted in conjunction  
6 with private livestock operations which meet all of the following  
7 conditions:

8 (a) The project is designed and conducted by one or more  
9 research faculty of the University of Nebraska;

10 (b) The project does not duplicate other research or  
11 demonstration projects;

12 (c) The project sponsors submit annual reports on the  
13 project and a final report at the conclusion of the project;

14 (d) The project employs adequate safeguards against  
15 disease transmission or environmental contamination; and

16 (e) The project meets any other conditions deemed prudent  
17 by the Director of Agriculture.

18 (2) It is the intent of the Legislature that the  
19 Department of Agriculture register at least one research or  
20 demonstration facility for innovative livestock disposal methods  
21 which shall be located upon the premises of each class of livestock  
22 waste control facility defined in section 54-2404. Before  
23 registering such facility, the Department of Agriculture shall  
24 first consult with the Department of Environmental Quality and the  
25 Department of Health and Human Services Regulation and Licensure.  
26 The Department of Agriculture may revoke the registration of the  
27 facility at any time if the Director of Agriculture has reason to  
1 believe that the facility no longer meets the conditions for  
2 registration.

3 (3) Only the carcasses of livestock that have died upon

- 4 the livestock operation premises where a research or demonstration  
 5 facility for innovative livestock disposal methods is located may  
 6 be disposed of at such facility. Carcasses from other livestock  
 7 operations shall not be transported to such facility for disposal.  
 8 (4) A facility registered under this section is exempt  
 9 from the requirements for disposal of solid waste under the  
 10 Integrated Solid Waste Management Act."  
 11 2. On page 4, line 20; page 5, line 21; and page 13  
 12 lines 3 and 15, strike "8 to 14" and insert "10 to 16".  
 13 3. On page 5, line 24, before the semicolon insert ", as  
 14 such regulation existed on the effective date of this act".  
 15 4. On page 13, line 16, strike "54-704," and insert  
 16 "54-703 to 54-705,"; and in line 17 strike "and 54-746" and insert  
 17 "54-746, and 54-751 to 54-753".  
 18 5. Renumber the remaining sections accordingly.

(Signed) Merton L. Dierks, Chairperson

### Education

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

Board of Trustees of the Nebraska State Colleges  
 Richard Halbert  
 Larry Teahon

VOTE: Aye: Senators Raikes, Stuhr, Price, Maxwell, and Wickersham.  
 Nay: None. Absent: Senators Coordsen, Brashear, and Suttle.

(Signed) Ron Raikes, Chairperson

### AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 283:  
 AM0296

(Amendments to Standing Committee amendments, AM0118)

- 1 1. On page 14, line 22, strike "from time to time" and  
 2 show as stricken; and in line 23 before the period insert ", as  
 3 such section existed on the effective date of this act".  
 4 2. On page 16, line 20 before "and" insert ", as such  
 5 section existed on the effective date of this act."  
 6 3. On page 20, line 22, after "23 U.S.C. 131" insert "  
 7 as such section existed on the effective date of this act.".  
 8 4. On page 22, line 14, after the comma insert "as such  
 9 section existed on the effective date of this act.".  
 10 5. On page 23, line 4, after "23 U.S.C. 131(j)" insert

- 11 ", as such section existed on the effective date of this act."  
12 6. On page 28, line 11, after the first comma insert "as  
13 such section existed on the effective date of this act."; in line  
14 16 after "23 U.S.C. 131(o)" insert ", as such section existed on the  
15 effective date of this act."; and in line 18, after the third  
16 comma, insert ", as such regulation existed on the effective date  
17 of this act."  
18 7. On page 53, line 18, after "Act" insert ", as the act  
19 existed on the effective date of this act".  
20 8. On page 56, line 2, strike "as amended", show as  
21 stricken, and insert "as such section existed on the effective date  
22 of this act"; and in line 20 before the period insert ", as such  
23 regulation existed on the effective date of this act".  
1 9. On page 61, line 21, after the last comma insert "as  
2 the act existed on the effective date of this act.".

### SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 32 was referred to the Reference Committee.

### UNANIMOUS CONSENT - Add Cointroducer

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 688. No objections. So ordered.

### VISITORS

Visitors to the Chamber were Brad Kuiper from Gretna; and former Senator Jerry Schmitt from Ord.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

### ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, February 22, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-THIRD DAY - FEBRUARY 22, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 22, 2001

**PRAYER**

The prayer was offered by Reverend Matt Geiger, First Plymouth Congregational 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 Engel and Vrtiska who were excused; and Senators Brashear, Bromm, Foley, Hartnett, Landis, Dw. Pedersen, Raikes, Robak, and Schrock who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 229, line 21, strike "**MOTION**" and insert "**MOTIONS**" and after line 24, insert the following:

"Senator Brashear filed the following motion to LB 462:  
Suspend the rules, Rule 6, Section 5 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 462 without further amendment or debate.

Senator Brashear filed the following motion to LB 462:  
Suspend the rules, Rule 6, Sections 6, 7 and 8, Rule 7, Sections 3 and 7, so as to allow for final reading of LB 462 without further amendment or motion."

The Journal for the sixth day was approved as corrected.

The Journal for the thirty-second day was approved.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 186A.** Placed on Select File.

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 51, 53, 166, 166A, 225, 225A, 244, 244A, 245, 375, and 376.

**Enrollment and Review Change to LB 51**

The following changes, required to be reported for publication in the Journal, have been made:  
ER9019

1. On page 21, line 26; and page 22, line 7, an underscored comma has been inserted after "section" and "employees".

**Enrollment and Review Change to LB 245**

The following changes, required to be reported for publication in the Journal, have been made:  
ER9015

1. On page 1, the matter beginning with "the" in line 1 through line 6 has been struck and "rail transportation; to amend sections 74-1512 and 74-1514, Revised Statutes Supplement, 2000; to change dates relating to a report and termination of the Nebraska Transit and Rail Advisory Council Act; to provide restrictions on certain projects; to create a fund; to provide severability; and to repeal the original sections." inserted.

**Enrollment and Review Change to LB 376**

The following changes, required to be reported for publication in the Journal, have been made:  
ER9016

1. In the Wehrbein amendment, AM0394, on page 1, line 5, "line 15" has been struck and "lines 15 and 17" inserted.

2. On page 1, line 5, "and implements of husbandry" has been inserted after "vehicles".

(Signed) Philip Erdman, Chairperson

**STANDING COMMITTEE REPORT**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 826.** Placed on General File as amended.  
Standing Committee amendment to LB 826:

AM0595

- 1 1. On page 2, lines 12 and 13, strike the new matter and  
 2 insert "Employees of regional library systems shall be deemed state  
 3 employees solely for purposes of this coverage, and the total cost  
 4 of coverage provided to such employees shall be paid by the  
 5 system.".

(Signed) David M. Landis, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 671A.** 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 671, Ninety-seventh Legislature, First Session, 2001.

**UNANIMOUS CONSENT - Member Excused**

Senator Kristensen asked unanimous consent to be excused. No objections. So ordered.

**ANNOUNCEMENT**

The Revenue Committee designates LB 465 as its priority bill.

**GENERAL FILE****LEGISLATIVE BILL 400A.** Title read. Considered.

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

Senator Brown requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Aguilar	Beutler	Brashear	Bruning	Byars
Connealy	Cudaback	Hilgert	Janssen	Jensen
Kruse	Landis	Maxwell	Pederson, D.	Preister
Price	Quandahl	Schimek	Schrock	Suttle
Thompson	Wehrbein	Wickersham		

Voting in the negative, 15:

Baker	Burling	Coordsen	Cunningham	Dierks
Erdman	Hudkins	Jones	Kremer	McDonald

Redfield      Robak      Smith      Stuhr      Tyson

Present and not voting, 3:

Bourne      Brown      Chambers

Excused and not voting, 8:

Bromm      Engel      Foley      Hartnett      Kristensen  
Pedersen, Dw. Raikes      Vrtiska

Failed to advance to E & R for review with 23 ayes, 15 nays, 3 present and not voting, and 8 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.

**LEGISLATIVE BILL 329.** Senator Beutler renewed his pending motion, found on page 732, to bracket to March 30, 2001.

Senator Beutler withdrew his motion to bracket.

Senator Beutler offered the following amendment:  
AM0623

- 1 1. Insert the following new section:
- 2 "Sec. 2. Notwithstanding any other provision of law,
- 3 beginning January 1, 2002, no funds from the Nebraska Resources
- 4 Development Fund or the Nebraska Soil and Water Conservation Fund
- 5 shall be paid to a natural resources district or to any person or
- 6 entity residing within the district if the property tax levy for
- 7 the district for the tax year is less than two and one-half cents
- 8 per one hundred dollars of taxable valuation of property subject to
- 9 the levy. This restriction shall not apply to funds obligated for
- 10 projects which have been commenced before, but not completed by,
- 11 the effective date of this act.".
- 12 2. On page 5, line 12, after the period insert "For all
- 13 fiscal years beginning on or after July 1, 2001, the last prior
- 14 years' total of restricted funds shall be the last prior years'
- 15 total of restricted funds plus any amount budgeted to comply with
- 16 section 2 of this act.".
- 17 3. Renumber the remaining section accordingly.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Hilgert moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.



Senator Hilgert requested a roll call vote on the Beutler amendment.

Voting in the affirmative, 23:

Baker	Beutler	Bourne	Brashear	Brown
Bruning	Chambers	Connealy	Foley	Hilgert
Jensen	Kruse	Landis	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Robak	Schimek
Suttle	Thompson	Wehrbein		

Voting in the negative, 17:

Aguilar	Coordsen	Cunningham	Dierks	Erdman
Hartnett	Janssen	Jones	Kremer	McDonald
Raikes	Redfield	Schrock	Smith	Stuhr
Tyson	Wickersham			

Present and not voting, 5:

Bromm	Burling	Cudaback	Hudkins	Maxwell
-------	---------	----------	---------	---------

Absent and not voting, 1:

Byars

Excused and not voting, 3:

Engel	Kristensen	Vrtiska
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The Beutler amendment lost with 23 ayes, 17 nays, 5 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 6 nays, 13 present and not voting, and 4 excused and not voting.

## STANDING COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 176.** Placed on General File.

**LEGISLATIVE BILL 673.** Placed on General File.

**LEGISLATIVE BILL 88.** Placed on General File as amended.

Standing Committee amendment to LB 88:

AM0458

1 1. On page 2, line 7, after "person" insert ", other  
2 than an interested person as defined in section 30-2209,".

(Signed) Kermit A. Brashear, Chairperson

**NOTICE OF COMMITTEE HEARING  
Judiciary**

LB 755      Thursday, March 1, 2001 (cancel)

1:30 PM

(Signed) Kermit A. Brashear, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 36.** Introduced by Foley, 29.

WHEREAS, the Lincoln Evening Optimist Club presents an annual Focus on Youth Award; and

WHEREAS, school personnel are asked to identify youth who embody the Optimist Creed; and

WHEREAS, the Optimist Creed is as follows:

Promise yourself . . .

To be so strong that nothing can disturb your peace of mind.

To talk health, happiness, and prosperity to every person you meet.

To make all your friends feel that there is something special in them.

To look at the sunny side of everything and make your optimism come true.

To think only of the best, to work only for the best, and to expect only the best.

To be just as enthusiastic about the success of others as you are about your own.

To forget the mistakes of the past and press on to the greater achievements of the future.

To wear a cheerful countenance at all times and give every living creature you meet a smile.

To give so much time to the improvement of yourself that you have not time to criticize others.

To be too large for worry, too noble for anger, too strong for fear, and too happy to permit the presence of trouble; and

WHEREAS, the Lincoln Evening Optimist Club has awarded its 2001 Focus on Youth Award to Mary Flattery, a student at St. Peter School in Lincoln; and

WHEREAS, according to Sister Michael of St. Peter School, "Mary has spina bifida. Her parents were told she would not live, and she would have extreme birth defects. While some aspects of school are challenging, Mary's resiliency is a model for her classmates, as well as her teachers."; and

WHEREAS, Sister Michael also notes that: "Last summer, Mary had serious complications after surgery to replace the shunt to relieve pressure

on her brain, resulting in temporary paralysis on one side of her body. At the end of the summer when she was helping teachers get ready for school a sister had heard about her difficult summer and mentioned to Mary that she had intended to send a get well card. Mary's response was, "What for?"; and

WHEREAS, Sister Michael finally states that: "Last year for an assignment sixth graders had to list someone they admire. Mary made the list of a number of her classmates. Mary's virtue is obvious not only to adults, but she is an example that her peers admire as well."; and

WHEREAS, Mary Flattery and the other recipients of Optimist Focus on Youth awards will be honored at a banquet on Sunday, February 24, 2001.

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

1. That the Legislature congratulates Mary Flattery on her receipt of the 2001 Focus on Youth Award from the Lincoln Evening Optimist Club.
2. That a copy of this resolution be sent to Mary Flattery.

Laid over.

### **MOTION - Print in Journal**

Senator Chambers filed the following motion to LB 755:  
Withdraw LB 755.

### **PRESIDENT MAURSTAD PRESIDING**

#### **GENERAL FILE**

**LEGISLATIVE BILL 419.** Title read. Considered.

The Standing Committee amendment, AM0128, found on page 485, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 483.** 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 484.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 31.** Title read. Considered.

The Standing Committee amendment, AM0222, found on page 485, was

adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 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, 16 present and not voting, and 4 excused and not voting.

Senator Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 730.** Title read. Considered.

The Standing Committee amendment, AM0223, found on page 486, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 96.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 286.** Title read. Considered.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 368.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Senator Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 10.** Title read. Considered.

The Standing Committee amendment, AM0238, found on page 487, was considered.

Senator Tyson renewed his pending amendment, AM0295, found on page 557, to the Standing Committee amendment.

The Tyson amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

### **STANDING COMMITTEE REPORTS** **Transportation and Telecommunications**

**LEGISLATIVE BILL 157.** Placed on General File.

**LEGISLATIVE BILL 38.** Placed on General File as amended.

Standing Committee amendment to LB 38:

AM0319

- 1 1. On page 73, line 23, strike "ninety-five", show as
- 2 stricken, and insert "one hundred twenty-five"; and strike line 27,
- 3 show as stricken, and insert "seventy-five dollars of each fee to
- 4 the General Fund and fifty".

**LEGISLATIVE BILL 234.** Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

### **Urban Affairs**

**LEGISLATIVE BILL 575.** Placed on General File.

**LEGISLATIVE BILL 648.** Placed on General File.

**LEGISLATIVE BILL 649.** Placed on General File.

**LEGISLATIVE BILL 670.** Placed on General File.

**LEGISLATIVE BILL 480.** Placed on General File as amended.

Standing Committee amendment to LB 480:

AM0614

- 1 1. On page 2, line 8, strike "three," and "five, or
- 2 seven", show the old matter as stricken, and insert "as many
- 3 members as the city council or board of trustees in its discretion
- 4 shall determine, except that the total number of members shall be
- 5 an odd number and no board shall be composed of less than three".

**LEGISLATIVE BILL 810.** Placed on General File as amended.

Standing Committee amendment to LB 810:

AM0613

- 1 1. Insert the following new section:
- 2 "Sec. 5. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 6, strike beginning with "Notwithstanding" in

5 line 20 through line 28 and insert "Notwithstanding the repeal of  
6 sections 31-701 to 31-726.01 by Laws 1996, LB 1321:  
7 (a) Any sanitary and improvement district organized  
8 pursuant to such sections and in existence on July 19, 1996, shall,  
9 on and after the effective date of this act, be treated for all  
10 purposes as if formed and organized pursuant to sections 31-727 to  
11 31-762;  
12 (b) Any act or proceeding performed or conducted by a  
13 sanitary and improvement district organized pursuant to repealed  
14 sections 31-701 to 31-726.01 shall, on and after the effective date  
15 of this act, be deemed lawful and within the authority of such  
16 sanitary and improvement district to perform or conduct if done in  
17 conformity with the provisions of sections 31-727 to 31-762; and  
18 (c) Any trustees of a sanitary and improvement district  
19 organized pursuant to such repealed sections 31-701 to 31-726.01  
20 and lawfully elected pursuant to the provisions of such repealed  
21 sections or in conformity with the provisions of sections 31-727 to  
22 31-762 shall be deemed for all purposes, on and after the effective  
23 date of this act, to be lawful trustees of such sanitary and  
24 improvement district for the term of office provided for in the  
1 provisions by which the election was conducted. Upon the  
2 expiration of the term of office of a trustee or at such time as  
3 there is a vacancy in the office of any such trustee prior to the  
4 expiration of his or her term, his or her successor or replacement  
5 shall be elected pursuant to the provisions of sections 31-727 to  
6 31-762."  
7 3. On page 7, strike lines 1 through 12.

**LEGISLATIVE BILL 493.** Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

### REFERENCE COMMITTEE REPORT

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

<b>LB/LR</b>	<b>Committee</b>
LB 849	Business and Labor
LB 850	Business and Labor
LR 32	Natural Resources

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### AMENDMENTS - Print in Journal

Senators Wehrbein, Thompson, Hilgert, Foley, Beutler, D. Pederson,

Cudaback, and Kruse filed the following amendment to LB 505:  
AM0618

- 1 1. Insert the following new section:
- 2 "Sec. 2. There is hereby appropriated \$2,300,000 from
- 3 the Workers' Compensation Claims Revolving Fund for FY2000-01 to
- 4 the Department of Administrative Services, for Program 593, to meet
- 5 anticipated claims payout."
- 6 2. Renumber original section 2 as section 3.

Senator Wickersham filed the following amendment to LB 433:  
AM0633

- 1 1. On page 7, strike beginning with "are" in line 2
- 2 through line 14 and insert "plan meets the requirements necessary
- 3 to qualify as a nontaxable fringe benefit under section 129 of the
- 4 Internal Revenue Code of 1986, as amended."

**NOTICE OF COMMITTEE HEARING**  
**Business and Labor**

LB 849	Monday, March 12, 2001	1:30 PM
LB 850	Monday, March 12, 2001	1:30 PM

(Signed) Matt Connealy, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 314.** Title read. Considered.

The Standing Committee amendment, AM0124, found on page 489, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Stuhr offered the following amendment:  
AM0636

- 1 1. Insert the following new section:
- 2 "Sec. 5. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

The Stuhr 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.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 303.** Title read. Considered.

The Standing Committee amendment, AM0136, found on page 515, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 303A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senators Raikes and Maxwell asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 191.** Title read. Considered.

Senator Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 191A.** 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.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 287A.** 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 287, Ninety-seventh Legislature, First Session, 2001.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

#### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 129, 146, 155, 163, 165, 192, 257, 257A, 387, 418, and 472.

#### **Enrollment and Review Change to LB 192**

The following changes, required to be reported for publication in the



Journal, have been made:

ER9020

1. On page 4, line 16, the comma has been struck.
2. On page 33, line 11, the stricken comma has been reinstated.

### **Enrollment and Review Change to LB 257**

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

ER9017

1. On page 1, the matter beginning with "state" in line 1 through line 4 has been struck and "medicaid; to amend sections 68-1036.02 and 81-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to liability of a recipient for benefits received and medicaid refunds and rebates; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Philip Erdman, Chairperson

### **VISITORS**

Visitors to the Chamber were 17 students and teacher from Lincoln East High School; 12 students and teachers from Diller-Odell; Roger Bayliff from Fremont; State FFA Vice President, Melinda Sonderup, from Fullerton; UNL College of Agriculture Ambassadors, Tim Sasek from Sargent, Matt Rasmussen from Mead, Matt Rutt from Blue Hill, Sue Voss from Lincoln, and Katie Kastanek from Wilber; 13 students, teacher, and parents from Cheney Elementary School; Wayne and Julie Whitefoot from Worms; and the Delegation of the Parliament of the Faroe Islands Constitutional Committee, Deputy Speaker, Eydun Videro, members of Parliament, Hergeir Nielsen, Joguan A Lakjuni, Annita A Fridriksmork, Jakup Sverri Kass, Chairman of the Committee, Dr. Joan Pauli Joensen, Secretary to the Committee, Kari A Rogui, consultants, Joannes Hansen, Inngibjorg Berg, and Gunn Ellefsen, and legal consultant, Michael Reveal.

### **ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Friday, February 23, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FOURTH DAY - FEBRUARY 23, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, February 23, 2001

**PRAYER**

The prayer was offered by Senator Kruse.

**ROLL CALL**

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

The roll was called and all members were present except Senators Jones and Kristensen who were excused; and Senators Landis, Dw. Pedersen, Raikes, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 716, line 32, strike "as" and insert "has".  
The Journal for the thirty-first day was approved as corrected.

The Journal for the thirty-third day was approved.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 37.** Introduced by Thompson, 14.

WHEREAS, the Papillion-La Vista High School wrestling team earned a trip to the 2001 Class A State Wrestling Tournament by winning the Class A-1 district wrestling championship and qualifying eleven wrestlers for the state tournament; and

WHEREAS, on February 17, 2001, the Papillion-La Vista High School wrestling team won its first-ever Class A state championship; and

WHEREAS, the Papillion-La Vista High School wrestling team exhibited its depth and resolve by having ten wrestlers earn medals in the state tournament; and

WHEREAS, Head Coach Jeff Kupfer and the members of the Papillion-La Vista High School wrestling team achieved this outstanding

accomplishment through their determination, fortitude, and hard work.

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

1. That the Legislature recognizes and congratulates the Papillion-La Vista High School wrestling team for its outstanding accomplishment.

2. That a copy of this resolution be sent to the Papillion-La Vista High School wrestling team and Head Coach Jeff Kupfer.

Laid over.

### **MOTION - Approve Appointments**

Senator Suttle moved the adoption of the report of the Education Committee for the following appointments found on page 746: Board of Trustees of the Nebraska State Colleges - Richard Halbert and Larry Teahon.

Voting in the affirmative, 33:

Aguilar	Baker	Bourne	Bromm	Brown
Bruning	Byars	Connealy	Cudaback	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Kremer	Kruse	Maxwell
McDonald	Pederson, D.	Price	Quandahl	Raikes
Robak	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Wehrbein		

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Brashear	Burling	Chambers	Coordsen
Cunningham	Janssen	Preister	Redfield	Schimek
Vrtiska				

Excused and not voting, 5:

Jones	Kristensen	Landis	Pedersen, Dw.	Wickersham
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The appointments were confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

### **MOTION - Withdraw LB 755**

Senator Chambers renewed his pending motion, found on page 755, to withdraw LB 755.

The Chambers motion to withdraw prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

**UNANIMOUS CONSENT - Member Excused**

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 52.** Title read. Considered.

The Standing Committee amendment, AM0198, printed separately and referred to on page 517, 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 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 298.** Title read. Considered.

The Standing Committee amendment, AM0215, found on page 517, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, and 12 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 15.** Title read. Considered.

Senator Chambers offered the following amendment:  
AM0650

1 1. On page 3, line 1, after the period insert "The  
2 department retains the authority to withhold mental health and  
3 psychological records of the inmate when appropriate."; and in line  
4 20 after "81-8,254" insert ", except that the Public Counsel's  
5 access to an inmate's medical or mental health records shall be  
6 subject to the inmate's consent. The Office of Public Counsel  
7 shall not disclose an inmate's medical or mental health records to  
8 anyone else, including any person committed to the department,  
9 except as authorized by law".

The Chambers amendment was adopted with 32 ayes, 0 nays, 15 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 23.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**MOTION - Print in Journal**

Senator Byars filed the following motion to LB 187:  
Withdraw LB 187.

**STANDING COMMITTEE REPORT**  
**Natural Resources**

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

Nebraska Environmental Trust Board  
Warren Arganbright

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Kremer, Preister, Schrock, and Stuhr. Nay: None. Absent: Senator Jones.

(Signed) Ed Schrock, Chairperson

**AMENDMENT - Print in Journal**

Senator Schrock filed the following amendment to LB 243:  
AM0647

- 1 1. On page 3, line 15, after the period insert "This
- 2 subsection shall also apply in the event of a merger or
- 3 consolidation of any nonprofit corporation organized for the
- 4 purpose of furnishing electric service pursuant to the Electric
- 5 Cooperative Corporation Act or the Nebraska Nonprofit Corporation
- 6 Act".

**STANDING COMMITTEE REPORTS**  
**Natural Resources**

**LEGISLATIVE BILL 427.** Placed on General File.

(Signed) Ed Schrock, Chairperson

**Urban Affairs**

**LEGISLATIVE BILL 808.** Placed on General File as amended.  
(Standing Committee amendment, AM0632, 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 809.** Placed on General File as amended.  
Standing Committee amendment to LB 809:  
AM0631

- 1 1. On page 3, lines 3 and 23, after "act" insert ", as

2 the act and the rules and regulations existed on the effective date  
3 of this act".

4 2. On page 6, line 28, after the period insert "No  
5 applicant shall be required to provide his or her social security  
6 number".

7 3. On page 8, line 4, strike "The" and insert "Following  
8 the receipt of the application and its processing, the"; in line 5  
9 strike "mail" and insert "deliver"; strike beginning with  
10 "promptly" in line 6 through line 10 and insert "to the applicant  
11 by the most expeditious means reasonable under the circumstances of  
12 the receipt of the application"; strike beginning with "mailing"  
13 in line 16 through "application" in line 17, show as stricken, and  
14 insert "delivering the permit to the applicant by the most  
15 expeditious means reasonable under the circumstances of the receipt  
16 of the application"; and in line 20 after "official" insert "of the  
17 city or county where the permitholder resides or, if different,  
18 with the clerk or designated county official".

19 4. On page 10, strike beginning with "The" in line 17  
20 through line 22 and insert "Following the receipt of the  
21 application and its processing, the Department of Motor Vehicles  
22 shall deliver each individual renewed permit to the applicant by  
23 the most expeditious means reasonable under the circumstances of  
24 the receipt of the application"; and strike beginning with  
1 "mailing" in line 27 through "application" in line 28 and insert  
2 "delivering the permit to the applicant by the most expeditious  
3 means reasonable under the circumstances of the receipt of the  
4 application".

5 5. On page 11, line 8, after "official" insert "of the  
6 city or county where the permitholder resides or, if different,  
7 with the clerk or designated county official"; and strike lines 9  
8 and 10.

9 6. On page 12, line 11, after "1235" insert ", as such  
10 rules and regulations existed on the effective date of this act".

11 7. On page 15, line 3, after "1990" insert ", as the act  
12 existed on the effective date of this act".

(Signed) D. Paul Hartnett, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 86.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 451.** Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 83.** Title read. Considered.

The Standing Committee amendment, AM0097, found on page 520, 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 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator McDonald asked unanimous consent to be excused until he returns. No objections. So ordered.

## SELECT COMMITTEE REPORTS

### Enrollment and Review

#### Correctly Engrossed

The following bills were correctly engrossed: LBs 25, 25A, 46, 48, 133, 152, 152A, 193, 238, 238A, 269, 337, and 409.

#### Enrollment and Review Change to LB 193

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

ER9021

1. In the E & R amendments, AM7036:

a. On page 12, line 19, the matter beginning with the underscored comma through "seq" has been struck; and

b. On page 15, line 8, "2323(b)(14)" has been struck and "2323(b)" inserted.

#### Enrollment and Review Change to LB 269

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

ER9022

1. In the E & R amendments, AM7042, on page 2, line 22, "jurisdiction" has been struck and "jurisdictional" inserted.

(Signed) Philip Erdman, Chairperson

## BILL ON FIRST READING

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

**LEGISLATIVE BILL 549A.** 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 549, Ninety-seventh Legislature, First Session, 2001; and to reduce appropriations.

**AMENDMENT - Print in Journal**

Senator Suttle filed the following amendment to LB 23:  
AM0653

- 1 1. Strike original section 2 and insert the following
- 2 new sections:
- 3 "Section 1. Section 43-247, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 43-247. The juvenile court shall have exclusive original
- 6 jurisdiction as to any juvenile defined in subdivision (1) of this
- 7 section who is under the age of sixteen, as to any juvenile defined
- 8 in subdivision (3) of this section, and as to the parties and
- 9 proceedings provided in subdivisions (5), (6), and (8) of this
- 10 section. As used in this section, all references to the juvenile's
- 11 age shall be the age at the time the act which occasioned the
- 12 juvenile court action occurred. The juvenile court shall have
- 13 concurrent original jurisdiction with the district court as to any
- 14 juvenile defined in subdivision (2) of this section. The juvenile
- 15 court shall have concurrent original jurisdiction with the district
- 16 court and county court as to any juvenile defined in subdivision
- 17 (1) of this section who is age sixteen or seventeen, any juvenile
- 18 defined in subdivision (4) of this section, and any proceeding
- 19 under subdivision (7) or ~~(40)~~ (11) of this section. The juvenile
- 20 court shall have concurrent original jurisdiction with the county
- 21 court as to any proceeding under subdivision (9) or (10) of this
- 22 section. Notwithstanding any disposition entered by the juvenile
- 23 court under the Nebraska Juvenile Code, the juvenile court's
- 24 jurisdiction over any individual adjudged to be within the
- 1 provisions of this section shall continue until the individual
- 2 reaches the age of majority or the court otherwise discharges the
- 3 individual from its jurisdiction.
- 4 The juvenile court in each county as herein provided
- 5 shall have jurisdiction of:
- 6 (1) Any juvenile who has committed an act other than a
- 7 traffic offense which would constitute a misdemeanor or an
- 8 infraction under the laws of this state, or violation of a city or
- 9 village ordinance;
- 10 (2) Any juvenile who has committed an act which would
- 11 constitute a felony under the laws of this state;
- 12 (3) Any juvenile (a) who is homeless or destitute, or
- 13 without proper support through no fault of his or her parent,
- 14 guardian, or custodian; who is abandoned by his or her parent,
- 15 guardian, or custodian; who lacks proper parental care by reason of
- 16 the fault or habits of his or her parent, guardian, or custodian;
- 17 whose parent, guardian, or custodian neglects or refuses to provide

18 proper or necessary subsistence, education, or other care necessary  
 19 for the health, morals, or well-being of such juvenile; whose  
 20 parent, guardian, or custodian is unable to provide or neglects or  
 21 refuses to provide special care made necessary by the mental  
 22 condition of the juvenile; or who is in a situation or engages in  
 23 an occupation dangerous to life or limb or injurious to the health  
 24 or morals of such juvenile, (b) who, by reason of being wayward or  
 25 habitually disobedient, is uncontrolled by his or her parent,  
 26 guardian, or custodian; who departs himself or herself so as to  
 27 injure or endanger seriously the morals or health of himself,

1 herself, or others; or who is habitually truant from home or  
 2 school, or (c) who is mentally ill and dangerous as defined in  
 3 section 83-1009;

4 (4) Any juvenile who has committed an act which would  
 5 constitute a traffic offense as defined in section 43-245;

6 (5) The parent, guardian, or custodian who has custody of  
 7 any juvenile described in this section;

8 (6) The proceedings for termination of parental rights as  
 9 provided in the Nebraska Juvenile Code;

10 (7) The proceedings for termination of parental rights as  
 11 provided in section 42-364;

12 (8) Any juvenile who has been voluntarily relinquished,  
 13 pursuant to section 43-106.01, to the Department of Health and  
 14 Human Services or any child placement agency licensed by the  
 15 Department of Health and Human Services;

16 (9) Any juvenile who was a ward of the juvenile court at  
 17 the inception of his or her guardianship and whose guardianship has  
 18 been disrupted or terminated;

19 (10) The adoption or guardianship proceedings for a child  
 20 over which the juvenile court already has jurisdiction under  
 21 another provision of the Nebraska Juvenile Code; and

22 ~~(10)~~ (11) The paternity determination for a child over  
 23 which the juvenile court already has jurisdiction.

24 Notwithstanding the provisions of the Nebraska Juvenile  
 25 Code, the determination of jurisdiction over any Indian child as  
 26 defined in section 43-1503 shall be subject to the Nebraska Indian  
 27 Child Welfare Act.

1 Sec. 3. Original sections 43-247 and 43-2,119, Reissue

2 Revised Statutes of Nebraska, are repealed."

3 2. Renumber the remaining sections accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 154.** Title read. Considered.

The Standing Committee amendment, AM0147, found on page 520, was considered.

Pending.

Senators Tyson and Maxwell asked unanimous consent to be excused until they return. No objections. So ordered.

### ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report summarizing the recommended appropriation for the following biennium.

### GENERAL FILE

**LEGISLATIVE BILL 154.** The Standing Committee amendment, AM0147, found on page 520 and considered in this day's Journal, was renewed.

The Standing Committee amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 213.** Title read. Considered.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 33 ayes, 0 nays, 11 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 97, 97A, 226, 250, 253, 280, 299, 346, and 346A.

#### Enrollment and Review Change to LB 299

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

ER9018

1. On page 1, the matter beginning with "civil" in line 1 through line 6 has been struck and "the Uniform Act on Fresh Pursuit; to amend sections 29-419, 29-420, and 29-421, Reissue Revised Statutes of Nebraska; to provide for liability and personal jurisdiction relating to interstate pursuit; to harmonize provisions; and to repeal the original sections." inserted.

(Signed) Philip Erdman, Chairperson

**NOTICE OF COMMITTEE HEARINGS  
Appropriations**

LB 336	Monday, March 5, 2001	1:30 PM
Monday, March 5, 2001		1:30 PM
AGENCY 83 - Community College Association		
AGENCY 51 - University Systemwide		
LB 531	Tuesday, March 6, 2001	1:30 PM
LB 655	Tuesday, March 6, 2001	1:30 PM
LB 666	Tuesday, March 6, 2001	1:30 PM
Tuesday, March 6, 2001		1:30 PM
AGENCY 19 - Dept. of Banking		
AGENCY 87 - Account. & Disclosure Comm.		
AGENCY 65 - Dept. of Administrative Services		
Wednesday, March 7, 2001		1:30 PM
AGENCY 21 - State Fire Marshal		
AGENCY 54 - State Historical Society		
AGENCY 72 - Dept. of Economic Development		
AGENCY 95 - Rural Development Commission		
AGENCY 31 - Military		
AGENCY 33 - Game & Parks Commission		
Thursday, March 8, 2001		1:30 PM
AGENCY 60 - Ethanol Board		
AGENCY 52 - State Board of Agriculture		
AGENCY 24 - Dept. of Motor Vehicles		
AGENCY 40 - Motor Vehicle Licensing Board		
AGENCY 17 - Dept. of Aeronautics		
AGENCY 90 - Nebraska Railway Council		
AGENCY 27 - Dept. of Roads		
Friday, March 9, 2001		1:30 PM
AGENCY 32 - Bd. of Educational Lands-Funds		
AGENCY 62 - Land Surveyors		
AGENCY 23 - Dept. of Labor		
AGENCY 37 - Workers' Compensation Court		
AGENCY 75 - Investment Council		
AGENCY 77 - Comm. Of Industrial Relations		
AGENCY 85 - Employees Retirement Bd.		

(Signed) Roger R. Wehrbein, Chairperson

**Agriculture**

LB 588 Tuesday, March 6, 2001

1:30 PM

LB 591 Tuesday, March 6, 2001

1:30 PM

(Signed) Merton L. Dierks, Chairperson

**AMENDMENTS - Print in Journal**

Senator Thompson filed the following amendment to LB 287:  
AM0643

- 1 1. Strike section 11.
- 2 2. On page 2, line 27; page 3, lines 6 and 16; page 4,
- 3 lines 3, 11, and 19; and page 5, lines 4 and 12, after "Services"
- 4 insert "Finance and Support".

Senator Landis filed the following amendment to LB 433:  
AM0655

- 1 1. On page 8, strike beginning with "None" in line 23
- 2 through line 24.

Senator Robak filed the following amendment to LB 827:  
AM0644

(Amendments to Standing Committee amendments, AM0499)

- 1 1. Strike sections 1, 2, and 4 and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. For purposes of sections 1 to 7 of this act:
- 4 (1) Dark fiber means any unused fiber optic cable through
- 5 which no light is transmitted or any installed fiber optic cable
- 6 not carrying a signal; and
- 7 (2) Fiber optic capacity means the capacity of fiber
- 8 optic cable to carry information.
- 9 Sec. 2. (1) Any agency or political subdivision of the
- 10 state may:
- 11 (a) Own dark fiber;
- 12 (b) Sell dark fiber pursuant to section 3 of this act;
- 13 (c) Lease dark fiber pursuant to section 4 of this act;
- 14 and
- 15 (d) Outfit its fiber optic cable with mechanisms
- 16 necessary to optimize and apportion its capacity and lease such
- 17 fiber optic capacity pursuant to section 4 of this act.
- 18 (2) No agency or political subdivision of the state shall
- 19 provide telecommunications services for a fee or be issued a
- 20 certificate of convenience and necessity as a telecommunications
- 21 common carrier or a permit as a telecommunications contract
- 22 carrier. Any agency or political subdivision which sells or leases
- 23 its dark fiber or leases its fiber optic capacity pursuant to
- 1 sections 1 to 7 of this act shall not be deemed to be providing
- 2 telecommunications services for a fee.

3 Sec. 4. Any agency or political subdivision of the state  
4 may lease its dark fiber or fiber optic capacity if:  
5 (1) The lessee is a certificated telecommunications  
6 common carrier or a permitted telecommunications contract carrier  
7 pursuant to section 75-604 or an internet service provider;  
8 (2) The lease price and profit distribution is approved  
9 by the Public Service Commission as follows:  
10 (a) The commission shall not approve any lease price for  
11 dark fiber which is less than the market rate for leasing such  
12 fiber as determined by the commission. The market rate is the cost  
13 associated with similar unbundled network elements that may be  
14 available from the incumbent local exchange carrier serving the  
15 same territory where the leased equipment is located. Before  
16 entering into a lease, each agency or political subdivision shall  
17 file a request with the commission for a competitive cost  
18 comparison to determine the market rate. When conducting a  
19 competitive cost comparison, the commission in its discretion may  
20 use rate schedules, interconnection agreements, or other documents  
21 within its regulatory oversight and may gather other market rate  
22 information as deemed necessary; and  
23 (b) The commission shall not approve any lease of dark  
24 fiber or fiber optic capacity unless any profit earned by the  
25 agency or political subdivision under the lease is remitted to the  
26 Nebraska Internet Enhancement Fund. Profit earned by the agency or  
27 political subdivision is the lease price less the actual cost of  
1 infrastructure overbuilding. Before entering into a lease, each  
2 agency or political subdivision shall file a request with the  
3 commission to determine the actual cost of overbuilding its fiber  
4 optic infrastructure. The method for determining such cost is  
5 within the complete discretion of the commission;  
6 (3) Any interconnection agreement subject to subsection  
7 (2) of section 75-109 is approved by the commission; and  
8 (4) The lessee or purchaser of dark fiber makes every  
9 reasonable effort to equip the dark fiber with such devices that  
10 maximize the amount of data that can be transmitted over the dark  
11 fiber, within one year after entering into the lease, unless good  
12 cause is shown. If the lessee or purchaser is unable to utilize  
13 for its own purpose all the data transmission capacity of the dark  
14 fiber so equipped, the lessee or purchaser shall relinquish any  
15 unused capacity to the public entity selling or leasing such fiber.  
16 Upon such relinquishment, the public entity may resell or release  
17 the relinquished capacity. The dark fiber shall be used primarily  
18 to transport data to and from residents of Nebraska and shall not  
19 be used primarily to transport data to and from persons outside  
20 Nebraska."  
21 2. On page 4, strike lines 10 through 15 and insert the  
22 following new subsection:  
23 "(2) The commission shall not provide assistance unless  
24 (a) the service provider is a provider of telecommunications,

25 video, internet, or other related services as determined by  
 26 resolution of the governing board of the applicant and is able to  
 27 meet the specific community need which the application specifies  
 1 and (b) the applicant can provide matching funds of at least  
 2 twenty-five percent of the total projected cost."  
 3 3. On page 5, line 2; page 11, line 7; page 13, line 9;  
 4 and page 17, line 18, after "fiber" insert "or lease its fiber  
 5 optic capacity".

Senator Wickersham filed the following amendment to LB 433:  
 AM0667

1 1. On page 7, line 2, strike the first "the" and "are";  
 2 and strike lines 3 through 14 and insert "are eligible to be  
 3 treated as nontaxable fringe benefits under section 129 of the  
 4 Internal Revenue Code of 1986, as amended."

Senators Wickersham and Suttle filed the following amendment to LB 433:  
 AM0665

1 1. On page 3, line 9, after "(a)" insert "Accredited  
 2 means accredited by the National Association for Family Child Care,  
 3 the National Association for the Education of Young Children, the  
 4 National School-Age Care Alliance, or a comparable accreditation  
 5 process approved by the Department of Health and Human Services  
 6 Regulation and Licensure;  
 7 (b)"; and in line 16 strike "(b)" and insert "(c)".  
 8 2. On page 4, line 9, strike "(c)" and insert "(d)".

Senators Wickersham and Suttle filed the following amendment to LB 433:  
 AM0668

1 1. On page 7, line 15, after "(6)" insert "No amount  
 2 paid or incurred by an employer to provide child care assistance to  
 3 an employee shall qualify for the credit if the amount was paid or  
 4 incurred pursuant to a salary reduction plan or is not paid for  
 5 services performed within this state.  
 6 (7)"; in line 18 strike "(7)" and insert "(8)"; and in  
 7 line 22 strike "(8)" and insert "(9)".  
 8 2. On page 8, line 19, strike "(9)" and insert "(10)";  
 9 in line 22 strike "(8)" and insert "(9)"; and in line 25 strike  
 10 "(10)" and insert "(11)".

Senators Wickersham and Suttle filed the following amendment to LB 433:  
 AM0666

1 1. On page 6, line 4, after "of" insert "persons that  
 2 own five percent or more of the business firm and"; and in line 9  
 3 after "employees" insert "that do not own five percent or more of  
 4 the business firm".

Senator Wickersham filed the following amendment to LB 433:  
AM0669

- 1 1. On page 7, line 15, after "(6)" insert "If the credit
- 2 allowed under this section is claimed, the amount of the credit
- 3 shall be added to the taxable income of the taxpayer.
- 4 (7)"; in line 18 strike "(7)" and insert "(8)"; and in
- 5 line 22 strike "(8)" and insert "(9)".
- 6 2. On page 8, line 19, strike "(9)" and insert "(10)";
- 7 in line 22 strike "(8)" and insert "(9)"; and in line 25 strike
- 8 "(10)" and insert "(11)".

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 23, 2001, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

American Communications Group, Inc.  
GROW Nebraska/Arts & Craft Industry

Millea, Michael  
American Association of Retired Persons

Vickers, Tom  
Omaha Public Schools

### VISITORS

Visitors to the Chamber were Jodi Jarecke from Fullerton; Jered Matzke from Seward; American Government classes and teacher from Lincoln East High School; 17 KONOS home school students from Lincoln; members and coordinator, Pamela Carmichael, from the Nebraska Delta Sigma Theta Sorority, Inc.; seniors and teacher from Twin Valley High School, Bartley; Nadine DiBacco and Diane Downer from Gering; 7 seventh through tenth grade students and teachers from Mater Dai Academy; and Northeast Family YMCA Pre-School from Lincoln.

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

### ADJOURNMENT

At 12:03 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Monday, February 26, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-FIFTH DAY - FEBRUARY 26, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, February 26, 2001

**PRAYER**

The prayer was offered by Sister Dottie Moss, St. Ann's Catholic Church, Lexington, 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 Tyson who was excused; and Senator Kristensen who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fourth day was approved.

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

The following bills were correctly engrossed: LBs 182, 186, 300, 334, 334A, and 358.

**Enrollment and Review Change to LB 182**

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

ER9024

1. On page 1, line 3, "quorum provisions" has been struck and "provisions relating to voting" inserted.

**Enrollment and Review Change to LB 358**

The following changes, required to be reported for publication in the

Journal, have been made:  
ER9023

1. On page 1, line 3, has been struck.
2. On page 2, line 25, the first "the" has been struck.

(Signed) Philip Erdman, Chairperson

### STANDING COMMITTEE REPORTS Judiciary

**LEGISLATIVE BILL 66.** Placed on General File.  
**LEGISLATIVE BILL 81.** Placed on General File.  
**LEGISLATIVE BILL 221.** Placed on General File.

**LEGISLATIVE BILL 113.** Placed on General File as amended.  
Standing Committee amendment to LB 113:  
AM0658

- 1 1. Insert the following new section:
- 2 "Sec. 6. The Methamphetamine Awareness and Education
- 3 Fund is created. The Nebraska Commission on Law Enforcement and
- 4 Criminal Justice shall use the fund to support projects relating to
- 5 educating retailers and the public on the dangers of
- 6 methamphetamine. The commission may accept contributions, gifts,
- 7 grants, and bequests for such purposes and remit them to the State
- 8 Treasurer for credit to the fund. Any money in the fund available
- 9 for investment shall be invested by the state investment officer
- 10 pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 11 State Funds Investment Act."
- 12 2. On page 3, line 24, after the period insert "The
- 13 requirements to register and to pay a fee shall terminate upon the
- 14 United States Food and Drug Administration's publication in the
- 15 Federal Register of a final rule establishing good manufacturing
- 16 practices for dietary supplements or five years after the effective
- 17 date of this act, whichever date occurs first."
- 18 3. On page 4, lines 11 and 12, strike "Methamphetamine
- 19 Awareness and Education Fund" and insert "Ephedra Registration
- 20 Fund"; strike beginning with the second "The" in line 12 through
- 21 the period in line 15; strike lines 18 through 22; in line 25
- 22 strike "only"; and in line 26 after "prescription" insert "only".
- 23 4. On page 5, line 15, strike "suspension" and insert
- 24 "violation".
- 1 5. On page 25, line 5, strike "6" and insert "7"; and in
- 2 line 7 after "distributors" insert ", manufacturers or their
- 3 agents,".
- 4 6. On page 30, line 19, strike "6" and insert "7".
- 5 7. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 335.** Placed on General File as amended.  
Standing Committee amendment to LB 335:

AM0260

- 1 1. Insert the following new section:  
 2 "Sec. 4. (1) The Indigent Defense Standards Advisory  
 3 Council is created. The council shall consist of seven members,  
 4 including the elected public defenders for Douglas County and  
 5 Lancaster County, the chief counsel, and four members who have  
 6 substantial experience in providing indigent defense services  
 7 either as a public defender or assigned counsel and who are  
 8 nominated by the Nebraska Criminal Defense Attorneys Association  
 9 and appointed by the commission. The four members who are  
 10 appointed by the commission shall serve a term of four years,  
 11 except that, of the members first appointed, one member shall serve  
 12 a term of one year, one member shall serve a term of two years, one  
 13 member shall serve a term of three years, and one member shall  
 14 serve a term of four years. A member may be reappointed at the  
 15 expiration of his or her term. Any vacancy occurring other than by  
 16 expiration of a term shall be filled for the remainder of the  
 17 unexpired term in the same manner as the original appointment. The  
 18 council shall select one of its members as chairperson.  
 19 (2) Notwithstanding any other provision of law,  
 20 membership on the council shall not disqualify any member from  
 21 holding his or her office or position or cause the forfeiture  
 22 thereof.  
 23 (3) Members of the council shall serve without  
 24 compensation, but they shall be entitled to reimbursement for their  
 1 actual and necessary expenses as provided in sections 81-1174 to  
 2 81-1177.  
 3 (4) The council shall be responsible for developing and  
 4 recommending to the commission guidelines and standards for county  
 5 indigent defense systems, including, but not limited to, standards  
 6 relating to: The use and expenditure of money in the County  
 7 Revenue Assistance Fund to reimburse counties which qualify for  
 8 reimbursement; attorney eligibility and qualifications for court  
 9 appointments; compensation rates for salaried public defenders,  
 10 contractual attorneys, and assigned counsel and overall funding of  
 11 the indigent defense system; maximum caseloads for all types of  
 12 systems; systems administration, including rules for appointing  
 13 counsel, awarding defense contracts, and reimbursing defense  
 14 expenses; conflicts of interest; continuing legal education and  
 15 training; and availability of supportive services and expert  
 16 witnesses."  
 17 2. On page 2, line 3, strike "section" and insert  
 18 "sections 4 and"; in line 16 after "(4)" insert "Council means the  
 19 Indigent Defense Standards Advisory Council;  
 20 (5)"; in line 19 strike "(5)", show as stricken, and  
 21 insert "(6)"; in line 24 strike "(6)", show as stricken, and insert  
 22 "(7)"; and in line 28 strike "(7)", show as stricken, and insert  
 23 "(8)".  
 24 3. On page 3, line 3, strike "(8)", show as stricken,

25 and insert "(9)".

26 4. On page 4, line 1, after "standards" insert ", which  
27 are recommended to the commission by the council.".

1 5. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 351.** Placed on General File as amended.  
Standing Committee amendment to LB 351:  
AM0447

1 1. On page 2, line 7, strike "I" and insert "II".

(Signed) Kermit A. Brashear, Chairperson

### ANNOUNCEMENT

Senator Dw. Pedersen designates LB 611 as his priority bill.

### SELECT FILE

**LEGISLATIVE BILL 400.** Senator Smith renewed his pending amendment, AM0503, found on page 688.

The Smith amendment lost with 13 ayes, 13 nays, 21 present and not voting, and 2 excused and not voting.

Senator Brown offered the following amendment:  
AM0682

1 1. Strike original section 3 and all amendments thereto

2 and insert the following new sections:

3 "Sec. 3. The Department of Health and Human Services

4 Regulation and Licensure shall establish a two-tiered system of

5 licensure for child care and early childhood education programs

6 licensed pursuant to sections 71-1908 to 71-1917, except for

7 programs that exclusively offer before-and-after-school services

8 for children enrolled in grades kindergarten through twelve, as

9 follows:

10 (1) Tier I shall consist of programs that meet Tier II

11 licensing requirements, have a history of compliance, and meet

12 additional quality criteria related to director and staff

13 qualifications, staff training, adult-child ratio, learning

14 environment, parental involvement, program evaluation, and other

15 criteria reasonably calculated to influence program quality, as

16 established by the Department of Health and Human Services

17 Regulation and Licensure;

18 (2) Tier II shall consist of programs that meet minimum

19 applicable licensing requirements;

20 (3) The department may accept accreditation by a

21 recognized independent accreditation body or public agency, which

22 has standards that are at least as stringent as those of the

23 department, as evidence that the child care or early childhood

24 education program complies with the rules and regulations for Tier  
1 I programs adopted and promulgated under such sections;  
2 (4) A Tier I program licensed pursuant to an  
3 accreditation or certification accepted by the department shall  
4 notify the department if such accreditation or certification has  
5 been sanctioned, modified, terminated, or withdrawn. After giving  
6 such notice, the program may continue to operate as a Tier II  
7 program unless the department determines that the facility or  
8 service no longer meets the qualifications for licensure under such  
9 sections;

10 (5) The department shall issue a certificate to each  
11 licensed program, indicating the tier under which such program is  
12 licensed. The program shall post such certificate in a prominent  
13 place on the licensed premises; and

14 (6) Rules and regulations to implement the provisions of  
15 this section shall be adopted and promulgated by the department on  
16 or before July 1, 2003.

17 Sec. 4. Section 79-1102, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 79-1102. (1) The State Board of Education shall  
20 establish or designate, under the jurisdiction of the State  
21 Department of Education, an Early Childhood Training Center. The  
22 purpose of the center is to train individuals who ~~provide education~~  
23 ~~and development activities for infants and young children and their~~  
24 ~~parents work with infants and young children and their parents in~~  
25 ~~any early childhood care and educational setting. The center,~~  
26 ~~taking into consideration existing public and private training~~  
27 ~~efforts, shall provide support and assistance to schools and public~~  
1 ~~and private providers of early childhood education care and~~  
2 ~~educational services in developing training programs for staff.~~  
3 ~~The center, taking into consideration existing public and private~~  
4 ~~training efforts, shall also provide clearinghouse information and~~  
5 ~~publications on available early childhood education care and~~  
6 ~~educational training opportunities throughout the state.~~

7 (2) The center shall establish a statewide training  
8 program to support the development of parent education programs in  
9 local communities. The goal of this project is to train  
10 individuals who will be able to work with public and private  
11 providers of early childhood care and educational services to  
12 establish parent education programs in their communities."

13 2. On page 2, line 27, strike "a minimum of twenty-two"  
14 and insert "minimum".

15 3. On page 3, lines 7 and 8 and 27 and 28, strike  
16 "obtained in a group setting approved by the department" and insert  
17 "taught personally by a trainer and may include the use of distance  
18 learning technology that allows the trainer and the trainee to be  
19 in different locations"; strike beginning with "establish" in line  
20 9 through "section" in line 10 and insert "develop training  
21 materials and procedures designed to meet the training requirements

22 of this section and shall identify recommended preparations and  
 23 qualifications for effective trainers"; in line 16 after the period  
 24 insert "The requirements of this subsection do not apply to the  
 25 programs that exclusively offer before-and-after-school services  
 26 for children enrolled in grades kindergarten through twelve,  
 27 For purposes of this subsection, minimum hours means (a)  
 1 before July 1, 2002, twelve hours per year, (b) on or after July 1,  
 2 2002, and before July 1, 2003, sixteen hours per year, and (c) on  
 3 or after July 1, 2003, twenty hours."; and in lines 19 and 20  
 4 strike "a minimum of twelve clock" and insert "minimum".  
 5 4. On page 4, strike beginning with "establish" in line  
 6 1 through "section" in line 3 and insert "develop training  
 7 materials and procedures designed to meet the training requirements  
 8 of this section and shall identify recommended preparations and  
 9 qualifications for effective trainers"; in line 8 after the period  
 10 insert:  
 11 "The requirements of this subsection do not apply to the  
 12 programs that exclusively offer before-and-after-school services  
 13 for children enrolled in grades kindergarten through twelve,  
 14 For purposes of this subsection, minimum hours means (a)  
 15 before July 1, 2002, six hours per year, (b) on or after July 1,  
 16 2002, and before July 1, 2003, eight hours per year, and (c) on or  
 17 after July 1, 2003, twelve hours."  
 18 5. On page 5, line 20, strike "section 43-2601" and  
 19 insert "sections 43-2601 and 79-1102".  
 20 6. Renumber the remaining section accordingly.

Senators Wickersham, Raikes, and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

## ANNOUNCEMENTS

Senator Kristensen designates LB 620 as his priority bill.

Senator Chambers designates LB 659 as his priority bill.

## RESOLUTION

**LEGISLATIVE RESOLUTION 38.** Introduced by Vrtiska, I.

WHEREAS, the Nemaha Valley Schools Academic Decathlon team won the 2001 Academic Decathlon state championship at Bellevue East High School; and

WHEREAS, this is the third consecutive state championship won by the Nemaha Valley Schools Academic Decathlon team; and

WHEREAS, the Nemaha Valley Super Quiz Team, consisting of John Dietz, Erin Ebeler, Clayton Harris, Ann Moles, Holly Morris, and Gabe

Scheer, placed first in the competition; and

WHEREAS, in addition to winning the team championship, one or more individual medals were won by team members Ann Moles, April Duncza, Gabe Scheer, Erin Ebeler, Holly Morris, Clayton Harris, John Dietz, and Steven Cook, and alternates Melinda Kerifels, Adam Badberg, and Adam Cropp; and

WHEREAS, Nemaha Valley faculty members Jane Antholz, Jim Kucera, Mark Wentz, Kristi Hodges, Trisha Kruse, and Jack Moles and Pastor Mary Grundman were involved with the preparations for the 2000-2001 school year Academic Decathlon competitions.

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

1. That the Legislature congratulates the 2001 Nemaha Valley Schools Academic Decathlon team and its advisers on winning the 2001 Academic Decathlon state championship.

2. That a copy of this resolution be sent to the Nemaha Valley Schools Academic Decathlon team.

Laid over.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 585A.** Introduced by Engel, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 585, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

### STANDING COMMITTEE REPORTS Judiciary

**LEGISLATIVE BILL 12.** Placed on General File as amended.

Standing Committee amendment to LB 12:

AM0572

- 1 1. On page 2, line 10, after "department" insert "who
- 2 are not physicians, nurses, or physician assistants licensed by the
- 3 Department of Health and Human Services Regulation and Licensure".

**LEGISLATIVE BILL 281.** Placed on General File as amended.

Standing Committee amendment to LB 281:

AM0591

- 1 1. On page 2, line 14, strike the new matter and
- 2 reinstate the stricken matter; in line 15 strike "property" and
- 3 insert "orders shown to be necessary to prevent the irreparable
- 4 harm to or loss of property during the pendency of such appeal,";
- 5 and in line 16 after the period insert "Such orders shall not be

6 construed to prejudice any party on appeal."

(Signed) Kermit A. Brashear, Chairperson

### ANNOUNCEMENT

The Chair announced yesterday was Senator Kruse's birthday.

### SELECT FILE

**LEGISLATIVE BILL 400.** The Brown pending amendment, AM0682, found in this day's Journal, was renewed.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

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

The Brown amendment was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment:

AM0704

- 1 1. In the Brown amendment, AM0682, on page 1, line 7;
- 2 page 3, line 25; and page 4, line 12, after "services" insert "or
- 3 summertime services".

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler amendment was adopted with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

Senator McDonald asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler offered the following amendment:

FA42

- 1 1. On page 3, line 16, after "employment" insert ", and
- 2 such requirements shall be waived for the first four years of
- 3 employment after graduation if the individual has a bachelor's degree in a
- 4 field of
- 5 study approved by the department from an accredited postsecondary
- 6 educational institution".



Senator Beutler withdrew his amendment.

Senator Beutler offered the following amendment:

FA43

1 I. On page 3, line 16, after "employment" insert ", and  
 2 such requirements shall be waived for the first three years of  
 3 employment after graduation if the individual has a bachelor's degree or  
 4 an associate's degree in a field of  
 5 study approved by the department from an accredited postsecondary  
 6 educational institution".

The Beutler amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Brown moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Brown requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Aguilar	Beutler	Bourne	Brashear	Brown
Bruning	Byars	Connealy	Foley	Jensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Schimek	Schrock
Suttle	Thompson	Wehrbein		

Voting in the negative, 17:

Baker	Bromm	Burling	Coordsen	Cunningham
Dierks	Engel	Erdman	Hudkins	Jones
Kremer	Kristensen	Redfield	Smith	Stuhr
Vrtiska	Wickersham			

Present and not voting, 4:

Chambers	Cudaback	Hartnett	Janssen
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Excused and not voting, 5:

Hilgert	McDonald	Raikes	Robak	Tyson
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Failed to advance to E & R for engrossment with 23 ayes, 17 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

**LEGISLATIVE BILL 360.** E & R amendment, AM7051, found on page 700, was adopted.

Senator Chambers withdrew his pending amendment, AM0530, found on page 720.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 308.** Advanced to E & R for engrossment.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

**LEGISLATIVE BILL 432.** E & R amendment, AM7049, printed separately and referred to on page 701, was adopted.

Senator Chambers renewed his pending amendment, AM0525, found on page 718.

The Chambers amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Beutler offered the following amendment:  
AM0687

(Amendments to E & R amendments, AM7049)

- 1 1. On page 2, line 11, after "form" insert "and all
- 2 revisions to the form".

The Beutler amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Beutler offered the following amendment:  
AM0688

(Amendments to E & R amendments, AM7049)

- 1 1. On page 10, line 13, strike "dispose of" and insert
- 2 "destroy"; in lines 15, 16, and 17, strike "disposal" and insert
- 3 "destruction"; in line 17 strike ". Disposal" and insert ". After
- 4 the patrol or the law enforcement agency destroys the DNA sample
- 5 and record, it shall notify the individual if he or she is not a
- 6 minor or the parent or legal guardian of a minor by certified mail
- 7 that the sample and record have been destroyed. Destruction".

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Beutler offered the following amendment:  
AM0690

(Amendments to E & R amendments, AM7049)

- 1 1. On page 15, line 5, strike "Allow" and insert "With
- 2 the written consent of the parent or legal guardian of the infant,
- 3 allow".

The Beutler amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Beutler offered the following amendment:  
AM0691

(Amendments to E & R amendments, AM7049)

- 1 1. On page 16, line 18, after the new matter insert "The
- 2 person responsible for causing the tests to be performed under
- 3 subsection (2) of this section shall inform the parent or legal
- 4 guardian of the infant of the tests and of the results of the tests
- 5 and provide, upon any request for further information, at least a
- 6 copy of the written materials prepared under subsection (5) of this
- 7 section.
- 8 (8)".

The Beutler amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Beutler offered the following amendment:  
AM0689

(Amendments to E & R amendments, AM7049)

- 1 1. On page 13, line 4, after "not" insert "buy,".

The Beutler amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Brown offered the following amendment:  
FA44

On page 8, line 6 strike "American College of Medical Genetics Molecular Pathology Program"

On page 17, line 8 strike "American College of Medical Genetics Molecular Pathology Program"

The Brown 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 411.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 243.** Senator Schrock renewed his pending amendment, AM0647, found on page 766.

The Schrock amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Schrock offered the following amendment:

AM0699

- 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."

The Schrock amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Schrock offered the following amendment:

AM0698

- 1 1. On page 2, strike beginning with "In" in line 16
- 2 through line 28, show as stricken, and insert "The board of
- 3 directors may negotiate, fix, establish, and collect rates, tolls,
- 4 rents, and other charges for users and consumers of electrical
- 5 energy and associated services or facilities different from those
- 6 of other users and consumers. Any negotiated rates, tolls, rents,
- 7 and other charges for a commercial or industrial customer shall be
- 8 effective for no more than five years and shall not be less than
- 9 the marginal cost to supply the electrical service if (a) such
- 10 customer has entered an agreement with the state or any political
- 11 subdivision to provide an economic development project pursuant to
- 12 state or local law and (b) such economic development project has
- 13 projected new or additional electrical load requirements greater
- 14 than five hundred kilowatts and a minimum annual load demand factor
- 15 of sixty percent during the applicable billing period. Any
- 16 negotiated contract or agreement entered into pursuant to this
- 17 section shall contain a provision stating that any general retail
- 18 rate increase approved by the board of directors shall include the
- 19 parties to a contract or agreement for a discounted rate. This
- 20 subsection shall also apply to any nonprofit corporation organized
- 21 for the purpose of furnishing electric service pursuant to the
- 22 Electric Cooperative Corporation Act or the Nebraska Nonprofit
- 23 Corporation Act."
- 24 2. On page 3, strike lines 1 and 2 and show as stricken.

The Schrock amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 34.** E & R amendment, AM7048, found on page 701, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 106.** Advanced to E & R for engrossment.  
**LEGISLATIVE BILL 108.** Advanced to E & R for engrossment.  
**LEGISLATIVE BILL 477.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 270.** E & R amendment, AM7050, printed separately and referred to on page 723, was adopted.

Senator Beutler offered the following amendment:  
 AM0693

(Amendments to E & R amendments, AM7050)

- 1 1. On page 8, line 22, strike "acupuncture".
- 2 2. On page 9, line 5, after "practice" insert
- 3 "acupuncture and".

Senators Byars and Connealy asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Beutler amendment was adopted with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:  
 AM0585

(Amendments to E & R amendments, AM7050)

- 1 1. On page 4, line 20, strike "as amended", show as
- 2 stricken, and insert "as the act existed on the effective date of
- 3 this act".

The Chambers amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Aguilar	Bromm	Bruning	Burling	Cunningham
Dierks	Engel	Erdman	Foley	Hudkins
Janssen	Jensen	Jones	Kremer	Landis
Maxwell	Pedersen, Dw.	Pederson, D.	Preister	Robak
Schimek	Smith	Stuhr	Suttle	Thompson
Wehrbein	Wickersham			

Voting in the negative, 6:

Chambers	Coordsen	Hartnett	Kristensen	Price
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Redfield

Present and not voting, 11:

Baker	Beutler	Bourne	Brashear	Brown
Cudaback	Hilgert	Kruse	Quandahl	Schrock
Vrtiska				

Excused and not voting, 5:

Byars	Connealy	McDonald	Raikes	Tyson
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Advanced to E & R for engrossment with 27 ayes, 6 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 270A.** Advanced to E & R for engrossment.

### STANDING COMMITTEE REPORTS

#### Revenue

**LEGISLATIVE BILL 61.** Indefinitely postponed.

**LEGISLATIVE BILL 289.** Indefinitely postponed.

**LEGISLATIVE BILL 292.** Indefinitely postponed.

**LEGISLATIVE BILL 761.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 3CA.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

#### Government, Military and Veterans Affairs

**LEGISLATIVE BILL 516.** Placed on General File.

**LEGISLATIVE BILL 838.** Placed on General File as amended.

Standing Committee amendment to LB 838:

AM0629

- 1 1. On page 2, lines 14 and 15 and 24 and 25; and page 3, line 1, strike "and address".
- 3 2. On page 2, lines 15, 21, and 25; and page 3, line 2, 4 after "person" insert ", including committees,".
- 5 3. On page 2, lines 20 and 21, strike "and the address".

**LEGISLATIVE BILL 485.** Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

### AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 243:

AM0674

- 1 1. Strike section 2 and insert the following new  
 2 sections:  
 3 "Sec. 2. Section 70-1014, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 70-1014. (1) After hearing, the board shall have  
 6 authority to approve or deny the application. Before approval of  
 7 an application, the board shall find that:  
 8 (a) The application will serve the public convenience  
 9 and necessity; and that  
 10 (b) Without unnecessary duplication of facilities or  
 11 operations (i) the applicant can most economically and feasibly  
 12 supply the electric service resulting from the proposed  
 13 construction or acquisition, without unnecessary duplication of  
 14 facilities or operations or (ii) the applicant for construction of  
 15 a generation facility would provide other identifiable benefits  
 16 that mitigate or offset the need for the most economical and  
 17 feasible supply of electric service.  
 18 (2) Identifiable benefits under this section may include,  
 19 but are not limited to, reduction of pollution emissions, research  
 20 and development of emerging technologies, promotion of renewable  
 21 energy sources, diversity of a power supplier's fuel portfolio or  
 22 mixture of generation sources, enhancement of electric transmission  
 23 reliability, and noise reduction near populated areas.  
 24 Sec. 3. Original sections 70-655 and 70-1014, Reissue  
 1 Revised Statutes of Nebraska, are repealed."

Senator Brashear filed the following amendment to LB 574:  
 AM0705

- 1 1. Insert the following new sections:  
 2 "Sec. 33. Section 81-8,235, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 81-8,235. Sections 81-8,209 to 81-8,235 and section 34  
 5 of this act shall be known and may be cited as the State Tort  
 6 Claims Act.  
 7 Sec. 34. (1) If damage is proximately caused to any  
 8 innocent third party by the unlawful release of a digital image,  
 9 digital signature, or biometric identifier preserved by the  
 10 Department of Motor Vehicles pursuant to section 4 of this act,  
 11 damages shall be paid to such third party by the state.  
 12 (2) Upon payment by the state of those damages sustained  
 13 by an innocent third party, whether upon voluntary settlement or in  
 14 satisfaction of a judgment, the state shall be entitled to  
 15 reimbursement of the amount of damages paid by the state from each  
 16 and all of the following sources:  
 17 (a) The person responsible for releasing the information;  
 18 (b) Any organization, including a sole proprietorship,  
 19 partnership, limited liability company, or corporation, liable for  
 20 the conduct of the person releasing the information;

- 21 (c) Every insurer or self-insurance surety of either the  
 22 person responsible for releasing the information or any  
 23 organization, including a sole proprietorship, partnership, limited  
 24 liability company, or corporation, liable for the conduct of the  
 1 person responsible for releasing the information, except that no  
 2 such insurer or self-insurance surety shall be required to pay in  
 3 excess of the liability limit of its applicable policies or bonds;  
 4 and  
 5 (d) Any political subdivision employing officers,  
 6 employees, or agents whose actions contributed to the proximate  
 7 cause of damage sustained by the innocent third party, except that  
 8 the liability of any such political subdivision shall not exceed  
 9 the lesser of (i) its maximum statutory liability pursuant to the  
 10 Political Subdivisions Tort Claims Act or (ii) the damages  
 11 sustained by the innocent third party apportioned equally among the  
 12 state and all political subdivisions employing the officers,  
 13 employees, or agents whose actions contributed to the proximate  
 14 cause of the damage sustained by the innocent third party."  
 15 2. Renumber the remaining sections and correct the  
 16 repealer accordingly.

Senator Beutler filed the following amendment to LB 254:

FA41

Strike Section 1

Senator Hudkins filed the following amendment to LB 254:

AM0567

- 1 1. Strike original section 1 and all amendments thereto  
 2 and insert the following new section:  
 3 "Section 1. Section 60-696, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 60-696. The (1) Except as provided in subsection (2) of  
 6 this section, the driver of any vehicle involved in an accident  
 7 either upon a public highway, private road, or private drive,  
 8 resulting in damage to property, shall ~~(1)~~ (a) immediately stop  
 9 such vehicle at the scene of such accident and ~~(2)~~ (b) give his or  
 10 her name, and address, and the registration telephone number, of  
 11 the vehicle and exhibit his or her operator's license number to the  
 12 owner of the property struck or the driver or occupants of any  
 13 other vehicle involved in the collision, except that if the  
 14 driver has collided with a vehicle which is unattended, the driver  
 15 shall either (a) locate and notify the operator or owner of the  
 16 unattended vehicle of the information required by this subdivision  
 17 as well as the name and address of the owner of the vehicle which  
 18 collided with the unattended vehicle or (b) leave in a conspicuous  
 19 place in or on the unattended vehicle a written notice giving the  
 20 information required by this subdivision as well as the name and  
 21 address of the owner of the vehicle which collided with the  
 22 unattended vehicle and a statement of the circumstances of the



23 collision, and shall report the collision, by telephone or  
24 otherwise, to the appropriate peace officer within twelve hours.  
1 Any person violating this section shall, if he or she  
2 reports such accident, by telephone or otherwise, to the  
3 appropriate peace officer within twelve hours, be guilty of a Class  
4 V misdemeanor or, if he or she does not report such accident within  
5 twelve hours, be guilty of a Class IV misdemeanor  
6 (2) The driver of any vehicle involved in an accident  
7 either upon a public highway, private road, or private drive,  
8 resulting in damage to an unattended vehicle or property, shall  
9 immediately stop such vehicle and leave in a conspicuous place in  
10 or on the unattended vehicle or property a written notice  
11 containing the information required by subsection (1) of this  
12 section. In addition, such driver shall, without unnecessary  
13 delay, report the collision, by telephone or otherwise, to an  
14 appropriate peace officer.  
15 (3) Any person violating subsection (1) or (2) of this  
16 section shall be guilty of a Class III misdemeanor. If such person  
17 has had one or more convictions under this section in the twelve  
18 years prior to the date of the current conviction under this  
19 section, such person shall be guilty of a Class II misdemeanor. As  
20 part of any sentence, suspended sentence, or judgment of conviction  
21 under this section, the court shall order the defendant not to  
22 drive any motor vehicle for any purpose in the State of Nebraska  
23 for not less than thirty days nor more than one year from the date  
24 ordered by the court."

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

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

State Personnel Board  
Brian Tessman

VOTE: Aye: Senators Aguilar, Burling, McDonald, Quandahl, Schimek, Smith, and Vrtiska. Nay: None. Absent: Senator Brown.

(Signed) DiAnna R. Schimek, Chairperson

**ANNOUNCEMENT**

Senator Dierks designates LB 803 as his priority bill.

**ADJOURNMENT**

At 12:09 p.m., on a motion by Senator Chambers, the Legislature adjourned until 9:00 a.m., Tuesday, February 27, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-SIXTH DAY - FEBRUARY 27, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 27, 2001

**PRAYER**

The prayer was offered by Father Lloyd Gnirk, St. Pius X 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 Janssen who was excused; and Senators Beutler, Brown, Coordsen, Cunningham, Landis, Raikes, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-fifth day was approved.

**ANNOUNCEMENT**

Senator Vrtiska designates LB 711 as his priority bill.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 29 and 30 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 29 and 30.

**UNANIMOUS CONSENT - Member Excused**

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

**MOTION - Approve Appointment**

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 766: Nebraska Environmental Trust Board - Warren Arganbright.

Voting in the affirmative, 31:

Aguilar	Bourne	Brashear	Bruning	Burling
Byars	Dierks	Engel	Erdman	Foley
Hartnett	Hudkins	Jones	Kremer	Kristensen
McDonald	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Vrtiska
Wehrbein				

Voting in the negative, 0.

Present and not voting, 9:

Baker	Bromm	Chambers	Connealy	Cudaback
Hilgert	Jensen	Kruse	Maxwell	

Excused and not voting, 9:

Beutler	Brown	Coordsen	Cunningham	Janssen
Landis	Raikes	Tyson	Wickersham	

The appointment was confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 186A.** Advanced to E & R for engrossment.

**MOTIONS - Return LB 51 to Select File**

Senator Chambers moved to return LB 51 to Select File for the following specific amendment:

FA45

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

Senator Landis moved to return LB 51 to Select File for the following specific amendment:

FA63

Strike the enacting clause.

Senator Landis withdrew his motion to return.

## **BILL ON FINAL READING**

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 51 with 38 ayes, 2 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 51.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-103, 44-3,151, 44-3903, 44-4005.02, 44-4005.03, 44-4005.05, 44-4421, 44-5228, 44-5232, 44-5503, and 44-5802, Reissue Revised Statutes of Nebraska, and sections 44-150, 44-1525, 44-4001, 44-4005.01, 44-4005.04, and 44-4046, Revised Statutes Supplement, 2000; to change, provide, and eliminate provisions relating to insurance producer licensing; to harmonize provisions; to provide duties for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 44-4002 to 44-4005, 44-4006 to 44-4009, 44-4011, 44-4012, 44-4014, 44-4016 to 44-4018, 44-4020, 44-4022 to 44-4027, 44-4029 to 44-4040, 44-4042 to 44-4045, and 44-5513, Reissue Revised Statutes of Nebraska, and sections 44-4010, 44-4013, 44-4015, 44-4019, 44-4028, and 44-4041, Revised Statutes Supplement, 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Jensen	Jones	Kremer
Kristensen	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 1:

Kruse

Excused and not voting, 2:

Janssen            Tyson

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

### **MOTION - Return LB 53 to Select File**

Senator Chambers moved to return LB 53 to Select File for the following specific amendment:

FA46

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

### **BILL ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 53 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 53. With Emergency.**

A BILL FOR AN ACT relating to finance; to amend sections 8-208, 8-319, 8-330, 8-820.01, 8-1001 to 8-1004, 8-1006 to 8-1008, 8-1010, 8-1012, 8-1014, 8-1015, 8-1101, 8-1108.01, 8-1109.02, 8-1110, 8-1735, 21-17,103, 44-1703, 45-114, 45-115, 45-117, 45-119, 45-120, 45-122 to 45-124, 45-126 to 45-129, 45-131 to 45-136, 45-138 to 45-140, 45-142 to 45-145, 45-148 to 45-150, 45-153 to 45-155, 45-156 to 45-158, 45-173 to 45-183, 45-185 to 45-188, 45-190, 45-191.02, 45-191.04, 45-191.09, 45-194 to 45-196, 45-198 to 45-1,103, 45-1,110, 45-1,116, 45-902, 45-906, 45-910, 45-922, 45-923, 59-1722, 59-1725.01, 59-1733, and 69-2117, Reissue Revised Statutes of Nebraska, and sections 8-143.01, 8-1,140, 8-355, 8-1103, 21-17,115, 45-101.04, 45-116, 45-118, 45-121, 45-130, 45-137, 45-184, and 45-717, Revised Statutes Supplement, 2000; to change provisions relating to banks and banking, trust companies, securities, credit unions, loan brokers, delayed deposit services licensing, seller-assisted marketing plans, hearing procedures for the Department of Banking and Finance, and fees; to revise powers of state-chartered banks, savings and loan associations, and credit unions; to rename the Nebraska Sale of Checks Act; to change and eliminate provisions relating to installment loans; to name the Nebraska Installment Loan Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 45-146, 45-147, 45-188.01, and 45-197, Reissue Revised Statutes

of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 48:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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 129 to Select File**

Senator Chambers moved to return LB 129 to Select File for the following specific amendment:

FA47

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 129.**

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend section 46-685, Reissue Revised Statutes of Nebraska, and sections 2-1588, 2-1594, and 46-233, Revised Statutes Supplement, 2000; to change provisions relating to the Nebraska Resources Development Fund, applications for the diversion of water, and appeals under the Industrial Ground Water Regulatory Act; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	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, 1:

Jensen

Excused and not voting, 1:

Janssen

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

#### **MOTION - Return LB 146 to Select File**

Senator Chambers moved to return LB 146 to Select File for the following specific amendment:

FA48

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 146.**

A BILL FOR AN ACT relating to installment sales; to amend section 45-338, Reissue Revised Statutes of Nebraska; to authorize an increase in origination fees as prescribed; to harmonize provisions; and to repeal the original section.



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

Voting in the affirmative, 46:

Aguilar	Baker	Beutler	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	McDonald	Pedersen, Dw.	Pederson, D.
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, 2:

Bourne            Jensen

Excused and not voting, 1:

Janssen

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

### **MOTION - Return LB 155 to Select File**

Senator Chambers moved to return LB 155 to Select File for the following specific amendment:

FA49

Strike the enacting clause.

The Chambers motion to return failed with 1 aye, 38 nays, 9 present and not voting, and 1 excused and not voting.

### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 155.**

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-322 and 28-322.01, Revised Statutes Supplement, 2000; to change provisions relating to sexual abuse of an inmate or parolee; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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

#### **MOTION - Return LB 165 to Select File**

Senator Chambers moved to return LB 165 to Select File for the following specific amendment:

FA50

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 165.**

A BILL FOR AN ACT relating to the Telemarketing and Prize Promotions Act; to amend sections 86-2001 and 86-2008, Reissue Revised Statutes of Nebraska; to prohibit certain acts by solicitors, sponsors, or sellers; to provide a civil penalty; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Baker	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 2:

Aguilar      Preister

Excused and not voting, 1:

Janssen

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

#### **MOTION - Return LB 166 to Select File**

Senator Chambers moved to return LB 166 to Select File for the following specific amendment:

FA51

Page 2, lines 9, 12, 15 strike "eight-hundredths" and insert "fifteen-hundredths"; the same on page 4, line 11; page 6, line 5; page 8, lines 6 and 9.

Senator Chambers withdrew his motion to return.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 166.**

A BILL FOR AN ACT relating to alcohol; to amend sections 37-1254.01 and 60-4,182, Reissue Revised Statutes of Nebraska, and sections 37-1254.02 and 60-6,196, Revised Statutes Supplement, 2000; to reduce the alcohol concentration limits allowed while operating a motorboat or motor vehicle; 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	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Foley	Hartnett	Hilgert	Hudkins
Jensen	Jones	Kremer	Kruse	Landis
Maxwell	McDonald	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 1:

Robak

Present and not voting, 4:

Chambers      Engel                  Kristensen      Pedersen, Dw.

Excused and not voting, 1:

Janssen

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

### **LEGISLATIVE BILL 166A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 166, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Coordsen	Cudaback	Cunningham	Dierks	Erdman
Foley	Hartnett	Hilgert	Hudkins	Jensen
Jones	Kremer	Kristensen	Kruse	Landis
Maxwell	McDonald	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska

Wehrbein      Wickersham

Voting in the negative, 1:

Robak

Present and not voting, 5:

Bourne      Connealy      Engel      Pedersen, Dw. Schrock

Excused and not voting, 1:

Janssen

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 192 with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 192.** With Emergency.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-601, 48-608, 48-612 to 48-614, 48-633, 48-634, 48-650, 48-656, and 48-663, Reissue Revised Statutes of Nebraska, and sections 48-602, 48-628, and 48-657, Revised Statutes Supplement, 2000; to define and redefine terms; to provide for coverage for Indian tribes and tribal businesses; to change provisions relating to print material, benefits, appeal tribunals, powers and duties, notices, assessments, appeals, enforcement, and venue; 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, 47:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.

Pederson, D.	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, 1:

Brown

Excused and not voting, 1:

Janssen

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

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 245.**

A BILL FOR AN ACT relating to rail transportation; to amend sections 74-1512 and 74-1514, Revised Statutes Supplement, 2000; to change dates relating to a report and termination of the Nebraska Transit and Rail Advisory Council Act; to provide restrictions on certain projects; to create a fund; 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, 47:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Connealy      Janssen

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

### **MOTION - Return LB 257 to Select File**

Senator Hilgert moved to return LB 257 to Select File for the following specific amendment:

FA79

Strike the enacting clause.

Senator Hilgert withdrew his motion to return.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 257.** With Emergency.

A BILL FOR AN ACT relating to medicaid; to amend sections 68-1036.02 and 81-1121, Reissue Revised Statutes of Nebraska; to change provisions relating to liability of a recipient for benefits received and medicaid refunds and rebates; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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 257A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 257, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	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, 1:

Engel

Excused and not voting, 1:

Janssen

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 375.**

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 2000; to change provisions relating to motor carrier safety; to adopt certain portions of the federal Motor Carrier Safety Regulations and updated federal Hazardous Material Regulations as Nebraska law; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pederson, D.	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, 1:

Pedersen, Dw.

Excused and not voting, 1:

Janssen

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 376 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 376.**

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-614, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-6,288, 60-6,290, 60-6,298, and 71-4603, Revised Statutes Supplement, 2000; to exempt certain recreational vehicles and implements of husbandry from size, weight, and load requirements; to redefine terms; to provide for permits and fees; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	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, 1:

Beutler

Excused and not voting, 1:

Janssen

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 387 with 38 ayes, 3 nays, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 387.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.09, 60-4,124, 66-1406, and 75-352, Reissue Revised Statutes of Nebraska, and sections 48-604, 60-480, 60-484, 60-4,118, 60-4,120.01, 60-4,122, and 60-4,149.01, Revised Statutes Supplement, 2000; to change provisions relating to motor carriers, fleet vehicles, motorcycle licenses, proof of identification, provisional operators' permits, license examinations, school permits, waiver of examinations, and fuel tax agreements; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 48:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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.

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 418.**

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-652, Revised Statutes Supplement, 2000; to change provisions relating to experience accounts; 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	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Landis	Maxwell	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Kruse            Redfield

Excused and not voting, 2:

Brashear        Janssen

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

**LEGISLATIVE BILL 472.**

A BILL FOR AN ACT relating to ground water; to provide for transfers of ground water and for liability relating to transfers; and to provide for applicability.

Whereupon the 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	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pederson, D.
Preister	Quandahl	Raikes	Redfield	Robak
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 3:

Pedersen, Dw. Price            Schimek

Excused and not voting, 2:

Brashear        Janssen

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

**LEGISLATIVE BILL 25.**

A BILL FOR AN ACT relating to podiatry; to amend section 71-173, Reissue Revised Statutes of Nebraska, and section 71-101, Revised Statutes Supplement, 2000; to redefine terms; to provide requirements for certain surgeries as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 43:

Aguilar	Baker	Beutler	Bourne	Bromm
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 4:

Burling	Price	Quandahl	Vrtiska
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Excused and not voting, 2:

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

### **LEGISLATIVE BILL 25A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 25, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Stuhr	Suttle
Thompson	Tyson	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 3:

Price            Smith            Vrtiska

Excused and not voting, 2:

Brashear        Janssen

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

Senator McDonald asked unanimous consent to be excused. No objections. So ordered.

#### **LEGISLATIVE BILL 46.**

A BILL FOR AN ACT relating to civil procedure; to provide a settlement escrow procedure; to state intent; 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, 46:

Aguilar	Baker	Beutler	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Brashear        Janssen            McDonald

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

**LEGISLATIVE BILL 48.** With Emergency.

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.

Whereupon the President stated: "All provisions of 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	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Foley	Hartnett	Hilgert	Jensen
Jones	Kremer	Kristensen	Kruse	Landis
Maxwell	Pedersen, Dw.	Pederson, D.	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, 2:

Engel                      Hudkins

Excused and not voting, 3:

Brashear                  Janssen                  McDonald

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 193 with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 193. With Emergency.**

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 repeal the Nebraska Job Training Act; to harmonize provisions; to repeal the original section; to outright repeal sections 48-1601 to 48-1615, 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	Bourne	Bromm
Brown	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Jensen	Jones	Kremer	Kruse	Landis
Maxwell	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Kristensen

Excused and not voting, 3:

Brashear      Janssen      McDonald

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 226.** With Emergency.

A BILL FOR AN ACT relating to elections; to amend sections 32-208, 32-209, and 32-211, Reissue Revised Statutes of Nebraska; to change residency requirements for election commissioners and chief deputy election commissioners; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks



Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	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, 2:

Maxwell      Pederson, D.

Excused and not voting, 3:

Brashear      Janssen      McDonald

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 253.**

A BILL FOR AN ACT relating to recounts; to amend section 32-1122, Reissue Revised Statutes of Nebraska; to change procedures for determining the winner of a primary election resulting in a tie vote; 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	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Hartnett	Hilgert	Hudkins
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Pederson, D.	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, 1:

Foley

Excused and not voting, 3:

Brashear          Janssen          McDonald

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

**LEGISLATIVE BILL 280.**

A BILL FOR AN ACT relating to 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.

Whereupon the 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	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 3:

Brashear          Janssen          McDonald

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

**LEGISLATIVE BILL 299.**

A BILL FOR AN ACT relating to the Uniform Act on Fresh Pursuit; to amend sections 29-419, 29-420, and 29-421, Reissue Revised Statutes of Nebraska; to provide for liability and personal jurisdiction relating to interstate pursuit; 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	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Pederson, D.	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, 1:

Coordsen

Excused and not voting, 3:

Brashear      Janssen      McDonald

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 337.**

A BILL FOR AN ACT relating to the Nebraska Litter Reduction and Recycling Act; to amend section 81-1566, Reissue Revised Statutes of Nebraska; to change a termination 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, 41:

Aguilar	Beutler	Bourne	Bromm	Brown
Bruning	Burling	Byars	Chambers	Coordsen
Cudaback	Dierks	Engel	Erdman	Foley
Hartnett	Hilgert	Hudkins	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 4:

Baker            Cunningham    Jensen            Schimek

Excused and not voting, 4:

Brashear        Connealy        Janssen          McDonald

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

### **LEGISLATIVE BILL 409.**

A BILL FOR AN ACT relating to reclamation districts; to amend section 46-538, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation of directors; 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	Bromm
Brown	Bruning	Burling	Byars	Chambers
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 4:

Brashear        Connealy        Janssen          McDonald

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

**UNANIMOUS CONSENT - Member Excused**

Senator Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 287.** Title read. Considered.

**SENATOR CUDABACK PRESIDING**

Pending.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 51, 53, 129, 146, 155, 165, 166, 166A, 192, 245, 257, 257A, 375, 376, 387, 418, 472, 25, 25A, 46, 48, 193, 226, 253, 280, 299, 337, and 409.

**GENERAL FILE**

**LEGISLATIVE BILL 287.** Senator Thompson renewed her pending amendment, AM0643, found on page 773.

The Thompson amendment was adopted with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

Pending.

**MOTION - Suspend Rules**

Senator Schrock moved to suspend the rules, Rule 3, Sec. 14, to permit cancellation of a public hearing by the Natural Resources Committee.

The Schrock motion to suspend the rules prevailed with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

**NOTICE OF COMMITTEE HEARING**  
**Natural Resources**

LB 132	Wednesday, February 28, 2001 (cancel)	1:30 PM
LB 217	Wednesday, February 28, 2001 (cancel)	1:30 PM
LB 632	Wednesday, February 28, 2001 (cancel)	1:30 PM
LB 787	Wednesday, February 28, 2001 (cancel)	1:30 PM
LB 132	Wednesday, March 7, 2001 (reschedule)	2:30 PM
LB 217	Wednesday, March 7, 2001 (reschedule)	2:30 PM

LB 632	Wednesday, March 7, 2001 (reschedule)	2:30 PM
LB 787	Wednesday, March 7, 2001 (reschedule)	2:30 PM

(Signed) Ed Schrock, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 287.** Considered.

Senators Hudkins, Dw. Pedersen, and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Pending.

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

**LEGISLATIVE BILL 242.** Placed on General File.

**LEGISLATIVE BILL 780.** Placed on General File.

**LEGISLATIVE BILL 391.** Placed on General File as amended.

(Standing Committee amendment, AM0588, 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 558.** Placed on General File as amended.

Standing Committee amendment to LB 558:

AM0718

- 1 1. Insert the following new section:
- 2 "Sec. 9. Section 32-1027, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 32-1027. (1) The election commissioner or county clerk
- 5 shall appoint two or more registered voters to the absentee ballots
- 6 counting board. One registered voter shall be appointed from the
- 7 political party casting the highest number of votes for Governor or
- 8 for President of the United States in the county in the immediately
- 9 preceding general election, and one registered voter shall be
- 10 appointed from the political party casting the next highest vote
- 11 for such office. The election commissioner or county clerk may
- 12 appoint additional registered voters to serve on the absentee
- 13 ballots counting board and may appoint registered voters to serve
- 14 in case of a vacancy among any of the members of the absentee
- 15 ballots counting board. Such appointees shall be balanced between
- 16 the political parties and may include registered voters
- 17 unaffiliated with any political party. The absentee ballots
- 18 counting board shall meet as directed by the election commissioner
- 19 or county clerk.
- 20 (2) The absentee ballots counting board shall place all
- 21 absentee voter identification envelopes in order for counting. The

22 absentee ballots counting board shall compare the voter's name on  
23 the identification envelope with the name on the absentee voter's  
24 book or with the application for an absentee ballot. If the name  
1 on the identification envelope appears to be that of a registered  
2 voter to whom an absentee ballot has been issued, the  
3 identification envelope shall be accepted for opening without  
4 further questioning. In counties using optical scanners, the  
5 absentee ballots counting board may, on the day before the  
6 election, check the names on the identification envelopes received  
7 and open all identification envelopes which are approved, and if  
8 the signature of the election commissioner or county clerk or his  
9 or her employee is on the ballot, the ballot shall be unfolded,  
10 flattened for purposes of using the optical scanner, and placed in  
11 a sealed container for counting on election day. In other  
12 counties, the absentee ballots counting board may, on the day  
13 before the election, check the names on the identification  
14 envelopes received prior to election day. If an identification  
15 envelope is accepted for counting, the identification envelope  
16 shall be placed in a sealed container for counting on election day.  
17 The absentee ballots counting board shall convene on election day  
18 to begin counting absentee ballots previously accepted. On  
19 election day, all identification envelopes which have been received  
20 and approved on or before election day shall be opened, and if the  
21 signature of the election commissioner or county clerk or his or  
22 her employee is on the ballot, the ballot shall be placed without  
23 unfolding into a ballot box.

24 (3) The absentee ballots counting board shall reject an  
25 absentee voter identification envelope if the signature of the  
26 registered voter is missing or if the name and address on the  
27 identification envelope do not match the registered voter's voter  
1 registration. If an identification envelope is rejected, the  
2 absentee ballots counting board shall not open the identification  
3 envelope. If the ballot is rejected after opening the  
4 identification envelope because of the absence of the official  
5 signature on the ballot, the ballot shall be marked Rejected, no  
6 official signature. The absentee ballots counting board shall  
7 place the rejected identification envelopes and ballots in a  
8 container labeled Rejected Absentee Ballots and seal it.

9 (4) As soon as all ballots have been placed in the ballot  
10 box and rejected identification envelopes or ballots have been  
11 sealed in the Rejected Absentee Ballots container, the absentee  
12 ballots counting board shall count the absentee ballots the same as  
13 all other ballots and an unofficial count shall be released to the  
14 election commissioner or county clerk. No results shall be  
15 released prior to the closing of the polls on election day."

16 2. On page 12, line 4, strike "section 29-1401" and  
17 insert "sections 29-1401 and 32-1027".

18 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 703.** Placed on General File as amended.  
 Standing Committee amendment to LB 703:  
 AM0628

- 1 1. On page 7, line 14, after the period insert "For
- 2 purposes of this subsection, the average cost per person means the
- 3 cost of the event divided by the number of persons expected to
- 4 attend the event.".

**LEGISLATIVE RESOLUTION 4CA.** Placed on General File as amended.

Standing Committee amendment to LR 4CA:  
 AM0546

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. At the general election in November 2002 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article XIII, section 2:
- 8 XIII-2 '(1) Notwithstanding any other provision in the
- 9 this Constitution, the Legislature may authorize any county or
- 10 incorporated city or village, including cities operating under home
- 11 rule charters, to acquire, own, develop, and lease real and
- 12 personal property suitable for use by manufacturing or industrial
- 13 enterprises and to issue revenue bonds for the purpose of defraying
- 14 the cost of acquiring and developing such property by construction,
- 15 purchase, or otherwise. The Legislature may also authorize such
- 16 county, city, or village to acquire, own, develop, and lease real
- 17 and personal property suitable for use by enterprises as determined
- 18 by law if such property is located in blighted areas as determined
- 19 by law and to issue revenue bonds for the purpose of defraying the
- 20 cost of acquiring and developing or financing such property by
- 21 construction, purchase, or otherwise. Such bonds shall not become
- 22 general obligation bonds of the governmental subdivision by which
- 23 such bonds are issued. Any real or personal property acquired,
- 24 owned, developed, or used by any such county, city, or village
- 1 pursuant to this section shall be subject to taxation to the same
- 2 extent as private property during the time it is leased to or held
- 3 by private interests, notwithstanding the provisions of Article
- 4 VIII, section 2, of ~~the~~ this Constitution. The acquiring, owning,
- 5 developing, and leasing of such property shall be deemed for a
- 6 public purpose, but the governmental subdivision shall not have the
- 7 right to acquire such property by condemnation. The principal of
- 8 and interest on any bonds issued may be secured by a pledge of the
- 9 lease and the revenue therefrom and by mortgage upon such property.
- 10 No such governmental subdivision shall have the power to operate
- 11 any such property as a business or in any manner except as the
- 12 lessor thereof.
- 13 (2) Notwithstanding any other provision in this



14 Constitution, the Legislature may also authorize any county, city,  
 15 or village to acquire, own, develop, and lease or finance real and  
 16 personal property, other than property used or to be used primarily  
 17 for sectarian instruction or study or as a place for devotional  
 18 activities or religious worship, suitable for use by nonprofit  
 19 enterprises as determined by law and to issue revenue bonds for the  
 20 purpose of defraying the cost of acquiring and developing or  
 21 financing such property by construction, purchase, or otherwise.  
 22 Such bonds shall not become general obligation bonds of the  
 23 governmental subdivision by which such bonds are issued.  
 24 Notwithstanding the provisions of Article VIII, section 2, of this  
 25 Constitution, the acquisition, ownership, development, use, or  
 26 financing of any real or personal property pursuant to the  
 27 provisions of this section shall not affect the imposition of any  
 1 taxes or the exemption therefrom by the Legislature pursuant to  
 2 this Constitution. The acquiring, owning, developing, and leasing  
 3 or financing of such property shall be deemed for a public purpose,  
 4 but the governmental subdivision shall not have the right to  
 5 acquire such property by condemnation. The principal of and  
 6 interest on any bonds issued may be secured by a pledge of the  
 7 lease and the revenue therefrom and by mortgage upon such property.  
 8 No such governmental subdivision shall have the power to operate  
 9 any such property as a business or in any manner except as the  
 10 lessor thereof.  
 11 (3) Notwithstanding any other provision in the this  
 12 Constitution, the Legislature may also authorize any incorporated  
 13 city or village, including cities operating under home rule  
 14 charters, to appropriate from local sources of revenue such funds  
 15 as may be deemed necessary for an economic or industrial  
 16 development project or program subject to approval by a vote of a  
 17 majority of the registered voters of such city or village voting  
 18 upon the question. For purposes of this provision, funds from  
 19 local sources of revenue shall mean funds raised from general taxes  
 20 levied by the city or village and shall not include any funds  
 21 received by the city or village which are derived from state or  
 22 federal sources.'".

**LEGISLATIVE BILL 714.** Indefinitely postponed.

**LEGISLATIVE BILL 720.** Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 329.** Placed on Select File as amended.

E & R amendment to LB 329:

AM7053

- 1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:  
3 "Section 1. Section 13-519, Revised Statutes Supplement,  
4 2000, 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 all fiscal years beginning on  
8 or after July 1, 2001, and before July 1, 2002, the last prior  
9 year's total of restricted funds shall be the last prior year's  
10 total of restricted funds plus any amount budgeted to be received  
11 from the Natural Resources Enhancement Fund for the prior year. If  
12 a governmental unit transfers the financial responsibility of  
13 providing a service financed in whole or in part with restricted  
14 funds to another governmental unit or the state, the amount of  
15 restricted funds associated with providing the service shall be  
16 subtracted from the last prior year's total of budgeted restricted  
17 funds for the previous provider and may be added to the last prior  
18 year's total of restricted funds for the new provider. For  
19 governmental units that have consolidated, the calculations made  
20 under this section for consolidating units shall be made based on  
21 the combined total of restricted funds, population, or full-time  
22 equivalent students of 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. 2. Section 15-202, Reissue Revised Statutes of  
16 Nebraska, is amended to read:  
17 15-202. A primary city of the primary class shall have  
18 power to levy taxes for general revenue purposes on all property  
19 within the corporate limits of ~~said~~ the city taxable according to  
20 the laws of Nebraska and to levy an occupation tax on public  
21 service property or corporations in such amounts as may be proper

22 and necessary, in the judgment of the mayor and council, for  
 23 purposes of revenue. All such taxes shall be uniform with respect  
 24 to the class upon which they are imposed. The occupation tax may  
 25 be based upon a certain percentage of the gross receipts of such  
 26 public service corporation or upon such other basis as may be  
 27 determined upon by the mayor and council.

1 Sec. 3. Original section 15-202, Reissue Revised

2 Statutes of Nebraska, and section 13-519, Revised Statutes

3 Supplement, 2000, are repealed.

4 Sec. 4. Since an emergency exists, this act takes effect

5 when passed and approved according to law."

6 2. On page 1, line 3, strike "sections 13-518 and" and

7 insert "section".

**LEGISLATIVE BILL 419.** Placed on Select File.

**LEGISLATIVE BILL 483.** Placed on Select File.

**LEGISLATIVE BILL 484.** Placed on Select File.

**LEGISLATIVE BILL 31.** Placed on Select File as amended.

E & R amendment to LB 31:

AM7054

1 1. On page 1, line 4, strike "and"; and in line 5 after

2 "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 730.** Placed on Select File as amended.

E & R amendment to LB 730:

AM7055

1 1. On page 1, line 1, strike "cities of the first class"

2 and insert "elections"; in line 2 after the second comma insert

3 "32-538,"; and in line 4 after the first semicolon insert "to

4 change city council election provisions as prescribed;".

**LEGISLATIVE BILL 96.** Placed on Select File.

**LEGISLATIVE BILL 286.** Placed on Select File.

**LEGISLATIVE BILL 368.** Placed on Select File as amended.

E & R amendment to LB 368:

AM7057

1 1. Because of the passage of LB 5:

2 a. Strike original section 4;

3 b. On page 1, lines 1 and 2; and page 9, line 19, strike

4 "48-225, 80-401.01, and 80-802" and insert "48-225 and 80-401.01".

5 c. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 10.** Placed on Select File as amended.

E & R amendment to LB 10:

AM7056

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. Section 80-325, Revised Statutes Supplement,  
 4 2000, is amended to read:  
 5 80-325. The administrator of the Nebraska veterans homes  
 6 shall ~~(1) have served honorably in the armed forces of the United~~  
 7 ~~States during a period of war as defined in section 80-401.01 and~~  
 8 ~~(2) be a licensed nursing home administrator licensed under~~  
 9 ~~sections 71-6053 to 71-6068. Qualified applicants for the position~~  
 10 ~~of administrator who have served honorably in the armed forces of~~  
 11 ~~the United States during a period of war as defined in section~~  
 12 ~~80-401.01 shall be given a preference over other applicants.~~

13 Sec. 2. Section 80-409, Reissue Revised Statutes of  
 14 Nebraska, is amended to read:  
 15 80-409. The county board of each county in this state is  
 16 ~~authorized and directed to shall~~ provide, by special levy or out of  
 17 the general fund of the county, such amount as ~~shall be is~~  
 18 necessary for the use of the county service committee to aid and  
 19 enable such county service committee to carry out and execute its  
 20 functions, powers, and duties as defined in sections 80-401 to  
 21 80-401.11, 80-403, 80-404, 80-404.04, and 80-406 to 80-410 and to  
 22 pay ~~their its~~ expenses. The county board shall provide offices for  
 23 the county veterans service officer in a location most convenient  
 24 to the majority of residents of the county, preferably at the  
 1 county seat preferably in the courthouse, if such location meets  
 2 the requirements.

3 Sec. 3. Original section 80-409, Reissue Revised  
 4 Statutes of Nebraska, and section 80-325, Revised Statutes  
 5 Supplement, 2000, are repealed."

6 2. On page 1, strike beginning with "Nebraska" in line 1  
 7 through line 12 and insert "veterans; to amend section 80-409,  
 8 Reissue Revised Statutes of Nebraska, and section 80-325, Revised  
 9 Statutes Supplement, 2000; to change qualifications for the  
 10 administrator of the Nebraska veterans homes; to change  
 11 requirements for offices of county veterans service officers; and  
 12 to repeal the original sections."

**LEGISLATIVE BILL 314.** Placed on Select File as amended.

E & R amendment to LB 314:

AM7058

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 "Section 1. Section 79-808, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 79-808. (1) The board shall establish, adopt, and  
 6 promulgate appropriate rules, regulations, and procedures governing  
 7 the issuance, renewal, conversion, revival, cancellation,  
 8 suspension, and revocation of certificates and permits to teach,  
 9 counsel, supervise, and administer in all elementary and secondary  
 10 schools in this state based upon (a) earned college credit in  
 11 humanities, social and natural sciences, mathematics, and practical

12 arts, (b) earned college credit, or its equivalent in professional  
 13 education, for particular teaching, counseling, supervisory, or  
 14 administrative assignments, (c) scholarship attained in earning  
 15 such credit, (d) training in human relations, ~~which requirement~~  
 16 ~~shall apply to the issuance of first certificates or permits issued~~  
 17 ~~after January 1, 1990, and to the issuance of renewal certificates~~  
 18 ~~or permits issued after January 1, 1993,~~ (e) successful teaching,  
 19 and (f) moral, mental, and physical fitness for teaching, all in  
 20 accordance with sound educational practices.

21 (2)(a) The board shall establish or designate basic  
 22 skills competency examinations for prospective teachers. The  
 23 examinations shall measure competency in the written use of the  
 24 English language, competency to read, comprehend, and interpret  
 1 professional writing and other written materials, and competency to  
 2 work with fundamental mathematical computations.

3 (b) ~~No~~ Except as provided otherwise in this subdivision,  
 4 a candidate applying for an entry-level teacher or administrator  
 5 certificate after July 31, 1989, shall not receive a certificate  
 6 unless such candidate has received a satisfactory score on the  
 7 basic skills competency examinations established or designated by  
 8 the board. A candidate shall be exempt from this requirement if  
 9 (i) the candidate has three or more successive years of experience  
 10 in an approved or accredited school with a certificate issued by  
 11 that state on the basis of successful completion of an approved  
 12 teacher education program in that state or another state or (ii)  
 13 the candidate has current credentials from a national nonprofit  
 14 organization (A) approved by the State Department of Education, (B)  
 15 the purpose of which is to establish high and rigorous standards in  
 16 a broad range of educational areas for what accomplished teachers  
 17 should know and be able to do, and (C) which issues credentials to  
 18 teachers who demonstrate that they meet those standards. The ;  
 19 ~~except that~~ the board may issue a temporary certificate to any  
 20 teacher or administrator who is first employed in a Nebraska school  
 21 after April 1 of any year and who meets all other requirements but  
 22 has not taken or received a satisfactory score on the examinations.  
 23 The temporary certificate shall be valid only for the ensuing  
 24 school year and may be renewed for one additional year. Each  
 25 Nebraska teacher education institution approved by the board shall  
 26 administer the basic skills competency examinations as a condition  
 27 for entry into such institution's teacher or administrator program.

1 ~~The State Department of Education shall administer, at a time and~~  
 2 ~~place designated by the commissioner, the examinations for teachers~~  
 3 ~~and administrators being recommended for certification from outside~~  
 4 ~~of Nebraska and for prospective teachers and administrators who~~  
 5 ~~have not matriculated in or completed a teacher training program.~~

6 (c) The board may issue a temporary certificate, valid  
 7 for a period not to exceed two years, to any applicant for  
 8 certification who has not completed the human relations training  
 9 requirement pursuant to subdivision (1)(d) of this section or the

10 special education competencies requirement specified in section  
11 79-816. No applicant for certification shall receive any manner of  
12 temporary certification which exceeds two years in duration. The  
13 board may also issue such temporary certification, valid for not  
14 more than two years, pursuant to the Interstate Agreement on  
15 Qualification of Educational Personnel found in section 79-893.

16 (d) The board may issue substitute teaching certificates  
17 or permits in the absence of training in human relations required  
18 pursuant to subdivision (1)(d) of this section, the basic skills  
19 competency examinations required pursuant to subdivision (2)(b) of  
20 this section, or the special education competencies requirement  
21 specified in section 79-816.

22 (3) Members of any advisory committee established by the  
23 board to assist the board in teacher certification matters shall be  
24 reimbursed for their actual and necessary expenses as provided in  
25 sections 81-1174 to 81-1177. Each school district which has an  
26 employee who serves as a member of such committee and which is  
27 required to hire a person to replace such member during the  
1 member's attendance at meetings or activities of the committee or  
2 any subcommittee thereof shall be reimbursed from the General Fund  
3 for the expense it incurs from hiring a replacement. School  
4 districts may excuse employees who serve on such advisory  
5 committees from certain duties which conflict with any advisory  
6 committee duties.

7 Sec. 2. Section 79-809, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 79-809. The maximum which the board may require for the  
10 ~~first~~ issuance of any entry-level certificate or permit, valid for  
11 teaching only in all schools for a term of not less than three  
12 years, shall be that the applicant is of sound mental and physical  
13 health and of good moral character and a statement countersigned by  
14 an authorized official of a standard institution of higher  
15 education which certifies the grade levels and subject fields or  
16 areas of specialization and that the applicant (1) has a  
17 baccalaureate degree, except that a master's degree shall be  
18 required for the ~~first~~ issuance of any entry-level teaching  
19 certificate with a speech-language pathologist endorsement, (2) has  
20 filed a complete set of his or her legible fingerprints for a  
21 criminal history record information check if required by section  
22 79-8,111, (3) in the case of any person who matriculates in a  
23 teacher training program, has satisfactorily completed, within two  
24 years of the date of application, the institution's regular  
25 approved or accredited program of preparation for teaching and has  
26 met all other appropriate requirements of the institution as a  
27 teacher, (4) has achieved a satisfactory score on the basic skills  
1 competency examinations established or designated by the State  
2 Board of Education pursuant to section 79-808 prior to (a)  
3 admission into a Nebraska teacher training program or (b)  
4 certification in the case of individuals recommended for

5 certification by a postsecondary institution outside of Nebraska or  
 6 individuals not matriculating in a teacher training program, and  
 7 (5) has performed at a satisfactory level, as determined by the  
 8 State Board of Education, on a subject area examination established  
 9 or designated by the State Board of Education in each area for  
 10 which endorsement is sought.

11 Sec. 3. Section 79-812, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:

13 79-812. ~~The Except as otherwise provided in sections~~  
 14 ~~79-808 to 79-816, the~~ board may authorize the issuance of  
 15 certificates or permits upon recommendation from institutions of  
 16 higher education located in states other than Nebraska if the  
 17 respective State Department of Education or similar agency fully  
 18 approves the teacher education programs of the institution based on  
 19 standards for approving the institution and its education programs  
 20 which are comparable and equivalent to those required by the board.  
 21 ~~Any applicant for a Nebraska teacher or administrator certificate~~  
 22 ~~who is recommended for certification by a teacher training~~  
 23 ~~institution from outside Nebraska and who does not hold a current~~  
 24 ~~out-of-state certificate to teach or administer shall receive a~~  
 25 ~~satisfactory rating or score on the basic skills competency~~  
 26 ~~examinations and a subject matter examination as prescribed by the~~  
 27 ~~State Board of Education pursuant to section 79-808 or meet~~  
 1 comparable equivalent requirements as prescribed by law or  
 2 regulation of the state in which such teacher training institution  
 3 is located.

4 Sec. 4. Original sections 79-808, 79-809, and 79-812,  
 5 Reissue Revised Statutes of Nebraska, are repealed.

6 Sec. 5. Since an emergency exists, this act takes effect  
 7 when passed and approved according to law."

8 2. On page 1, line 4, strike "and"; and in line 5 after  
 9 "sections" insert "; and to declare an emergency".

**LEGISLATIVE BILL 303.** Placed on Select File as amended.

E & R amendment to LB 303:

AM7059

1 1. In the Standing Committee amendments, AM0136:

2 a. On page 2, line 10, strike "college" and insert  
 3 "colleges";

4 b. On page 3, line 1, before the colon insert "as  
 5 follows"; and

6 c. On page 4, line 6, after "terminate" insert "on".

**LEGISLATIVE BILL 303A.** Placed on Select File.

**LEGISLATIVE BILL 191.** Placed on Select File.

**LEGISLATIVE BILL 191A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson



**NOTICE OF COMMITTEE HEARING**  
**Urban Affairs**

LB 806	Tuesday, March 6, 2001 (continuation)	1:30 PM
LB 807	Tuesday, March 6, 2001 (continuation)	1:30 PM

(Signed) D. Paul Hartnett, Chairperson

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB 31:  
AM0717

- 1 1. On page 2, line 11, strike "Handicapped" and show as
- 2 stricken, after "Parking" insert "for Persons with Disabilities",
- 3 and after "1235" insert ", as such regulations existed on the
- 4 effective date of this act".

Senator Brown filed the following amendment to LB 346:  
AM0725

(Amendments to Final Reading copy)

- 1 1. On page 5, line 8, strike "twenty" and insert
- 2 "twelve"; and in line 14 strike "fifteen" and insert "seven".

Senator Chambers filed the following amendment to LB 286:  
AM0727

- 1 1. On page 2, line 13, after "Reserve" insert ", as it
- 2 existed on the effective date of this act".

Senator Chambers filed the following amendment to LB 154:  
AM0734

- 1 1. In the Standing Committee amendments, AM0147, on page
- 2 4, line 19, after the second comma insert "as the act existed on
- 3 the effective date of this act,".

**VISITORS**

Visitors to the Chamber were Mr. and Mrs. Irvin Arens from Randolph; Bill Koenig from Lincoln; and Leadership Students from the Sarpy County Chamber of Commerce.

**ADJOURNMENT**

At 12:08 p.m., on a motion by Senator Wickersham, the Legislature adjourned until 8:30 a.m., Wednesday, February 28, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**THIRTY-SEVENTH DAY - FEBRUARY 28, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 28, 2001

**PRAYER**

The prayer was offered by Pastor Mark Carlton, Ogallala Berean Church, Ogallala, Nebraska.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 8:30 a.m., President Maurstad presiding.

The roll was called and all members were present except Senators Brashear, Bromm, Brown, Byars, Engel, Hartnett, McDonald, Price, and Robak who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on February 27, 2001, at 1:20 p.m., were the following: LBs 51, 53e, 129, 146, 155, 165, 166, 166A, 192e, 245, 257e, 257Ae, 375, 376, 387, 418, 472, 25, 25A, 46, 48e, 193e, 226e, 253, 280, 299, 337, and 409.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**MESSAGE FROM THE GOVERNOR**

February 15, 2001

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:**

Sheila Stearns, 606 Pearl St, Wayne NE 68787

Mary Harbaugh, 2609 Riverview Dr, Grand Island NE 68801

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 31, 33, 34, and 35 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 31, 33, 34, and 35.

**MOTION - Approve Appointment**

Senator Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 793: State Personnel Board - Brian Tessman.

Voting in the affirmative, 33:

Aguilar	Baker	Bourne	Bruning	Burling
Connealy	Cudaback	Cunningham	Dierks	Erdman
Foley	Hilgert	Jensen	Jones	Kremer
Kruse	Landis	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Quandahl	Redfield	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 7:

Beutler	Chambers	Coordsen	Hudkins	Janssen
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Kristensen Raikes

Excused and not voting, 9:

Brashear	Bromm	Brown	Byars	Engel
Hartnett	McDonald	Price	Robak	

The appointment was confirmed with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 287.** Senator Thompson offered the following amendment:

AM0737

- 1 1. In the Thompson amendment, AM0643, strike amendment
- 2 2.

The Thompson amendment was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

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

Senator Beutler offered the following amendment:

FA83

On page 2, line 11 before "Federal" add "some" and after programs strike "may"

### SENATOR CUDABACK PRESIDING

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler withdrew his amendment.

Senator Thompson moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Senator Thompson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Aguilar	Beutler	Bourne	Bruning	Byars
Chambers	Connealy	Cunningham	Dierks	Engel
Hartnett	Hilgert	Janssen	Jensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Robak	Schimek	Suttle	Thompson	

Voting in the negative, 13:

Baker	Burling	Coordsen	Erdman	Foley
Jones	Raikes	Schrock	Smith	Tyson
Vrtiska	Wehrbein	Wickersham		

Present and not voting, 7:

Brown	Cudaback	Hudkins	Kremer	Quandahl
Redfield	Stuhr			

Excused and not voting, 5:

Brashear	Bromm	Kristensen	McDonald	Pederson, D.
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Failed to advance to E & R for review with 24 ayes, 13 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

#### ANNOUNCEMENTS

Senator Brown designates LB 113 as her priority bill.

Senator Wehrbein designates LB 523 as his priority bill.

#### BILL ON FIRST READING

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

**LEGISLATIVE BILL 163A.** 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 163, Ninety-seventh Legislature, First Session, 2001.

#### AMENDMENTS - Print in Journal

Senator Kristensen filed the following amendment to LB 170:  
AM0673

(Amendments to Standing Committee amendments, AM0245)

- 1 1. Strike section 6 and any amendments thereto and
- 2 insert the following new sections:
- 3 "Sec. 6. Section 77-1315, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 77-1315. (1) The county assessor shall, after March 20
- 6 and on or before June 1, implement adjustments to the real property
- 7 assessment roll for actions of the agricultural and horticultural
- 8 land valuation board and the Tax Equalization and Review

9 Commission.

10 (2) On or before June 1, the county assessor shall notify  
11 the record owner of every item of real property which has been  
12 assessed at a value different than in the previous year. Such  
13 notice shall be given by first-class mail addressed to such owner's  
14 last-known address. It shall identify the item of real property  
15 and state the old and new valuation, the date of convening of the  
16 county board of equalization, the dates for filing a protest, and  
17 the average level of value of all classes and subclasses of real  
18 property in the county as determined by the Tax Equalization and  
19 Review Commission.

20 (3) Immediately upon completion of the assessment roll,  
21 the county assessor or county clerk shall cause to be published in  
22 a newspaper of general circulation in the county a certification  
23 that the assessment roll is complete and notices of valuation  
1 changes have been mailed and provide the final date for filing  
2 valuation protests with the county board of equalization.

3 (4) The county assessor shall annually, on or before June  
4 6, post in his or her office and, as designated by the county  
5 board, mail to a newspaper of general circulation and to licensed  
6 broadcast media in the county the assessment ratios as found in his  
7 or her county as determined by the Tax Equalization and Review  
8 Commission and any other statistical measures, including, but not  
9 limited to, the assessment-to-sales ratio, the coefficient of  
10 dispersion, and the price-related differential.

11 Sec. 7. Section 77-1327, Revised Statutes Supplement,  
12 2000, is amended to read:

13 77-1327. (1) It is the intent of the Legislature that  
14 accurate and comprehensive information be developed by the Property  
15 Tax Administrator and made accessible to the taxpayer taxing  
16 officials and property owners in order to ensure the quality and  
17 uniformity of assessment practices on both intercounty and  
18 intracounty valuations uniformity and proportionality of the  
19 assessments of real property valuations in the state in accordance  
20 with law.

21 (2) All transactions of real property for which the  
22 statement required in section 76-214 is filed shall be available  
23 for development of a sales file by the Property Tax Administrator.  
24 All transactions with stated consideration of more than one hundred  
25 dollars or upon which more than one dollar and seventy-five cents  
26 in documentary stamp taxes are paid shall be considered sales. All  
27 sales shall be deemed to be arm's length transactions unless  
1 determined to be otherwise under professionally accepted mass  
2 appraisal techniques. The Department of Property Assessment and  
3 Taxation shall not overturn a determination made by a county  
4 assessor regarding the qualification of a sale unless the  
5 department reviews the sale and determines through the review that  
6 the determination made by the county assessor is incorrect.

7 (3) The Property Tax Administrator annually shall make

8 and issue comprehensive assessment ratio studies of the average  
9 level of assessment, the degree of assessment uniformity, and the  
10 overall compliance with assessment requirements for each major  
11 class of real property ~~subject to the property tax~~ in each county.  
12 The comprehensive assessment ratio studies shall be developed in  
13 compliance with professionally accepted mass appraisal techniques  
14 and shall employ such statistical analysis as deemed appropriate by  
15 the Property Tax Administrator, including measures of central  
16 tendency and dispersion. The comprehensive assessment ratio  
17 studies shall be based upon the sales file as developed in  
18 subsection (2) of this section and shall be used by the Property  
19 Tax Administrator for the analysis of the level of value and  
20 quality of assessment for purposes of section 77-5027 and by the  
21 Property Tax Administrator in establishing the adjusted valuations  
22 required by section 79-1016. Such studies may also be used by  
23 assessing officials in establishing assessed valuations, in the  
24 state. In order to determine the degree of assessment uniformity  
25 and compliance in the assessment of major classes of property  
26 within each county, the Property Tax Administrator shall compute  
27 measures of central tendency and dispersion and shall employ such  
1 standard statistical analysis as deemed appropriate by him or her.  
2 (3) (4) The Property Tax Administrator may require  
3 assessors and other local officers taxing officials to report to  
4 him or her data on taxable valuations the assessed valuation and  
5 other features of the property tax assessment for such periods and  
6 in such form and content as the Property Tax Administrator shall  
7 require deem appropriate. The Property Tax Administrator shall so  
8 construct and maintain his or her the system for the collection and  
9 analysis of property tax facts as used to collect and analyze the  
10 data to enable him or her to make intracounty comparisons or  
11 assessed valuation, including school districts, as well as  
12 intercounty comparisons of assessed valuation, including school  
13 districts, based on property tax and assessment ratio data. The  
14 Property Tax Administrator shall include analysis of real estate  
15 property sales pursuant to land contracts and similar transfers at  
16 the time of execution of the contract or similar transfer. The  
17 Department of Property Assessment and Taxation shall assist those  
18 county officials who require supplemental information to perform  
19 the duties necessary to carry out this section. The information  
20 requested may include, but shall not be limited to, sample  
21 appraisals, statistical analyses, arm's-length sales transactions,  
22 or any other information necessary to complete such analysis.  
23 (4) The Property Tax Administrator shall verify the  
24 accuracy of information, including the selection of form 521  
25 comparable sales, if any, that are not arm's-length transactions.  
26 (5) The Property Tax Administrator shall annually publish  
27 a summary of the findings of the assessment ratio studies together  
1 with digests of property tax data.  
2 (6) The county assessor shall annually, within five days



3 after certifying the assessment rolls pursuant to section 77-1315,  
4 post in his or her office and, as designated by the county board,  
5 mail to a newspaper of general circulation and to licensed  
6 broadcast media in the county the assessment ratios as found in his  
7 or her county as determined by the Property Tax Administrator and  
8 any other statistical measures, including, but not limited to, the  
9 assessment to sales ratio, the coefficient of dispersion, and the  
10 price related differential.

11 Sec. 13. Section 77-1371, Revised Statutes Supplement,  
12 2000, is amended to read:

13 77-1371. When using comparable sales in any method of  
14 determining actual value of an individual property under the sales  
15 comparison approach provided in section 77-112, the following  
16 guidelines shall be considered in determining what constitutes a  
17 comparable sale:

18 (1) Whether the sale was financed by the seller and  
19 included any special financing considerations or the value of  
20 improvements;

21 (2) Whether zoning affected the sale price of the  
22 property;

23 (3) For sales of agricultural land or horticultural land  
24 as defined in section 77-1359, whether a premium was paid to  
25 acquire nearby property. Land within one mile of currently owned  
26 property shall be considered nearby property;

27 (4) Whether sales or transfers made in connection with  
1 foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,  
2 or in consideration of other legal actions should be excluded from  
3 comparable sales analysis as not reflecting current market value;

4 (5) Whether sales between family members within the third  
5 degree of consanguinity include considerations that fail to reflect  
6 current market value;

7 (6) Whether sales to or from federal or state agencies or  
8 local political subdivisions reflect current market value;

9 (7) Whether sales of undivided interests in real property  
10 or parcels less than forty acres or sales conveying only a portion  
11 of the unit assessed reflect current market value;

12 (8) Whether sales or transfers of property in exchange  
13 for other real estate, stocks, bonds, or other personal property  
14 reflect current market value;

15 (9) Whether deeds recorded for transfers of convenience,  
16 transfers of title to cemetery lots, mineral rights, and rights of  
17 easement reflect current market value;

18 (10) Whether sales or transfers of property involving  
19 railroads or other public utility corporations reflect current  
20 market value;

21 (11) Whether sales of property substantially improved  
22 subsequent to assessment and prior to sale should be adjusted to  
23 reflect current market value or eliminated from such analysis; and

24 (12) For agricultural land or horticultural land as

25 defined in section 77-1359 which is or has been receiving the  
 26 special valuation pursuant to sections 77-1343 to 77-1348, whether  
 27 the sale price reflects a value which the land has for purposes or  
 1 uses other than as agricultural land or horticultural land and  
 2 therefor does not reflect current market value of other  
 3 agricultural land or horticultural land.

4 The Property Tax Administrator may issue guidelines for  
 5 assessing officials for use in determining what constitutes a  
 6 comparable sale. Guidelines shall take into account the factors  
 7 listed in this section and other relevant factors as prescribed by  
 8 the Property Tax Administrator.

9 Sec. 14. Section 77-1377, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 77-1377. The Property Tax Administrator shall create a  
 12 statewide file ~~on~~ of real estate property sales to ~~compile data and~~  
 13 provide information regarding hard-to-assess property, including  
 14 situations in which a local property may have few available  
 15 comparable sales. The Property Tax Administrator shall make the  
 16 file available to county assessors, ~~and county clerks performing~~  
 17 ~~the duties of county assessors."~~.

18 2. On page 22, line 21, strike "section 49-1201" and  
 19 insert "sections 49-1201 and 77-1377"; in line 22 after "77-1311,"  
 20 insert "77-1315,"; in line 23 after "77-1363," insert "77-1371";  
 21 and in line 27 strike "; and section" and insert ", and sections  
 22 77-1372 and".

23 3. Renumber the remaining sections accordingly.

Senator Landis filed the following amendment to LB 55:

AM0736

1 1. On page 2, lines 11 and 12, strike "an annuity" and  
 2 insert "a"; and in line 17 after "Code" insert "as defined in  
 3 section 49-801.01".

4 2. On page 3, line 5, before the semicolon insert "or  
 5 any charges, commissions, costs, brokerage fees, or other fees  
 6 which the payee has agreed to pay to a nonaffiliated third party in  
 7 connection with the transfer".

8 3. On page 4, line 1, after "(8)" insert "Qualified  
 9 assignment agreement means an agreement providing for a qualified  
 10 assignment within the meaning of section 130 of the Internal  
 11 Revenue Code as defined in section 49-801.01;  
 12 (9)"; in line 5 strike "(9)" and insert "(10)"; in line 9  
 13 strike "(10)" and insert "(11)"; in line 13 strike "(11)" and  
 14 insert "(12)"; in line 16 strike "(12)" and insert "(13)"; and in  
 15 line 19 strike "(13)" and insert "(14)".

16 4. On page 6, line 1, strike "net"; in line 10 strike  
 17 "payee has established that the"; strike line 11 and insert "best  
 18 interests of the payee, taking into account the welfare and support  
 19 of the payee's dependents, and the net amount payable to the payee  
 20 is not unfair, unjust, or unreasonable under existing

21 circumstances;"; strike beginning with "(g)" in line 23 through  
 22 "policy" in line 25; and in line 26 after "(2)" insert "The court  
 23 may not authorize a transfer if the court makes an express written  
 24 finding that the transfer contravenes the public policy of this  
 1 state.  
 2 (3)".  
 3 5. On page 7, line 2, after "(1)" insert "or (2)"; in  
 4 line 12 strike "(3)" and insert "(4)"; in line 17 strike "(4)" and  
 5 insert "(5)"; in line 21 strike the first comma; and strike  
 6 beginning with the second comma in line 21 through the second  
 7 "amount" in line 22.  
 8 6. In the Standing Committee amendments, AM0089, on page  
 9 1, line 3, strike "(h)" and insert "(g)"; in line 3 strike "court"  
 10 through "the"; and in line 8 after "rights" insert "entered into on  
 11 or after January 1, 2002, and".

### UNANIMOUS CONSENT - Members Excused

Senators Beutler and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 227.** Title read. Considered.

The Standing Committee amendment, AM0166, found on page 525, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Quandahl asked unanimous consent to be excused. No objections. So ordered.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Thompson offered the following amendment:

FA84

Strike Section 4.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Thompson moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Thompson amendment was adopted with 25 ayes, 7 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

**AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 154:  
AM0662

(Amendments to Standing Committee amendments, AM0147)

- 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 Nebraska Correctional Health Care Services
- 5 Act.
- 6 Sec. 2. For purposes of the Nebraska Correctional Health
- 7 Care Services Act:
  - 8 (1) Community standard of health care means medical care
  - 9 of the type, quality, and amount that any individual residing
  - 10 within the community in question could expect to receive in that
  - 11 community;
  - 12 (2) Department means the Department of Correctional
  - 13 Services;
  - 14 (3) Health care services means all medical care provided
  - 15 by or on behalf of the department to inmates and includes the
  - 16 practice of medicine and surgery, the practice of pharmacy, nursing
  - 17 care, dental care, optometric care, audiological care, physical
  - 18 therapy, mental health care, and substance abuse counseling and
  - 19 treatment;
  - 20 (4) Inmate means an individual in the custody of the
  - 21 department; and
  - 22 (5) Medical doctor means a person licensed to practice
  - 23 medicine and surgery in this state.
- 1 Sec. 3. The Director of Correctional Services shall
- 2 appoint a medical director for the department who shall be a
- 3 medical doctor. The medical director shall be a person familiar
- 4 with principles of quality assurance and internal credentialing
- 5 procedures and shall be under the sole immediate supervision of the
- 6 Director of Correctional Services.
- 7 Sec. 4. The medical director shall:
  - 8 (1) Coordinate all clinical services;
  - 9 (2) Participate in the selection and supervision of all
  - 10 clinical staff employed by or under contract with the department,
  - 11 including medical doctors, physician assistants, pharmacists,
  - 12 pharmacy technicians, registered nurses, licensed practical nurses,
  - 13 advanced practice registered nurses, mental health practitioners,
  - 14 certified alcohol and drug abuse counselors, laboratory
  - 15 technicians, physical therapists, optometrists, audiologists,
  - 16 dentists, dental assistants, and dental hygienists;
  - 17 (3) Maintain and preserve the medical records of health
  - 18 care services;
  - 19 (4) Approve the purchasing of all necessary medical

- 20 supplies and medical equipment for the department;
- 21 (5) Recommend all necessary programs for the preservice,  
22 inservice, and continuing medical training and education of the  
23 health care staff and other relevant staff of the department,  
24 including training specifically designed to promote prompt and  
25 effective responses by all staff of the department to medical  
26 emergencies;
- 27 (6) Develop and implement condition-specific medical  
1 treatment protocols that ensure compatibility with a community  
2 standard of health care, including protocols addressing the: (a)  
3 Treatment of gastrointestinal bleeds; (b) detection and treatment  
4 of all communicable diseases; (c) treatment of gender-specific  
5 problems; (d) treatment of diabetes; (e) treatment of hypertension;  
6 (f) treatment of headaches; (g) utilization of surgical procedures;  
7 (h) control of infection; (i) provision of dental care; (j)  
8 provision of age-specific and gender-specific routine health  
9 maintenance; (k) means by which inmates obtain access to health  
10 care services; (l) use of prescribed drugs, devices, or biologicals  
11 for the purpose of pain management; (m) referral of patients to  
12 medical specialists not in the employ of the department; and (n)  
13 initiation, observance, and termination of do not resuscitate  
14 orders initiated pursuant to the Rights of the Terminally Ill Act;
- 15 (7) Develop and implement a system of general discharge  
16 planning for the health care services to be received by inmates who  
17 are soon to be released from the custody of the department and who  
18 have chronic health care problems;
- 19 (8) Develop and implement a comprehensive health care  
20 services plan;
- 21 (9) Develop and implement an internal credentialing  
22 program for the employment and retention of the health care staff  
23 of the department based on a community standard of health care; and
- 24 (10) Develop and implement an internal peer review and  
25 quality assurance program based upon a community standard of health  
26 care.
- 27 Sec. 5. The internal credentialing program shall include  
1 for each health care staff member being considered for employment  
2 or retention (1) an investigation of the history of each health  
3 care staff member using (a) when possible, the national  
4 practitioner data bank under the federal Health Care Quality  
5 Improvement Act of 1986, 42 U.S.C. 11101 et seq., as such act  
6 existed on the effective date of this act, and (b) contacts with  
7 prior employers of the health care staff member and (2)  
8 confirmation of all professional permits, licenses, or other  
9 authorizations to practice of each health care staff member. The  
10 medical director shall maintain a credentialing file for all health  
11 care staff members employed by the department. The medical  
12 director shall ensure the recredentialing of each health care staff  
13 member employed by the department every two years.
- 14 Sec. 6. (1) In assigning health care staff to the

15 correctional facilities under the control of the department, the  
16 medical director shall ensure that each facility has at least one  
17 designated medical doctor on call at all times and that each  
18 facility housing more than five hundred inmates has at least one  
19 full-time medical doctor assigned to that facility as his or her  
20 primary employment location.

21 (2) The medical director shall establish an acute care  
22 clinic in each of the correctional facilities and ensure that each  
23 clinic is staffed by at least one medical doctor, physician  
24 assistant, or advanced practice registered nurse.

25 (3) The medical director shall establish chronic care  
26 clinics to provide health care services to inmates with chronic  
27 disease conditions, including diabetes and hypertension.

1 (4) The medical director shall establish a human  
2 immunodeficiency virus infection and acquired immunodeficiency  
3 syndrome chronic care clinic which shall provide for the relevant  
4 treatment, counseling, and education of inmates who are known to be  
5 infected with the human immunodeficiency virus.

6 Sec. 7. All medical treatment protocols developed,  
7 approved, and implemented by the department shall be based upon a  
8 community standard of health care. When applicable, these medical  
9 treatment protocols shall emphasize the need to maintain the  
10 continuity of any previously prescribed drugs, devices, or  
11 biologicals and treatment regimens that inmates are subject to when  
12 they enter the custody of the department. The medical director  
13 shall establish a mechanism for the periodic systematic review of  
14 all existing medical treatment protocols. All deviations from the  
15 approved medical treatment protocols shall be thoroughly documented  
16 by the department's health care staff and shall be systematically  
17 reviewed by the department's peer review and quality assurance  
18 panel.

19 Sec. 8. In developing medical treatment protocols for  
20 the clinics, the medical director shall define the circumstances  
21 under which chronically ill inmates should return to the chronic  
22 care clinics for check-ups and when appointments should be made for  
23 chronically ill inmates to next be examined by health care staff.  
24 In developing and implementing medical treatment protocols for  
25 clinics for the detection and treatment of communicable diseases,  
26 the medical director shall ensure that the medical treatment  
27 protocols include:

- 1 (1) Provisions allowing for the routine immunization  
2 against communicable diseases of all inmates upon entering the  
3 custody of the department;
- 4 (2) Provisions requiring all inmates to be screened for  
5 communicable diseases, including (a) human immunodeficiency virus,  
6 (b) hepatitis A virus, (c) hepatitis B virus, (d) hepatitis C  
7 virus, (e) tuberculosis, and (f) sexually transmitted diseases,  
8 both at the time that those inmates enter into the custody of the  
9 department and at the time that those inmates leave the custody of

10 the department;

11 (3) Provisions requiring any inmate found to be infected  
12 with any of the diseases referenced in subdivision (2) of this  
13 section, when medically indicated, to be immediately referred to an  
14 infectious disease specialist for appropriate treatment;

15 (4) Provisions describing in detail those circumstances  
16 when it is medically desirable, because of risk to other  
17 noninfected inmates, to segregate, on an individual basis, any  
18 inmate found to be infected with the human immunodeficiency virus  
19 and also describing those circumstances when there is no longer a  
20 perceived medical need to continue the segregation of such an  
21 inmate;

22 (5) Provisions requiring that all health care staff who  
23 provide health care services be screened for communicable diseases,  
24 including (a) human immunodeficiency virus, (b) hepatitis A virus,  
25 (c) hepatitis B virus, and (d) hepatitis C virus, upon their entry  
26 into the employment of the department, and that all health care  
27 staff also be screened annually for tuberculosis; and

1 (6) Provisions allowing for employees of the department  
2 who come into immediate personal contact with the inmates to be  
3 immunized for hepatitis B virus.

4 Sec. 9. The medical director shall develop and implement  
5 medical treatment protocols regarding the use of drugs, devices, or  
6 biologicals for the treatment of inmates and shall ensure that  
7 those protocols are consistent with a community standard of health  
8 care. In developing these protocols, the medical director shall  
9 ensure that the medical treatment protocols include:

10 (1) Provisions requiring that only the relevant health  
11 care staff is involved in determining the number and dosages of the  
12 drugs, devices, or biologicals to be received by inmates under  
13 their care;

14 (2) Provisions establishing a system for monitoring the  
15 administration of drugs, devices, or biologicals to ensure that all  
16 prescribed drugs, devices, or biologicals are made available to the  
17 inmates; and

18 (3) Provisions establishing a system for monitoring and  
19 removing expired drugs, devices, or biologicals within the  
20 department's medication inventory which conforms with the  
21 requirements of section 71-2413.

22 Sec. 10. The medical director shall develop and  
23 implement medical treatment protocols for common surgical  
24 procedures. In developing these protocols, the medical director  
25 shall ensure that the medical treatment protocols include:

26 (1) Provisions defining procedures that are considered to  
27 be major surgery;

1 (2) Provisions requiring that all inmates needing major  
2 surgery are referred to appropriate specialists and facilities  
3 outside of the department for that surgery;

4 (3) Provisions requiring the implementation of pain

5 management measures within an appropriate time after the completion  
6 of surgical procedures;  
7 (4) Provisions requiring that all decisions by the health  
8 care staff regarding whether or not surgery should be performed are  
9 based on a community standard of health care; and  
10 (5) Provisions requiring the health care staff to  
11 carefully document the rationale for each of their decisions to  
12 resort to surgery or to refrain from surgery as a treatment option.  
13 Sec. 11. The peer review and quality assurance program  
14 developed and implemented by the medical director shall provide for  
15 the ongoing review of the quality of health care services. This  
16 peer review and quality assurance program shall be carried out by a  
17 peer review and quality assurance panel comprised of medical  
18 doctors providing health care services and such other health care  
19 staff as the department designates. The peer review and quality  
20 assurance program shall be conducted through regular periodic  
21 meetings of the peer review and quality assurance panel for the  
22 purpose of examining issues pertaining to the quality of health  
23 care services. The peer review and quality assurance panel shall  
24 also conduct a regular review of selected cases arising in order to  
25 identify, critique, and correct errors in the practices and  
26 procedures of the health care staff. The peer review and quality  
27 assurance panel shall also review: (1) All cases in which there  
1 has been a death of an inmate and (2) all cases in which there have  
2 been deviations from the approved medical treatment protocols of  
3 the department. The medical director shall develop and implement a  
4 procedure for the direct feedback to the peer review and quality  
5 assurance panel of inmate complaints and other information from  
6 inmates pertaining to health care services. A permanent record of  
7 the meetings and deliberations of the peer review and quality  
8 assurance panel shall be maintained, but the records and all other  
9 evidence pertaining directly to the deliberations of the peer  
10 review and quality assurance panel are not subject to discovery in  
11 any civil action arising out of the health care services provided  
12 by or on behalf of the department."

### STANDING COMMITTEE REPORT Agriculture

**LEGISLATIVE BILL 523.** Placed on General File as amended.  
Standing Committee amendment to LB 523:  
AM0649

- 1 1. Insert the following new sections:
- 2 "Sec. 3. The Department of Agriculture may adopt and
- 3 promulgate rules and regulations to carry out the purposes of
- 4 section 2 of this act and the Southern Dairy Compact in accordance
- 5 with the Administrative Procedure Act.
- 6 Sec. 4. (1) No person shall violate the provisions of
- 7 any rule or regulation establishing a compact over-order price or a



8 commission marketing order or any other rule or regulation adopted  
9 pursuant to the Southern Dairy Compact. Any person who violates  
10 this section may be subject to a civil fine of not more than one  
11 thousand dollars for each offense, and in the case of a continuing  
12 violation, each day of violation shall constitute a separate  
13 offense. In addition to any civil penalty assessed under this  
14 section, the district court may also grant a restraining order or a  
15 temporary or permanent injunction against any person committing, or  
16 threatening to commit, a violation. The district court of the  
17 county where the violation is occurring or is about to occur has  
18 jurisdiction to grant such relief upon good cause shown.

19 (2) It shall be the duty of the Attorney General or the  
20 county attorney of the county in which the violation of the act has  
21 occurred, is occurring, or is about to occur, when notified by the  
22 Director of Agriculture of such violation or threatened violation,  
23 to pursue appropriate proceedings without delay.

24 Sec. 5. (1) The Director of Agriculture may suspend or  
1 revoke a permit of any milk handler granted under the Nebraska  
2 Manufacturing Milk Act or the Nebraska Pasteurized Milk Law who  
3 violates the provisions of any rule or regulation establishing a  
4 compact over-order price or a commission marketing order or any  
5 other rule or regulation adopted pursuant to the Southern Dairy  
6 Compact pursuant to procedures for suspension or revocation  
7 provided under the acts.

8 (2) In lieu of suspension or revocation, the Department  
9 of Agriculture may impose a fine of not more than one thousand  
10 dollars for any milk handler who has committed a violation  
11 described in subsection (1) of this section. A violation shall  
12 mean any separate activity or day in which an activity takes place.

13 (3) For purposes of this section, milk handler has the  
14 meaning found at 7 C.F.R. 1000.9, as such section existed on the  
15 effective date of this act."

16 2. On page 26, strike lines 20 through 28.

17 3. On page 27, strike lines 1 through 3.

(Signed) Merton L. Dierks, Chairperson

### EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LBs 46, 48, 193, 226, 253,  
280, 299, 337, and 409.

(Signed) Richard McDonald

### UNANIMOUS CONSENT - Add Cointroducers

Senators Dw. Pedersen and Engel asked unanimous consent to have their  
names added as cointroducers to LB 503. No objections. So ordered.

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 685. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 711. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Karen DeBoer from Panama and Alan Hald from Lincoln; 68 fourth grade students and teachers from Hamlow Elementary School in Waverly; Senator Schrock's son, Ted, from Elm Creek; Senator Aguilar's daughter, Ali, from Grand Island; and 35 students from the Lincoln Public High School Science Focus Program.

The Doctor of the Day was Dr. Carol Boelter from Lincoln.

### **ADJOURNMENT**

At 10:56 a.m., on a motion by Senator Thompson, the Legislature adjourned until 9:00 a.m., Thursday, March 1, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-EIGHTH DAY - MARCH 1, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 1, 2001

**PRAYER**

The prayer was offered by Pastor Dean Pofahl, Elm Creek Christian Church, Elm Creek, 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 and Redfield who were excused; and Senators Bourne, Brown, Chambers, Hartnett, Hilgert, Kruse, Maxwell, Price, Quandahl, Schrock, Suttle, and Thompson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-seventh day was approved.

**STANDING COMMITTEE REPORTS****Banking, Commerce and Insurance**

**LEGISLATIVE BILL 835.** Placed on General File as amended.

Standing Committee amendment to LB 835:

AM0622

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 13-1601, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 13-1601. Sections 13-1601 to 13-1626 and sections 3 to 5
- 6 of this act shall be known and may be cited as the Political
- 7 Subdivisions Self-Funding Benefits Act.
- 8 Sec. 2. Section 13-1603 Reissue Revised Statutes of
- 9 Nebraska, is amended to read:
- 10 13-1603. For purposes of the Political Subdivisions

11 Self-Funding Benefits Act, the definitions found in sections  
12 13-1604 to 13-1613 and sections 3 to 5 of this act shall be used.

13 Sec. 3. Municipal plan sponsor shall mean a plan sponsor  
14 which is a municipality.

15 Sec. 4. Municipality shall mean a city or a village.

16 Sec. 5. Third-party administrator shall mean a  
17 third-party administrator as defined in section 44-5802 who holds a  
18 certificate of authority as third-party administrator issued  
19 pursuant to the Third-Party Administrator Act.

20 Sec. 6. Section 13-1618, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 13-1618. A plan sponsor shall provide each covered  
23 employee with a copy of a summary of the self-funded portion of the  
24 employee benefit plan. The summary shall contain a written

1 description of the major provisions of the self-funded portion of  
2 the plan, including (1) a table of contents, (2) a description of  
3 benefits, (3) the funding arrangement, and (4) the claims and  
4 appeals procedures required by section 13-1623. In the case of a  
5 municipal plan sponsor which has entered into an agreement  
6 described in subsection (5) of section 13-1622, the summary shall  
7 also contain the address and phone number of the administering  
8 insurer or third-party administrator.

9 Sec. 7. Section 13-1622, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 13-1622. (1) Except as provided in subsection (4) of  
12 this section, the plan sponsor shall obtain excess insurance which  
13 will limit the plan sponsor's total claims liability for each plan  
14 year to not more than one hundred twenty-five percent of the  
15 expected claims liability as projected by an independent actuary or  
16 insurer.

17 (2) If the expected claims liability of the self-funded  
18 portion of the employee benefit plan is exceeded, the plan sponsor  
19 shall fund such additional liability by (a) allocating necessary  
20 funds from the operating fund of the general fund, (b) setting up  
21 an additional reserve in the operating fund of the general fund, or  
22 (c) setting up the monthly accruals at a level to fund claims in  
23 excess of the expected claims liability.

24 (3) An insurer shall pay claims for which it is obligated  
25 under excess insurance within three months of the time the claims  
26 are paid by the plan sponsor.

27 (4) A city of the metropolitan class may provide an  
1 employee benefit plan without excess insurance if the city obtains  
2 a determination from an independent actuary or insurer that excess  
3 insurance is not necessary to preserve the safety and soundness of  
4 the employee benefit plan.

5 (5) Any two or more municipal plan sponsors, pursuant to  
6 the Interlocal Cooperation Act, may enter into an agreement for the  
7 purpose of jointly obtaining excess insurance which will meet the  
8 requirements of this section for each such municipal plan sponsor.

9 The self-funded portion of the employee benefit plans of all such  
 10 municipal plan sponsors entering such an agreement shall be  
 11 administered separately by a single insurer or third-party  
 12 administrator who is selected as specified in the terms of the  
 13 agreement required by the Interlocal Cooperation Act.  
 14 Sec. 8. Original sections 13-1601, 13-1603, 13-1618, and  
 15 13-1622, Reissue Revised Statutes of Nebraska, are repealed.".

**LEGISLATIVE BILL 832.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

**LEGISLATIVE BILL 52.** Placed on Select File as amended.  
 (E & R amendment, AM7064, 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 298.** Placed on Select File as amended.  
 E & R amendment to LB 298:  
 AM7060

- 1 1. Renumber original section 2 as section 3.
- 2 2. On page 1, line 3, after the semicolon insert "to
- 3 provide an operative date;".

**LEGISLATIVE BILL 15.** Placed on Select File as amended.  
 E & R amendment to LB 15:  
 AM7061

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 83-178, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 83-178. (1) The director shall establish and maintain,
- 6 in accordance with the regulations of the department, an individual
- 7 file for each person committed to the department. Each individual
- 8 file shall include, when available and appropriate, the following
- 9 information on such person:
- 10 (a) His or her admission summary;
- 11 (b) His or her presentence investigation report;
- 12 (c) His or her classification report and recommendation;
- 13 (d) Official records of his or her conviction and
- 14 commitment as well as any earlier criminal records;
- 15 (e) Progress reports and admission-orientation reports;
- 16 (f) Reports of any disciplinary infractions and of their
- 17 disposition;
- 18 (g) His or her parole plan; and
- 19 (h) Other pertinent data concerning his or her

20 background, conduct, associations, and family relationships.

21 (2) Any decision concerning the classification,  
22 reclassification, transfer to another facility, preparole  
23 preparation, or parole release of a person committed to the  
24 department shall be made only after his or her file has been  
1 reviewed. The content of the file shall be confidential and shall  
2 not be subject to public inspection except by court order for good  
3 cause shown and shall not be accessible to any person committed to  
4 the department. An inmate may obtain access to his or her medical  
5 records by request to the provider pursuant to sections 71-8401 to  
6 71-8407 notwithstanding the fact that such medical records may be a  
7 part of his or her individual department file. The department  
8 retains the authority to withhold mental health and psychological  
9 records of the inmate when appropriate.

10 (3) The program of each person committed to the  
11 department shall be reviewed at regular intervals and  
12 recommendations shall be made to the chief executive officer  
13 concerning changes in such person's program of treatment, training,  
14 employment, care, and custody as are considered necessary or  
15 desirable.

16 (4) The chief executive officer of the facility shall  
17 have final authority to determine matters of treatment  
18 classification within his or her facility and to recommend to the  
19 director the transfer of any person committed to the department who  
20 is in his or her custody.

21 (5) The director may at any time order a person committed  
22 to the department to undergo further examination and study for  
23 additional recommendations concerning his or her classification,  
24 custodial control, and rehabilitative treatment.

25 (6) Nothing in this section shall be construed to limit  
26 in any manner the authority of the Public Counsel to inspect and  
27 examine the records and documents of the department pursuant to  
1 sections 81-8,240 to 81-8,254, except that the Public Counsel's  
2 access to an inmate's medical or mental health records shall be  
3 subject to the inmate's consent. The office of Public Counsel  
4 shall not disclose an inmate's medical or mental health records to  
5 anyone else, including any person committed to the department,  
6 except as authorized by law.

7 Sec. 2. Original section 83-178, Reissue Revised  
8 Statutes of Nebraska, is repealed."

**LEGISLATIVE BILL 23.** Placed on Select File.

**LEGISLATIVE BILL 86.** Placed on Select File.

**LEGISLATIVE BILL 451.** Placed on Select File.

**LEGISLATIVE BILL 83.** Placed on Select File.

**LEGISLATIVE BILL 154.** Placed on Select File as amended.

E & R amendment to LB 154:

AM7063

- 1 1. In the Standing Committee amendments, AM0147:
- 2 a. On page 1, line 18, strike "shall include" and insert
- 3 "includes";
- 4 b. On page 4, line 25, strike "members" and insert
- 5 "member";
- 6 c. On page 5, line 26, strike "where" and insert "when";
- 7 d. On page 6, line 11, strike "a check-up" and insert
- 8 "check-ups";
- 9 e. On page 7, line 14, after the second "virus" insert a
- 10 comma; and
- 11 f. On page 8, line 24, strike "is" and insert "are".

**LEGISLATIVE BILL 213.** Placed on Select File as amended.  
E & R amendment to LB 213:

AM7062

- 1 1. On page 4, line 26, strike "licensed" and insert
- 2 "license".

(Signed) Philip Erdman, Chairperson

#### ANNOUNCEMENT

Senator Preister designates LB 444 as his priority bill.

#### REPORTS

The following reports were received by the Legislature:

**Roads, Department of**

Board of Public Roads Classifications and Standards Minutes for  
November 17, 2000

**Economic Development, Department of**

Microenterprise Development Act (LB 327)

#### BILLS ON FINAL READING

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 133.**

A BILL FOR AN ACT relating to water wells; to amend sections 46-1201, 46-1202, 46-1203, 46-1214.01, 46-1223, 46-1231, and 46-1233.01, Reissue Revised Statutes of Nebraska; to provide for certification of natural resources ground water technicians; to change provisions relating to water well monitoring supervisors; to harmonize provisions; and to repeal the original sections.

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

procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Aguilar	Baker	Beutler	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Landis	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Robak
Schimek	Schrock	Smith	Stuhr	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 11:

Bourne	Brashear	Brown	Chambers	Hartnett
Hilgert	Kruse	Maxwell	Redfield	Suttle
Thompson				

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

### **LEGISLATIVE BILL 250.**

A BILL FOR AN ACT relating to 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.

Whereupon the 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	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Landis	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Robak
Schimek	Smith	Stuhr	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 1:



Schrock

Excused and not voting, 11:

Bourne	Brashear	Brown	Chambers	Hartnett
Hilgert	Kruse	Maxwell	Redfield	Suttle
Thompson				

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

### **LEGISLATIVE BILL 269.**

A BILL FOR AN ACT relating to courts; to amend sections 25-2706 and 30-2488, Reissue Revised Statutes of Nebraska, and section 24-517, Revised Statutes Supplement, 2000; to change county court jurisdiction; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 36:

Aguilar	Baker	Beutler	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hudkins	Janssen	Jensen	Jones	Kremer
Landis	McDonald	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Robak	Schimek	Schrock
Smith	Stuhr	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 2:

Kristensen      Pederson, D.

Excused and not voting, 11:

Bourne	Brashear	Brown	Chambers	Hartnett
Hilgert	Kruse	Maxwell	Redfield	Suttle
Thompson				

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

### **LEGISLATIVE BILL 182.**

A BILL FOR AN ACT relating to the Niobrara Council; to amend section 72-2007, Revised Statutes Supplement, 2000; to change provisions relating

to voting; and to repeal the original section.

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

Voting in the affirmative, 37:

Aguilar	Baker	Beutler	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Landis	McDonald	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Robak
Schrock	Smith	Stuhr	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 11:

Bourne	Brashear	Brown	Chambers	Hartnett
Hilgert	Kruse	Maxwell	Redfield	Suttle
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 300 with 34 ayes, 1 nay, 4 present and not voting, and 10 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 300.**

A BILL FOR AN ACT relating to money and financing; to amend sections 13-203, 13-206, 13-207, 21-2102, 21-2104, and 21-2109, Reissue Revised Statutes of Nebraska, and section 58-239, Revised Statutes Supplement, 2000; to provide for the dissolution of the Research and Development Authority; to provide and change powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 58-401 to 58-442 and 77-2704.18, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 40:

Aguilar	Baker	Beutler	Bourne	Bromm
Bruning	Burling	Byars	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Engel	Erdman
Foley	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Landis	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 9:

Brashear	Brown	Chambers	Hartnett	Hilgert
Kruse	Maxwell	Redfield	Thompson	

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 133, 250, 269, 182, and 300.

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 1, 2001, 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

Hamer, Patti D.  
League of Woman Voters of Nebraska

Mueller, William J.  
Nebraska Association For S.I.D.s

Ruth, Larry L.  
Nebraska Association For S.I.D.s

Stremming, Troy A.  
Ameristar Casinos, Inc.

Withem, Ron  
University of Nebraska

**AMENDMENTS - Print in Journal**

Senator Tyson filed the following amendment to LB 227:

AM0753

- 1 1. On page 3, line 11, after "(a)" insert "in a
- 2 restaurant having a serving area of less than twelve hundred square
- 3 feet;
- 4 (b)"; and in line 16 strike "(b)" and insert "(c)".
- 5 2. On page 5, lines 12 through 15, reinstate the
- 6 stricken matter.

Senators Wickersham and Bromm filed the following amendment to LB 827:

AM0646

(Amendments to Standing Committee amendments, AM0499)

- 1 1. On page 3, line 17, after the period insert "It is
- 2 the intent of the Legislature that \$250,000 shall be appropriated
- 3 to the fund to be used for start-up costs and seed money for
- 4 FY2001-02.".

**ANNOUNCEMENT**

The Natural Resources Committee designates LB 667 as its priority bills.

**GENERAL FILE**

**LEGISLATIVE BILL 433.** Title read. Considered.

Senator Landis renewed his pending amendment, AM0655, found on page 773.

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

Senator Raikes renewed his pending amendment, AM0565, found on page 720.

Senator Wickersham requested a division of the question on the Raikes amendment.

The Chair sustained the division of the question.

The first Raikes amendment is as follows:

FA81

- 1 1. On page 4, line 12, after "Licensure" insert "and,
- 2 for child care services for children from birth through age eight,
- 3 accredited by a nationally recognized early childhood education
- 4 organization."; in line 17 after "(2)" insert "(a)" and after
- 5 "services" insert "for children from birth through age eight"; and

6 in line 21 after "children" insert "from birth through age eight".

Senators D. Pederson, McDonald, and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Raikes moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Landis requested a roll call vote on the first Raikes amendment.

Voting in the affirmative, 17:

Beutler	Brown	Chambers	Connealy	Engel
Hilgert	Jensen	Kristensen	Kruse	Preister
Raikes	Schimek	Schrock	Suttle	Thompson
Wehrbein	Wickersham			

Voting in the negative, 17:

Aguilar	Baker	Burling	Byars	Cunningham
Dierks	Erdman	Hartnett	Hudkins	Jones
Kremer	Landis	Pedersen, Dw.	Quandahl	Smith
Stuhr	Tyson			

Present and not voting, 10:

Bourne	Bromm	Coordsen	Cudaback	Foley
Janssen	Maxwell	Price	Robak	Vrtiska

Excused and not voting, 5:

Brashear	Bruning	McDonald	Pederson, D.	Redfield
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The first Raikes amendment lost with 17 ayes, 17 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The second Raikes amendment is as follows:

FA82

7 2. On page 5, line 10, after the period insert "(b) Any  
8 business firm which provides child care services only for children  
9 age nine and older shall be allowed a credit against the individual  
10 income tax, corporate income tax, premium or related retaliatory  
11 tax, or franchise tax equal to ten percent of the costs incurred by  
12 the business firm in providing child care services for children age  
13 nine and older of employees for each taxable year, up to  
14 twenty-five percent of such business firm's total tax liability.  
15 In the case of a sole proprietorship, partnership, or limited

16 liability company which is taxed as a pass-through entity or a  
 17 corporation which has in effect an election under subchapter S of  
 18 the Internal Revenue Code, the maximum allowable amount of credit  
 19 shall be twenty-five percent of the income tax liability determined  
 20 as if such business firm had been a corporation subject to the  
 21 state income tax imposed by section 77-2734.02. Such pass-through  
 22 entities shall allocate the allowable credit among their  
 23 proprietors, partners, members, or shareholders in the same manner  
 24 as taxable income is allocated. In the case of a fiduciary, the  
 1 maximum allowable amount of the credit shall be twenty-five percent  
 2 of the income tax liability of the fiduciary computed without any  
 3 deduction for distributions, and the allowable credit shall be  
 4 allocated among the fiduciary and its beneficiaries in proportion  
 5 to the taxable income included by each beneficiary in his or her  
 6 Nebraska income tax returns.  
 7 (c)".

Senator Kruse asked unanimous consent to be excused until he returns. No objections. So ordered.

#### **SENATOR CUDABACK PRESIDING**

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Raikes amendment lost with 10 ayes, 8 nays, 24 present and not voting, and 7 excused and not voting.

Senator Wickersham withdrew his pending amendment, AM0633, found on page 759.

Senator Wickersham renewed his pending amendment, AM0667, found on page 775.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

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

Senator Wickersham requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 20:

Brown	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Engel	Hartnett	Hilgert
Jensen	Jones	Kristensen	Kruse	Raikes
Schimek	Schrock	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 14:

Aguilar	Baker	Beutler	Bromm	Cunningham
Dierks	Erdman	Janssen	Landis	Pedersen, Dw.
Quandahl	Smith	Thompson	Tyson	

Present and not voting, 10:

Bourne	Foley	Hudkins	Kremer	Maxwell
Pederson, D.	Preister	Price	Stuhr	Suttle

Excused and not voting, 5:

Brashear	Bruning	McDonald	Redfield	Robak
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The Wickersham amendment lost with 20 ayes, 14 nays, 10 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

### STANDING COMMITTEE REPORTS Banking, Commerce and Insurance

**LEGISLATIVE BILL 444.** Placed on General File as amended.

Standing Committee amendment to LB 444:

AM0747

- 1 1. Strike original section 2 and insert the following
- 2 new section:
- 3 "Sec. 2. (1) On and after July 1, 2002, no private
- 4 passenger automobile liability policy shall be delivered, issued
- 5 for delivery, or renewed with respect to any motor vehicle licensed
- 6 in this state unless accompanied by a disclosure showing the
- 7 location used to determine the rate charged to the named insured
- 8 and if any credit-based rating was used to determine the rate
- 9 charged.
- 10 (2) For an insurer determined by the director to be an
- 11 insurer with a substantial market share of the private passenger
- 12 automobile insurance premium written in this state:
- 13 (a) The private passenger automobile liability insurance
- 14 rating territories for motor vehicles located in a city of the
- 15 metropolitan class that are contained in the insurer's qualifying
- 16 rate filing made on or after January 1, 2002, shall be deemed to
- 17 expire three years after their effective date unless they are
- 18 refiled;
- 19 (b) Unless the insurer has made a qualifying rate filing
- 20 with an effective date on or after January 1, 2002, as provided in
- 21 subdivision (2)(a) of this section, all filings made by the insurer

22 of private passenger automobile insurance that justify the rating  
 23 relativities of a rating territory for motor vehicles located in a  
 24 city of the metropolitan class shall expire July 1, 2003;

1 (c) If necessary for the director to complete his or her  
 2 study of a rating system filing that is proposed as a qualifying  
 3 rate filing, the director shall extend the three-year period if the  
 4 insurer has made a proposed qualifying rate filing prior to the end  
 5 of the three-year period with a requested effective date no later  
 6 than three years after the effective date of its last qualifying  
 7 rate filing;

8 (d) A filing made by an advisory organization on behalf  
 9 of an insurer shall be deemed to be a filing by the insurer for  
 10 purposes of the expiration requirement of this subsection; and

11 (e) For purposes of this subsection:

12 (i) Insurer with a substantial market share of the  
 13 private passenger automobile insurance premium written in this  
 14 state means:

15 (A) An insurer that is one of the ten insurers writing  
 16 the largest amount of private passenger automobile insurance  
 17 premium in this state; or

18 (B) An insurer that meets any other standard prescribed  
 19 by rule and regulation adopted and promulgated by the director; and

20 (ii) Qualifying rate filing means an approved rating  
 21 system filing that justifies the rating relativities of the private  
 22 passenger automobile liability insurance rating territories for  
 23 motor vehicles located in a city of the metropolitan class made on  
 24 or after January 1, 2002."

(Signed) David M. Landis, Chairperson

### Judiciary

**LEGISLATIVE RESOLUTION 17.** Reported to the Legislature for further consideration.

**LEGISLATIVE BILL 473.** Placed on General File as amended. Standing Committee amendment to LB 473: AM0707

1 1. Insert the following new section:

2 "Section 1. For purposes of sections 29-812 to 29-821  
 3 and sections 1 to 3 of this act, facsimile transmission means a  
 4 system that encodes a paper or tangible document or photograph into  
 5 electrical signals, transmits those signals over telecommunications  
 6 lines, and then reconstructs the signals to create an exact paper  
 7 or tangible duplicate of the original document at the receiving  
 8 end."

9 2. On page 3, lines 4 and 14; page 5, lines 16, 21, and  
 10 24; and page 6, line 15, strike "and 2" and insert "to 3".

11 3. On page 4, line 12; and page 5, line 9, strike "1".



12 and insert "2".

13 4. Renumber the remaining sections accordingly.

(Signed) Patrick J. Bourne, Vice Chairperson

### General Affairs

**LEGISLATIVE BILL 175.** Placed on General File as amended.

Standing Committee amendment to LB 175:

AM0746

1 1. On page 2, lines 6 and 7, strike the new matter.

**LEGISLATIVE BILL 371.** Placed on General File as amended.

Standing Committee amendment to LB 371:

AM0745

1 1. On page 2, line 9 strike "any" through the second

2 "premises" and insert "two or fewer licensed premises located

3 within the same county as the craft brewery and".

**LEGISLATIVE BILL 546.** Placed on General File as amended.

Standing Committee amendment to LB 546:

AM0743

1 1. Strike original sections 6, 7, 26, 27, 40, 41, 44,

2 and 46 to 50.

3 2. On page 59, lines 20 and 21, strike the new matter

4 and reinstate the stricken matter; and in line 21 strike the

5 reinstated "fifteen", show as stricken, and insert "thirty".

6 3. On page 92, line 7, strike "9-228,"; in line 9 strike

7 "9-324,"; in line 10 strike "9-420,"; and in line 11 strike "9-423"

8 through "9-623," and insert "and 9-423,".

9 4. Renumber the remaining sections and correct internal

10 references accordingly.

**LEGISLATIVE BILL 47.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

### Agriculture

**LEGISLATIVE BILL 684.** Placed on General File.

**LEGISLATIVE BILL 196.** Placed on General File as amended.

Standing Committee amendment to LB 196:

AM0740

1 1. On page 4, line 6, after "which" insert "knowingly".

(Signed) Merton L. Dierks, Chairperson

**Transportation and Telecommunications****LEGISLATIVE BILL 246.** Placed on General File.**LEGISLATIVE BILL 316.** Placed on General File.**LEGISLATIVE BILL 318.** Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

**Revenue****LEGISLATIVE BILL 533.** Placed on General File.

(Signed) William R. Wickersham, Chairperson

**NOTICE OF COMMITTEE HEARINGS****Appropriations**

LB 683      Monday, March 12, 2001      1:30 PM

Monday, March 12, 2001      1:30 PM

AGENCY 47 - Educational Telecommunications

AGENCY 48 - Postsecondary Education

AGENCY 50 - State College System

LB 288      Tuesday, March 13, 2001      1:30 PM

LB 344      Tuesday, March 13, 2001      1:30 PM

LB 691      Tuesday, March 13, 2001      1:30 PM

LB 705      Tuesday, March 13, 2001      1:30 PM

LB 789      Tuesday, March 13, 2001      1:30 PM

LB 597      Tuesday, March 13, 2001      1:30 PM

LB 35      Wednesday, March 14, 2001      1:30 PM

LB 306      Wednesday, March 14, 2001      1:30 PM

Wednesday, March 14, 2001      1:30 PM

AGENCY 20 - HHS -- Regulation &amp; Licensure

AGENCY 25 - Health &amp; Human Services

AGENCY 26 - HHS -- Finance &amp; Support

LB 630      Thursday, March 15, 2001      1:30 PM

LB 631      Thursday, March 15, 2001      1:30 PM

LB 653      Thursday, March 15, 2001      1:30 PM

LB 367      Thursday, March 15, 2001      1:30 PM

Thursday, March 15, 2001      1:30 PM

AGENCY 7 - Governor

AGENCY 8 - Lieutenant Governor

AGENCY 9 - Secretary of State

AGENCY 10 - Auditor of Public Accounts  
AGENCY 12 - State Treasurer  
AGENCY 14 - Public Service Commission  
AGENCY 3 - Legislative Council

(Signed) Roger R. Wehrbein, Chairperson

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 1, 2001, at 9:40 a.m., were the following: LBs 133, 250, 269, 182, and 300.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

### **ANNOUNCEMENT**

The General Affairs Committee designates LB 791 as its priority bill.

### **REFERENCE COMMITTEE REPORT**

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

Harbaugh, Mary - Health and Human Services System Partnership Council  
- Health and Human Services

Stearns, Sheila - Health and Human Services System Partnership Council -  
Health and Human Services

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 39.** Introduced by Coordsen, 32.

WHEREAS, rural schools provide a quality education for approximately 150,000 students in Nebraska; and

WHEREAS, rural schools provide a community-based education that links children to their community, its history, and its future; and

WHEREAS, rural schools encourage students to participate in extracurricular activities to develop their talents and leadership skills; and

WHEREAS, rural schools are the center of social and community-based activities in many small towns and rural areas and provide many economic development and social benefits to rural places and rural people.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That March 6, 2001, be declared Rural Education Day in Nebraska.

Laid over.

### AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 397:

AM0715

- 1 1. On page 2, line 4, strike "to be chosen" and insert
- 2 "agreed to"; in line 15 strike "chooses" and insert "and the
- 3 employer representative agree"; and in line 18 strike "may" and
- 4 insert "and employer representative may jointly".

Senator Robak filed the following amendment to LB 346:

AM0744

(Amendments to Final Reading copy)

- 1 1. Strike the Brown amendment, AM0725.

### GENERAL FILE

**LEGISLATIVE BILL 433.** Senators Wickersham and Suttle withdrew their pending amendments, AM0665 and AM0668, found on page 775.

Senators Wickersham and Landis offered the following amendment:

AM0748

- 1 1. On page 3, line 9, after "(a)" insert "Accredited
- 2 means accredited by the National Association for Family Child Care,
- 3 the National Association for the Education of Young Children, the
- 4 National School-Age Care Alliance, or a comparable accreditation
- 5 process approved by the Department of Health and Human Services
- 6 Regulation and Licensure;
- 7 (b)"; and in line 16 strike "(b)" and insert "(c)".
- 8 2. On page 4, line 9, strike "(c)" and insert "(d)".
- 9 3. On page 7, line 15, after "(6)" insert "No amount
- 10 paid or incurred by an employer to provide child care assistance to
- 11 an employee shall qualify for the credit if the amount was paid or
- 12 incurred pursuant to a salary reduction plan or is not paid for
- 13 services performed within this state.
- 14 (7)"; in line 18 strike "(7)" and insert "(8)"; and in
- 15 line 22 strike "(8)" and insert "(9)".
- 16 4. On page 8, line 19, strike "(9)" and insert "(10)";
- 17 in line 22 strike "(8)" and insert "(9)"; and in line 25 strike
- 18 "(10)" and insert "(11)".

The Wickersham-Landis amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Pending.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 34, 106, 108, 186A, 243, 270, 270A, 308, 411, 432, and 477.

**Enrollment and Review Change to LB 243**

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

ER9026

1. On page 1, line 3, "negotiated rates and for" has been inserted after "for"; in line 4 "and" has been struck; and in line 5 "; and to declare an emergency" has been inserted after "section".

**Enrollment and Review Change to LB 270**

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

ER9027

1. In the Beutler amendment, AM0693, on page 1, line 3, "and" has been struck and "or" inserted.

2. In the E & R amendments, AM7050, on page 14, line 9, an underscored comma has been inserted after "department".

**Enrollment and Review Change to LB 432**

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

ER9028

1. In lieu of the Brown amendment, FA44, in the E & R amendments, AM7049:

a. On page 7, lines 15 and 16; page 11, lines 21 and 22; and page 17, lines 8 and 9, "Pathologists--American College of Medical Genetics Molecular Pathology Program" has been struck and "Pathologists" inserted; and

b. On page 7, line 19; page 11, line 25; and page 17, line 12, "program" has been struck and "college" inserted.

(Signed) Philip Erdman, Chairperson

**AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendment to LB 259:

FA85

Amend AM0234

On line 5, page 1, after "business" add the words "except those"

Senator Beutler filed the following amendment to LB 259:  
AM0758

(Amendments to Standing Committee amendments, AM0234)

- 1 1. Strike sections 2 to 4.
- 2 2. Remove the underscoring in section 1.

Senator Beutler filed the following amendment to LB 259:  
AM0767

(Amendments to Standing Committee amendments, AM0234)

- 1 1. On page 1, line 3, after "county" insert "that has
- 2 agreed to arbitration under section 4 of this act".
- 3 2. Insert the following new section:
- 4 "Sec. 4. (1) If it is necessary to vacate a county road
- 5 or roads in order to carry out an authorized purpose and the county
- 6 board will not enter into an agreement with the district pursuant
- 7 to section 39-1501 for the purpose of vacating the road or roads,
- 8 the district may request that the county board submit to
- 9 arbitration under this section. A request that a county board
- 10 submit to arbitration under this section shall be made in writing.
- 11 The request shall include a detailed description of the road or
- 12 roads to be vacated and the name and address of the arbitrator
- 13 selected by the district.
- 14 (2) An arbitration panel shall be formed to arbitrate the
- 15 road vacation dispute. The arbitration panel shall collect
- 16 necessary information and determine whether the public benefits to
- 17 the state of the use by the district outweigh the public detriment
- 18 to the state from the closing of the county road.
- 19 (3) The arbitration panel shall consist of three members,
- 20 one of whom shall be selected by the district, one of whom shall be
- 21 selected by the county board, and a third shall be selected by the
- 22 other two arbitrators. The arbitrators shall not be employees,
- 23 agents, or consultants of any party to the dispute and shall have
- 1 no financial or personal interest in the result of the arbitration.
- 2 (4) The arbitration panel shall be appointed within
- 3 forty-five days after the receipt of the request for arbitration.
- 4 The county shall notify the district in writing of the name and
- 5 address of the arbitrator selected by the county within thirty days
- 6 after receipt of the request. The two arbitrators selected by the
- 7 parties shall notify the parties in writing of the name and address
- 8 of the third arbitrator selected by them.
- 9 (5) Each of the parties to the dispute shall pay the
- 10 costs and expenses of the arbitrator selected by it together with
- 11 one-half of the costs and expenses of the third arbitrator and
- 12 one-half of the costs and expenses of the hearing, unless the
- 13 parties otherwise agree or the arbitration board, in its
- 14 discretion, assesses such costs and expenses, or any part thereof,
- 15 in a different manner.
- 16 (6) The arbitration panel shall hire an official
- 17 stenographer to report its hearings and may hire an attorney to

18 assist it in ruling on the admissibility of evidence offered and in  
19 the preparation of the record which will constitute the bill of  
20 exceptions in any appeal from the decision of the arbitration board  
21 and may hire such other personnel as it deems necessary to conduct  
22 the hearing.

23 (7) The arbitration panel shall meet within thirty days  
24 of the appointment of the third arbitrator. The third arbitrator  
25 shall be the chairperson and preside at all meetings and hearings  
26 of the arbitration panel and shall provide notice to the parties at  
27 least five days before the first meeting. The parties shall meet  
1 with the arbitration panel at its first meeting for the purpose of  
2 clarifying and narrowing the specific issues from those set forth  
3 in the detailed statement of disputed issues.

4 (8) If a party to the dispute fails or refuses to appoint  
5 its arbitrator within the time established in this section, the  
6 arbitrator appointed by the other party shall, within ten days  
7 after such failure apply to the American Arbitration Association  
8 for the appointment of the second arbitrator. Within ten days  
9 after the appointment of the second arbitrator, the two arbitrators  
10 so selected shall appoint a third arbitrator.

11 (9) The arbitration panel may proceed in the absence of  
12 any party who, after due notice, fails to appear or obtain a  
13 continuance. An award shall not be made without a hearing or based  
14 solely on the default of a party. The arbitration panel shall (a)  
15 consider only those matters necessary for the resolution of the  
16 disputed issues, (b) have no authority to add to, subtract from, or  
17 alter the issues except as otherwise agreed to by the parties, and  
18 (c) not alter or modify any existing contract.

19 (10) Except as otherwise provided in this section, the  
20 Commercial Arbitration Rules of the American Arbitration  
21 Association, as amended and in effect on the effective date of this  
22 act, shall be used to the extent that they are determined by the  
23 arbitration panel to be applicable to the procedures set forth in  
24 this section. The Administrative Fee Schedule contained in the  
25 rules shall not apply.

26 (11) The parties shall submit preliminary written  
27 statements to the arbitration panel within thirty days after the  
1 convening of the first meeting of the arbitration panel. The  
2 arbitration panel shall fix the time and place for a public hearing  
3 which shall commence not more than sixty days after the convening  
4 of the first meeting of the arbitration panel. The arbitration  
5 panel shall give each party written notice of the hearing by  
6 certified mail, at least ten days in advance of the hearing, unless  
7 the parties waive such notice. The arbitration panel shall publish  
8 notice of the hearing in a newspaper having general circulation in  
9 the county three consecutive weeks.

10 (12) At all times after receipt of the notice of the  
11 dispute, each party shall make available to the other, for  
12 inspection and copying, all documents, data, and records with

13 respect to the dispute for the presentation of the matter to the  
14 arbitration panel. If the parties fail to agree on the production  
15 of documents and records, the arbitration panel shall determine the  
16 matter. The parties may also take depositions with respect to the  
17 dispute.

18 (13) At the hearing the arbitration panel shall hear  
19 testimony and receive evidence in person or by deposition relating  
20 to the dispute and may continue the hearing from time to time. The  
21 arbitration panel shall be bound by the rules of evidence  
22 applicable in district court. The arbitration panel may require a  
23 party to submit such evidence as the board may deem necessary or  
24 desirable for making its decision and the board is authorized to  
25 subpoena witnesses and documents. Opportunity shall be afforded to  
26 both parties to present evidence and cross-examine witnesses. The  
27 parties may be represented by counsel.

1 (14) The arbitration panel shall seek to complete its  
2 hearing on the issues submitted to it within thirty days after the  
3 commencement of the hearing. The arbitration panel may extend the  
4 time to complete the hearing beyond the thirty-day period if the  
5 arbitration panel determines that such extension is necessary.

6 (15) The arbitration panel shall render its decision  
7 within thirty days after completion of the hearing. The decision  
8 shall be in writing, be accompanied by findings of fact, and be  
9 signed by the arbitrators supporting the decision. The findings of  
10 fact shall consist of a concise statement of the conclusions upon  
11 each contested issue of fact. The decision of a majority of the  
12 arbitrators shall be the decision of the arbitration board. A copy  
13 of the decision and accompanying findings and conclusions shall be  
14 mailed to each party and its attorney of record by certified mail.

15 (16) Except as otherwise provided in subsection (17) of  
16 this section, the parties may, by mutual written agreement filed  
17 with the arbitration board, extend any of the time limits  
18 prescribed in this section.

19 (17) The final decision of the arbitration board shall be  
20 binding upon the parties. If a party to any arbitration proceeding  
21 is not satisfied with the decision entered by the arbitration  
22 panel, such party may appeal to reverse, vacate, or modify the  
23 decision, and such decision shall be in abeyance until the  
24 appellate court has issued its opinion. The procedure to obtain  
25 reversal, modification, or vacation of a decision rendered by the  
26 arbitration panel shall be by filing notice of appeal with the  
27 Court of Appeals within thirty days after the date of the decision.

1 The appeal shall be deemed perfected and the appellate court shall  
2 have jurisdiction of the cause when a notice of an appeal has been  
3 filed and appeal has been taken in the manner provided by law for  
4 appeals from the district court in civil cases.

5 (18) Trial in the appellate court shall be de novo on the  
6 record. Such case shall be advanced in the same manner as other  
7 causes which involve the public welfare and convenience and shall



8 be set for an early hearing.  
9 (19) The verbatim testimony transcribed by the official  
10 stenographer, including all exhibits received, shall constitute the  
11 bill of exceptions. The decision appealed and the bill of  
12 exceptions duly certified by the members of the arbitration panel  
13 shall constitute the complete record on appeal.  
14 Sec. 5. The Revisor of Statutes shall assign section 4  
15 of this act within sections 2-3201 to 2-32,114."  
16 3. Renumber the remaining section accordingly.

Senator Bromm filed the following amendment to LB 574:  
AM0692

1 1. Insert the following new section:  
2 "Sec. 30. (1) The Department of Motor Vehicles, the  
3 courts, or law enforcement agencies may store or compile  
4 information acquired from an operator's license or state  
5 identification card for their statutorily authorized purposes.  
6 (2) No person having use of or access to machine-readable  
7 information encoded on an operator's license or a state  
8 identification card shall compile, store, preserve, trade, or sell  
9 such information. Violation of this subsection shall be a Class IV  
10 felony.".  
11 2. On page 2, lines 3 and 9, strike "and 4" and insert  
12 ", 4, and 30".  
13 3. On page 3, strike beginning with "or" in line 2  
14 through line 3 and insert "and may not be otherwise released except  
15 in accordance with subsection (4) of this section."; in line 10  
16 after "cards" insert "and may not be otherwise released except in  
17 accordance with subsection (4) of this section"; strike beginning  
18 with "to" in line 13 through line 14 and insert "in accordance with  
19 subsection (4) of this section."; and after line 14 insert the  
20 following new subsection:  
21 "(4) No officer, employee, agent, or contractor of the  
22 department or a law enforcement officer shall release a digital  
23 image or a digital signature except to a federal, state, or local  
24 law enforcement agency for the purpose of carrying out the  
1 functions of the agency upon the verification of the identity of  
2 the person requesting the release of the information and the  
3 verification of the purpose of the requester in requesting the  
4 release. The department shall not release a biometric identifier  
5 other than a physical description except upon the issuance of a  
6 search warrant by a magistrate or court of competent jurisdiction.  
7 Any officer, employee, agent, or contractor of the department or  
8 law enforcement officer that knowingly discloses or knowingly  
9 permits disclosure of a digital image, digital signature, or  
10 biometric identifier other than a physical description in violation  
11 of this section shall be guilty of a Class IV felony and shall be  
12 subject to removal from office or discharge in the discretion of  
13 the Governor or agency head, as appropriate.".

14 4. On page 25, after line 22 insert the following new  
15 subsection:

16 "(3) Machine-readable information encoded on an  
17 operator's license shall be limited to the information appearing on  
18 the face of the license.".

19 5. On page 53, after line 25 insert the following new  
20 subsection:

21 "(4) Machine-readable information encoded on a state  
22 identification card shall be limited to the information appearing  
23 on the face of the card.".

24 6. On page 56, lines 7 and 8, strike the new matter; and  
25 in line 7 strike "or computerized", show as stricken, and insert an  
26 underscored comma and strike "image," and show as stricken.

27 7. Renumber the remaining sections accordingly.

### ANNOUNCEMENT

Senator Jones designates LB 781 as his priority bill.

### UNANIMOUS CONSENT - Add Cointroducer

Senator Kristensen asked unanimous consent to have his name added as cointroducer to LB 827. No objections. So ordered.

### VISITORS

Visitors to the Chamber were Elizabeth, Tucker, and Dylan Seaman from Lincoln; the girls' basketball team and coaches from Paxton; students from Westside High School, Omaha; 13 fourth grade and 4 eighth grade students and teachers from Phelps County District R-7 School; 10 fourth grade students and teacher from Rising City; 35 fourth grade students and teachers from Yutan; 40 fourth grade students and teachers from Bennington; and 45 fourth grade students and teachers from Milford .

The Doctor of the Day was Dr. Troy Miller from Neligh.

### ADJOURNMENT

At 11:57 a.m., on a motion by Senator Landis, the Legislature adjourned until 9:00 a.m., Monday, March 5, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**THIRTY-NINTH DAY - MARCH 5, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 5, 2001

**PRAYER**

The prayer was offered by Reverend Charles Schmit, Grace Lutheran Church, Fairbury, 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 Vrtiska and Wickersham who were excused; and Senators Beutler, Brashear, Bromm, Hartnett, Kremer, Kristensen, Landis, McDonald, Dw. Pedersen, Raikes, Robak, Stuhr, and Tyson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-eighth day was approved.

**MESSAGE FROM THE GOVERNOR**

March 2, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 25, 25A, 46, 48, 51, 53, 129, 146, 155, 165, 166, 166A, 192, 193, 226, 245, 253, 257, 257A, 280, 299, 337, 375, 376, 387, 409, 418, and 472 were received in my office on February 27, 2001.

These bills were signed by me on March 1, 2001, and delivered to the Secretary of State on March 2, 2001.

Sincerely,  
(Signed) Mike Johanns  
Governor

### ATTORNEY GENERAL'S OPINION

#### Opinion #01007

DATE: February 27, 2001

SUBJECT: Constitutionality of LB 587 and LB 592 - "Agricultural Production Contract Unfair Practices Act" and "Agricultural Production Contract Act"

REQUESTED BY: Merton "Cap" Dierks, Nebraska State Senator

WRITTEN BY: Don Stenberg, Attorney General  
William R. Barger, Assistant Attorney General

You have requested an Attorney General's opinion concerning the constitutionality of the "Agricultural Production Contract Unfair Practices Act", LB 587 and the "Agricultural Production Contract Act", LB 592, (hereinafter, respectively, "the Practices Act" and "the Contract Act"). You specifically ask whether the equal protection clause of either the U.S. or Nebraska Constitution is violated by applying the provisions of these bills to swine and cattle contracts, and, if so, how that problem may be overcome. Further, you ask if the bills would place a burden upon interstate commerce under the commerce clause of the U.S. Constitution.

A brief description of what provisions these bills contain is necessary at this point. The Contract Act has twenty-two sections. The Contract Act essentially requires the following on cattle and swine contracts: a contract must contain a cover sheet with certain disclosures and other items; a contract must state its essential terms, the risks undertaken and must be readable; a party may ask the Attorney General to certify submitted contracts for compliance with the foregoing requirements; a court may reform a contract which violates the foregoing; producers have a three-day-right to cancel a contract; confidentiality clauses in contracts are invalid; a contract must contain a notice period for contract termination; producers have a right to re-instate after a breach; producers have a right to reimbursement for significant capital investments made prior to wrongful termination; all contracts contain an implied promise of good faith; and contractors who chronically violate the foregoing provisions are subject to penalties.

The Practices Act prohibits the following unfair practices in cattle and swine contracts: use of coercion, intimidation, retaliation, threats or termination

threats to impose new terms in a contract or to force execution of a contract; interference with or restraining producers from associating; refusal to provide to a producer the data used to determine that producer's contract compensation; refusal to allow producers observation of weights and measures for contract compensation; and the use of a certain producer's performance to measure compensation to remaining producers.

Both bills have enforcement provisions allowing for a private cause of action, and providing for enforcement by the Attorney General.

## I. EQUAL PROTECTION

Your first question is whether a potential equal protection argument arises since the Contract Act and Practices Act limit their applicability only to swine and cattle contracts. Recently, Nebraska amended the language in its Constitution to be nearly identical to that contained in the U. S. Const. art. 14. Neb. Const. art. I, § 3 contains the requirement that: "No person shall be deprived of life, liberty or property, without due process of law, nor be denied equal protection of the laws." Since the amendment's passage, the court has stated "The Nebraska Constitution and U.S. Constitution have identical requirements for equal protection challenges." *DeCoste v. City of Wahoo*, 583 N.W.2d 595, 601, 255 Neb. 266, 274 (1998). The analysis here is the same for both the U.S. and Nebraska Constitutions.

Since the Contract Act and the Practices Act both use similar definitions of "contractor" and the same definitions for "producer," we will examine the equal protection implications of those definitions simultaneously for both bills. LB 592 §§ 3(5) & 3(6) and LB 587 §§ 2(5) & 2(6). The Contract Act and Practices Act both apply their regulations to contractors and producers entering into marketing or production contracts on cattle or hogs, but do not apply these requirements to any other livestock contracts. *Id.* Cattle and hog producers would enjoy the protections provided under the two acts, but other farm product producers would not. It is also possible that cattle and hog contractors would claim that they are unfairly burdened by the two acts, while other farm product contractors are not. In either situation, the challenging parties would have the burden of proving that their right to equal protection had been violated. At the threshold, these litigating parties must prove they are being treated differently from "similarly situated" persons. *DeCoste*, 583 N.W.2d at 601, 255 Neb. at 274.

Cattle and hog producers produce farm products. Neb. Rev. Stat. § 52-1308. While cattle and hogs are listed as farm products along with grains, such as corn, soybeans and wheat, it is not clear that livestock and other farm products are similarly situated. Livestock require different methods of production, different processing methods, and are subject to differing government regulations from grain, fruit, vegetables, nuts, eggs or milk. If city and county jail inmates are not in the same group as state prison inmates for equal protection analysis purposes, as described in *State v. Atkins*, it is likely that livestock are not so similarly situated with other farm products to be in one

"group". **Id.** However, do cattle and hogs fall into the same "group" as cervine, chickens, goats, horses, mules, turkeys and sheep? The Contract Act mentions "livestock" as the focus in its findings. LB 592 § 1. Livestock is a broadly defined term, but in most statutory definitions it includes cattle, sheep, swine, horses and mules. Neb. Rev. Stat. §§ 54-183, 54-701.03, 54-1158, 54-1902, 54-2001 and 77-5403(13)(b). There are statutes including poultry under the definition of livestock, Neb. Rev. Stat. § 52-701.03 and 77-5403(13)(b), but it appears from the Nebraska statutory scheme that poultry is generally subject to differing regulations from cattle and hogs. Cattle, sheep, swine, horses and mules are "livestock" pursuant to most Nebraska statutes, and are therefore a similarly situated "group" for equal protection analysis. Further, some courts may determine that poultry should also be included in the "livestock" definition. Producers of livestock other than cattle and hogs are similarly situated to cattle and hog producers, and could likely achieve standing under the equal protection clauses.

Cattle and hog contractors must likewise show they are similarly situated to other livestock contractors. Livestock contractors would appear to be related in the same manner as livestock producers, since both groups are connected by their livestock business. Cattle and hog contractors engage in the slaughter and processing of meats, meat food products and animal products. Poultry, sheep, horse and mule contractors likely do the same types of slaughtering and processing. Cattle and hog contractors are similarly situated to their poultry, sheep, horse and mule contracting counterparts. Consequently, such contractors could likely achieve standing to challenge the two acts as a classification.

If cattle and hog contractors or producers can show they are classified differently than their counterparts by the two acts, then "... the inquiry shifts to whether the legislation at issue can survive judicial scrutiny." *Atkins*, 250 Neb. at 321, 549 N.W.2d at 163. "[I]f a statute involves economic or social legislation not implicating a fundamental right or suspect class, courts will ask only whether a rational relationship exists between a legitimate state interest and the statutory means selected by the legislature to accomplish that end.... Upon a showing that such a rational relationship exists, courts will uphold the legislation." *Schindler v. Department of Motor Vehicles*, 256 Neb. 782, 784, 593 N.W.2d 295, 298 (1999). Since cattle and hog contractors are not a suspect class, and their fundamental rights are not harmed by the two acts, then the two acts need only withstand a "rational basis" test. The same rational basis test applies to a challenge by producers of livestock other than cattle and hogs for the same reasons.

For the two acts to survive a challenge by producers there must be a "rational basis" for the acts' classifications involving those producers. We cannot state that no rational basis for those classifications exists. For example, cattle and hog producers may comprise a significantly large number of Nebraska livestock operations, while poultry, sheep, horse and mule operations are few. Further, perceived abuses by cattle and hog contractors, but not other contractors, may result in cattle and hog producers needing additional

protections. In either case, the benefits of the two acts to cattle and hog producers would likely be construed to be rationally related to the legitimate state interests in protecting the cattle and hog industries.

Similarly, to avoid being stricken as unconstitutional classifications impacting cattle and hog contractors, it must be shown that the two act's requirements on contractors are rationally related to a legitimate state interest. "[S]ocial and economic measures run afoul of the Equal Protection Clause only when the varying treatment of different groups or persons is so unrelated to the achievement of any combination of legitimate purposes that a court can only conclude that the Legislature's actions were irrational." *Atkins*, 250 Neb. at 321, 549 N.W.2d at 164. Again, we cannot state that the Legislature has no legitimate state interest that is rationally related to the contract restrictions mandated by the two acts. The same state interests as described for producers could be applied to a challenge by cattle and hog contractors. Cattle and hogs comprise a very large portion of the Nebraska livestock industry, and perceived problems with that industry could harm state interests. "As we have noted in the context of equal protection, when the Legislature seeks to inaugurate reforms in the area of economics or social welfare, it need not choose between attacking every aspect of the problem or not attacking the problem at all." *Bergan Mercy Health Sys. v. Haven*, \_\_ N.W. 2d \_\_, 260 Neb. 846, 856 (2000).

In summary, the Contract Act and the Practices Act both create a classification between parties contracting upon cattle or hogs and parties who do not contract for cattle and hogs, whether those parties are either livestock producers or livestock contractors. A litigating producer would have to prove the two acts are not rationally related to a legitimate state interest, resulting in an equal protection clause violation. Similarly, a litigating cattle and hog contractor must prove that the restrictions upon those contractors relative to other livestock contractors are not rationally related to a legitimate state interest. In both cases, the state would likely be able to show that a legitimate state interest is furthered by the two acts requirements. In defending against a rational basis challenge to either Act, it would be helpful for the Legislature to articulate the state interest underlying the legislation.

## II. COMMERCE CLAUSE

Your second question asks whether the Contract Act or the Practices Act would be susceptible to a commerce clause challenge under the U.S. Constitution. The Contract Act and the Practices Act both apply their requirements to cattle and hogs in Nebraska. The definitions for contractors under the two acts are as follows:

Contractor means a person who in the ordinary course of business purchases cattle or swine in this state through an agricultural contract for purposes of slaughter and processing of meats, meat food products, or animal products for sale or shipment in commerce.

LB 592 § 3(3).

Contractor means a person who in the ordinary course of business purchases cattle or swine through an agricultural contract for purposes of slaughter and processing of meats, meat food products, or animal products for sale or shipment in commerce.

LB 587 § 2(3).

The requirements of both bills apply to livestock purchased or grown in Nebraska under an agricultural contract. LB 587 § 2(1) & LB 592 § 3(1). Specifically, both acts apply to cattle or hogs grown under a production contract, and to cattle and hogs purchased under a marketing contract. LB 587 § 2(4) & 2(6), LB 592 § 3(4) & 3(6).

The U.S. Constitution requires that: "The Congress shall have power ... To regulate commerce ... among the several states." U.S. Const. art. I, § 8, cl. 3. The dormant portion of this clause "... prohibits economic protectionism - that is, regulatory measures designed to benefit in-state economic interests by burdening out-of-state competitors." *New Energy Co. of Ind. v. Limbach*, 486 U.S. 269, 273-274, 108 S.Ct. 1803, 100 L.Ed.2d 302 (1988). A thorough analysis of the dormant commerce clause is undertaken in some of our prior opinions, which we will not repeat here. Op. Att'y Gen. No. 93029 and Op. Att'y Gen. No. 94026. We note that the approach for reviewing these cases is an analysis of, first, whether the acts are discriminatory or have extraterritorial reach, in which case they are generally per-se invalid. Second, if the acts are not discriminatory or extraterritorial, then the acts must not impose burdens upon interstate commerce which outweigh the putative local benefits. If the acts survive these two tests, they do not offend the "dormant" commerce clause.

The Contract Act and the Practices Act both impose similar restrictions upon out-of-state and in-state contractors. "[I]f the law in question overtly discriminates against interstate commerce, then we will strike the law unless the state or locality can demonstrate under rigorous scrutiny that it has no other means to advance a legitimate local interest." *U & I Sanitation v. City of Columbus*, 205 F.3d 1063, 1067 (8<sup>th</sup> Cir. 2000), quoting *C & A Carbone, Inc. v. Town of Clarkson* (citations omitted). There is no patent evidence of an attempt to protect in-state contracting parties to the detriment of out-of-state contracting parties in these acts, nor is there any conceivable situation wherein an in-state contractor or producer would be at a competitive advantage over an out-of-state contractor because of these acts. An in-state producer is not likely to be advantaged by these acts, since they apply to in-state producers with cattle or hogs and out-of-state producers with cattle or hogs in Nebraska. It appears that these acts are not overtly discriminatory. The acts do not appear to be per-se discriminatory.



Next, the Contract Act and the Practices Act must not control conduct of parties who are beyond Nebraska's boundaries. "Under the Commerce Clause, a state regulation is per-se invalid when it has 'extraterritorial reach,' that is, when the statute has the practical effect of controlling conduct beyond the boundaries of the state." *Cotto Waxo Co. v. Williams*, 46 F.3d 790, 793 (8<sup>th</sup> Cir. 1995). The Contract Act and Practices Act both apply to transactions wherein cattle or hogs are purchased, grown or cared for in Nebraska. LB 587 § 2(3) and LB 592 § 3(3). While the Practices Act does not include the words "... in this state" which the Contract Act has, the net effect of both bills on cattle or hogs located in Nebraska is the same. *Id.* Both acts apply to transactions where a Nebraska producer enters into a marketing or production contract with a resident or out-of-state contractor. The Acts appear to apply only to purchase contracts or grower contracts "... in this state." *Id.*

If the acts applied to transactions between producers and contractors who were both out of state, then an extraterritorial reach problem might arise. "A statute has extraterritorial reach when it necessarily requires out-of-state commerce to be conducted according to in-state terms." *Cotto Waxo*, 46 F.3d at 793. For example, a Wyoming producer could have a production contract with a Colorado contractor, and this Wyoming producer has the cattle under that contract fed by a third-party in Nebraska. The acts do not appear to apply to this out-of-state transaction, but the acts could be made more clear in this regard. If a court did construe both acts to apply to out-of-state transactions like that described, then both acts would be constitutionally suspect. By adding "... in this state..." to the definitions of marketing and production contracts, then any uncertainty about out-of-state transactions being covered by the acts would be eliminated. For instance, a new definition of marketing contract in both acts could state: "Marketing contract means a written agreement for the purchase of swine or cattle *in this state*, except a negotiated purchase ...". (emphasis added). While the acts do not appear to apply to out-of-state transactions, clarifying the acts as suggested would provide more certainty so the acts do not have extraterritorial reach.

Even if these acts are not found to have extraterritorial reach, they must be subjected to scrutiny under the "balancing test". "If each act 'regulates even handedly to effectuate a legitimate local public interest, and its effects on interstate commerce are only incidental, it will be upheld unless the burden imposed on such commerce is clearly excessive in relation to the putative local benefits.'" *United Waste Systems of Iowa, Inc. v. Wilson*, 189 F.3d 762, 767-768 (8<sup>th</sup> Cir. 1999) (quoting *Pike v. Bruce Church*, 397 U.S. 137, 142, 90 S.Ct. 844, 25 L.Ed.2d 174 (1970)). A challenging party would have a difficult time proving that an actual burden exists upon it which outweighs any putative local benefits to producers, under the *Pike v. Bruce Church* "balancing test." The two acts appear to codify certain causes of action in contract and common law, such as unjust enrichment, detrimental reliance and negligent misrepresentation. Since contractors would be subject to similar causes of action in other states, regardless of the existence of either act, contractors would have difficulty proving an additional and excessive burden on them by complying with the acts. Further, contractors would have to show actual burdens, not projected or

imagined burdens. It is likely that the putative benefits put forward on behalf of the acts would appear to render incidental, and not excessive, any burdens upon interstate commerce imposed by these acts. Although not clearly adopted by the Eighth Circuit, putative benefits, rather than actual benefits, are the only required showing by a statute's proponent in other circuits. See *K-S Pharmacies v. American Home Products*, 962 F.2d 728,731 (7<sup>th</sup> Cir. 1992) & *Eastern Ky. Resources v. Fiscal Ct. of Magoffin*, 127 F.3d 532 (6<sup>th</sup> Cir. 1997). In summary, the Contract Act and the Practices Act would likely survive a "dormant" commerce clause challenge as currently written, and would be even more likely to survive a challenge if the suggested language were included in the definitions sections.

### III. CONCLUSION

Under equal protection clause analysis, litigating cattle and hog contractors and litigating producers would likely have standing to challenge the Contract Act and Practices Act, since they are similarly situated to their counterparts, and classified under both acts. Since none of the litigating parties are protected classes or have their fundamental rights harmed by the two acts, the acts are subjected only to a "rational basis" test under the equal protection clauses. Neither act provides clear indications of the Legislative intent regarding protections for cattle and hog contracts, but not other livestock contracts. However, there are several conceivable legitimate state interests that would be furthered by the requirements of the two acts. If these or other legitimate state interests were articulated by the text of the acts or their legislative history, we believe that both acts would survive an equal protection challenge by either set of litigating parties.

Your second question asked whether there is a commerce clause violation by the acts. Since neither act appears to favor in-state vs. out-of-state contractors, they are not overtly discriminatory. Both acts apply their provisions to cattle and hogs which are grown or cared for in this state. These acts apply to marketing and production contracts, and could be more clear on whether they impose requirements upon contracts between out-of-state producers and contractors. If a court construes the acts to cover out-of-state transactions, then the act's requirements would be impermissibly projected into other states. However, if the acts clearly applied only to contracts in Nebraska, they would not have extraterritorial reach. The acts are not discriminatory, do not appear to have extraterritorial reach and have benefits outweighing the incidental burdens upon interstate commerce. The acts would not violate the commerce clause.

Sincerely,  
DON STENBERG  
Attorney General  
(Signed) William R. Barger  
Assistant Attorney General

Clerk of the Legislature  
1-57-23

**ANNOUNCEMENT**

Senator Bruning designates LB 62 as his priority bill.

**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 for Cities Using Tax Increment Financing

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 23A.** 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 23, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

**MOTION - Withdraw LB 187**

Senator Byars renewed his pending motion, found on page 766, to withdraw LB 187.

The Byars motion to withdraw prevailed with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 163A.** 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 433.** Senator Suttle renewed the Wickersham-Suttle pending amendment, AM0666, found on page 775.

**SENATOR CUDABACK PRESIDING**

Senator Beutler 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 23 ayes, 7 nays, and 19 not voting.

Senator Chambers requested a roll call vote on the Wickersham-Suttle amendment.

Voting in the affirmative, 14:

Chambers	Connealy	Coordsen	Engel	Jensen
Kremer	Kruse	Pederson, D.	Preister	Raikes
Schimek	Suttle	Thompson	Wehrbein	

Voting in the negative, 26:

Aguilar	Baker	Bourne	Brashear	Bruning
Burling	Byars	Cunningham	Dierks	Erdman
Foley	Hilgert	Hudkins	Janssen	Jones
Landis	Maxwell	McDonald	Pedersen, Dw.	Price
Quandahl	Redfield	Schrock	Smith	Stuhr
Tyson				

Present and not voting, 2:

Brown	Cudaback
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Excused and not voting, 7:

Beutler	Bromm	Hartnett	Kristensen	Robak
Vrtiska	Wickersham			

The Wickersham-Suttle amendment lost with 14 ayes, 26 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA86

P. 4, line 10, strike "build"

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

FA87

Amend FA86

Strike the word "build" and insert the word "improve"

The Landis amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The Chambers amendment, as amended, was adopted with 27 ayes, 0 nays,

15 present and not voting, and 7 excused and not voting.

Senator Chambers moved to indefinitely postpone LB 433.

Senators Aguilar, Smith, and Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Robak moved the previous question. The question is, "Shall the debate now close?" The motion failed with 20 ayes, 2 nays, and 27 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Senator Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 8:

Chambers	Coordsen	Engel	Foley	Pederson, D.
Raikes	Robak	Wehrbein		

Voting in the negative, 33:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Connealy	Cunningham
Dierks	Erdman	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kruse	Landis
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson		

Present and not voting, 4:

Burling	Cudaback	Kremer	McDonald
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Excused and not voting, 4:

Beutler	Kristensen	Vrtiska	Wickersham
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The Chambers motion to indefinitely postpone failed with 8 ayes, 33 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Connealy	Cunningham
Erdman	Hartnett	Hilgert	Janssen	Kruse
Landis	Pedersen, Dw.	Preister	Price	Quandahl
Redfield	Schimek	Smith	Stuhr	Suttle
Thompson	Tyson			

Voting in the negative, 12:

Burling	Chambers	Coordsen	Engel	Foley
Kremer	McDonald	Pederson, D.	Raikes	Robak
Schrock	Wehrbein			

Present and not voting, 5:

Cudaback	Dierks	Jensen	Jones	Maxwell
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Excused and not voting, 5:

Beutler	Hudkins	Kristensen	Vrtiska	Wickersham
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Advanced to E & R for review with 27 ayes, 12 nays, 5 present and not voting, and 5 excused and not voting.

Senators McDonald and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 433A.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 5 nays, 12 present and not voting, and 6 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 419.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 484.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 730.** E & R amendment, AM7055, found on page 828, was adopted.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Aguilar	Baker	Brashear	Bromm	Brown
Burling	Byars	Chambers	Connealy	Coordsen
Cudaback	Dierks	Engel	Erdman	Hartnett

Janssen	Jensen	Kremer	Kristensen	Maxwell
Preister	Price	Quandahl	Raikes	Redfield
Smith	Stuhr	Suttle	Thompson	Tyson

Voting in the negative, 0.

Present and not voting, 14:

Bourne	Bruning	Cunningham	Foley	Hilgert
Jones	Kruse	Landis	Pedersen, Dw.	Pederson, D.
Robak	Schimek	Schrock	Wehrbein	

Excused and not voting, 5:

Beutler	Hudkins	McDonald	Vrtiska	Wickersham
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Advanced to E & R for engrossment with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 314.** E & R amendment, AM7058, found on page 829, was adopted.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Aguilar	Brashear	Brown	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Jensen	Kremer	Kristensen	Pedersen, Dw.
Preister	Price	Raikes	Redfield	Robak
Schrock	Smith	Stuhr	Suttle	Thompson

Voting in the negative, 0.

Present and not voting, 14:

Baker	Bourne	Bromm	Bruning	Janssen
Jones	Kruse	Landis	Maxwell	Pederson, D.
Quandahl	Schimek	Tyson	Wehrbein	

Excused and not voting, 5:

Beutler	Hudkins	McDonald	Vrtiska	Wickersham
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Advanced to E & R for engrossment with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 303.** E & R amendment, AM7059, found on page 832, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 303A.** Advanced to E & R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 505.** Title read. Considered.

Senator Wehrbein renewed the Wehrbein et al. pending amendment, AM0618, found on page 758.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wehrbein 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 review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

### SPEAKER KRISTENSEN PRESIDING

**LEGISLATIVE BILL 227.** Considered.

Senator Tyson renewed his pending amendment, AM0753, found on page 860.

Senators Erdman and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Tyson moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Tyson requested a roll call vote on his amendment.

Senator Thompson requested the roll call vote be taken in reverse order.

Voting in the affirmative, 22:

Baker	Bourne	Bromm	Coordsen	Cudaback
Cunningham	Erdman	Foley	Hartnett	Hilgert
Janssen	Jones	Kremer	Kristensen	McDonald



Pedersen, Dw. Pederson, D. Quandahl Robak Smith  
 Stuhr Tyson

Voting in the negative, 20:

Aguilar Brown Bruning Burling Byars  
 Chambers Connealy Dierks Hudkins Jensen  
 Kruse Landis Preister Price Raikes  
 Redfield Schimek Schrock Suttle Thompson

Present and not voting, 2:

Maxwell Wehrbein

Excused and not voting, 5:

Beutler Brashear Engel Vrtiska Wickersham

The Tyson amendment lost with 22 ayes, 20 nays, 2 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 Smith offered the following amendment:

AM0771

- 1 1. On page 2, line 10, after "environment" insert "by
- 2 prohibiting smoking in certain situations and".
- 3 2. On page 4, line 4, after "(5)" insert "No person
- 4 shall smoke in a vehicle if a child eighteen years of age or
- 5 younger is in the vehicle.
- 6 (6)".

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Smith requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Baker Bruning Connealy Foley Hilgert  
 Jones Kruse McDonald Pedersen, Dw. Quandahl  
 Robak Smith Tyson

Voting in the negative, 14:

Aguilar Bromm Chambers Cudaback Hudkins

Janssen	Kremer	Kristensen	Landis	Pederson, D.
Raikes	Redfield	Schimek	Thompson	

Present and not voting, 15:

Bourne	Brown	Burling	Byars	Coordsen
Cunningham	Hartnett	Jensen	Maxwell	Preister
Price	Schrock	Stuhr	Suttle	Wehrbein

Excused and not voting, 7:

Beutler	Brashear	Dierks	Engel	Erdman
Vrtiska	Wickersham			

The Smith amendment lost with 13 ayes, 14 nays, 15 present and not voting, and 7 excused and not voting.

Pending.

### **NOTICE OF COMMITTEE HEARINGS** **Transportation and Telecommunications**

Monday, March 12, 2001	1:15 PM
Motor Vehicle Industry Licensing Board	
Jess Hull	

(Signed) Curt Bromm, Chairperson

### **Agriculture**

Tuesday, March 13, 2001	1:30 PM
Dry Bean Commission	
Rodney Loose	
Jack Revelle	
Stephen Snyder	
Climate Assessment Response Committee	
John Erickson	
Roger Lempke	
Donald Wilhite	

(Signed) Merton L. Dierks, Chairperson

### **MESSAGE FROM THE GOVERNOR**

March 5, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 133, 182, 250, 269, and 300 were received in my office on March 1, 2001.

These bills were signed by me on March 5, 2001, and delivered to the Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

### STANDING COMMITTEE REPORTS Revenue

**LEGISLATIVE BILL 91.** Placed on General File as amended.

Standing Committee amendment to LB 91:

AM0766

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 77-4107, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-4107. (1) If the taxpayer fails either to meet the
- 5 required levels of employment or investment for the applicable
- 6 project by the end of the sixth year after the end of the year the
- 7 application was submitted for such project or to utilize such
- 8 project in a qualified business at employment and investment levels
- 9 at or above those required in the agreement for the entire
- 10 entitlement period, all or a portion of the incentives set forth in
- 11 the Employment and Investment Growth Act shall be recaptured or
- 12 disallowed.
- 13 (2) The recapture or disallowance shall be as follows:
- 14 (a) In the case of a taxpayer who failed to meet the
- 15 required levels within the required time period, all reduction in
- 16 the personal property tax because of the Employment and Investment
- 17 Growth Act shall be recaptured and any reduction in the corporate
- 18 income tax arising solely because of an election under subsection
- 19 (1) of section 77-4105 shall be deemed an underpayment of the
- 20 income tax for the year in which the election was exercised and
- 21 shall be immediately due and payable; and
- 22 (b) In the case of a taxpayer who has failed to maintain
- 23 the project at the required levels of employment and investment for
- 24 the entire entitlement period, any reduction in the personal
- 1 property tax, any refunds in tax allowed under subdivision (3)(a)
- 2 of section 77-4105, and any refunds or reduction in tax allowed
- 3 because of the use of a credit allowed under subsection (4) of
- 4 section 77-4105 shall be partially recaptured from either the
- 5 taxpayer or the owner of the improvement to real estate and any
- 6 carryovers of credits shall be partially disallowed. One-seventh
- 7 of the refunds, one-seventh of the reduction in personal property
- 8 tax, and one-seventh of the credits used shall be recaptured and

9 one-seventh of the remaining carryovers and the last remaining year  
10 of personal property tax exemption shall be disallowed for each  
11 year the taxpayer did not maintain such project at or above the  
12 required levels of employment or investment.

13 (3) Any refunds or reduction in tax due, to the extent  
14 required to be recaptured, shall be deemed to be an underpayment of  
15 the tax and shall be immediately due and payable.

16 When tax benefits were received in more than one year,  
17 the tax benefits received in the most recent year shall be  
18 recovered first and then the benefits received in earlier years up  
19 to the extent of the required recapture.

20 (4) When recapture occurs with regard to any partnership,  
21 limited liability company, subchapter S corporation, joint venture,  
22 or cooperative, the partnership, limited liability company,  
23 subchapter S corporation, joint venture, or cooperative shall be  
24 liable for payment of the required recapture.

25 (5) Any personal property tax that would have been due  
26 except for the exemption allowed under the Employment and  
27 Investment Growth Act, to the extent it becomes due under this  
1 section, shall be considered an underpayment of such tax and shall  
2 be immediately due and payable to the county or counties in which  
3 the property was located when exempted. All amounts received by a  
4 county under this section shall be allocated to each taxing unit  
5 levying taxes on tangible personal property in the county in the  
6 same proportion that the levy on tangible personal property of such  
7 taxing unit bears to the total levy of all of such taxing units.

8 ~~(5)~~ (6) Notwithstanding any other limitations contained  
9 in the laws of this state, collections of any taxes deemed to be  
10 underpayments by this section shall be allowed for a period of ten  
11 years after the signing of the agreement or three years after the  
12 end of the entitlement period, whichever is later.

13 ~~(6)~~ (7) Any amounts due under this section shall be  
14 recaptured notwithstanding other allowable credits and shall not be  
15 subsequently refunded under any provision of the Employment and  
16 Investment Growth Act unless the recapture was in error.

17 ~~(7)~~ (8) The recapture required by this section shall not  
18 occur if the failure to maintain the required levels of employment  
19 or investment was caused by an act of God or national emergency.

20 Sec. 4. Section 77-4112, Revised Statutes Supplement,  
21 2000, is amended to read:

22 77-4112. (1) The changes made in sections 77-4103 to  
23 77-4105 and 77-4107 by Laws 1988, LB 1234, shall become operative  
24 for all applications filed on and after January 1, 1988. For all  
25 applications filed prior to January 1, 1988, the provisions of the  
26 Employment and Investment Growth Act as they existed immediately  
27 prior to such date shall apply.

1 (2) Section 77-4113 and the changes made in section  
2 77-4104 by Laws 1996, LB 1290, shall become operative for all  
3 applications filed on or after May 1, 1996.

4 (3) The changes made in sections 77-4101 and 77-4103 by  
5 Laws 1999, LB 539, and section 77-4103.01 shall become operative  
6 for any taxpayer with an agreement in effect on or after January 1,  
7 1999. Such changes and section 77-4103.01 shall be applied on a  
8 consistent basis for determining benefits for tax years beginning,  
9 or deemed to begin, on and after January 1, 1999. For all benefit  
10 determinations in tax years beginning, or deemed to begin, prior to  
11 January 1, 1999, the provisions of the Employment and Investment  
12 Growth Act as they existed immediately prior to such date shall  
13 apply.

14 (4) The changes made in sections 77-4103, 77-4107, and  
15 77-4108, by this legislative bill shall become operative for all  
16 applications filed on or after the effective date of this act."

17 2. On page 5, line 9, strike "and" and show as stricken;  
18 strike beginning with "cooperative" in line 10 through the last  
19 comma in line 12; in lines 13 and 14 reinstate the stricken matter  
20 and strike the new matter; and in line 14 after "taxes" insert "  
21 and (d) any cooperative, including any cooperative exempt from  
22 taxes under section 521 of the Internal Revenue Code of 1986, as  
23 amended".

24 3. On page 6, line 27, strike "section" and insert  
25 "sections 77-4107 and"; and in line 28 strike "section 77-4103" and  
26 insert "sections 77-4103 and 77-4112".

27 4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 507.** Placed on General File as amended.

Standing Committee amendment to LB 507:

AM0765

1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. (1) By January 1, 2003, and every five years  
4 thereafter there shall be an audit to determine compliance with the  
5 Employment and Investment Growth Act, the Employment Expansion and  
6 Investment Incentive Act, the Nebraska Redevelopment Act, and the  
7 Quality Jobs Act. The Auditor of Public Accounts shall contract  
8 with a qualified independent firm to conduct the audit. The cost  
9 of the audit shall be paid from funds appropriated by the  
10 Legislature.

11 (2) The purpose of the audit is to examine information  
12 collected by the Department of Revenue and determine:

13 (a) The extent the data collected from the companies  
14 receiving benefits is verified;

15 (b) The extent to which the projects receiving benefits  
16 from the acts are in compliance with the law initially and  
17 throughout the entitlement period;

18 (c) Whether or not actions taken by the department to  
19 assure the requirements of the enabling act are complied with;

20 (d) Whether or not and to what extent new jobs are  
21 created or preexisting jobs are moved to a new location;

- 22 (e) Whether or not and to what extent the new jobs  
 23 created actually represent new employees or merely more hours;
- 24 (f) The quality of the new jobs created compared to the  
 1 average job in the state on the basis of pay, benefits, overtime,  
 2 and other working conditions;
- 3 (g) The industry or industries in which the new jobs are  
 4 created, by standard industrial code;
- 5 (h) The nature of the investments made, that is, by  
 6 category of spending, what is purchased by the companies that is  
 7 claimed as qualified investment;
- 8 (i) The new or increased output resulting from the  
 9 project; and
- 10 (j) The extent to which performance standards are  
 11 enforced.
- 12 (3) After the audit is conducted, and on or before  
 13 January 1, 2003, and every five years thereafter, the auditor shall  
 14 issue a report to the Legislature and Governor detailing the  
 15 results of the audit and any recommendations for change. The  
 16 report shall be presented using aggregated information and other  
 17 techniques so as not to reveal confidential information. The  
 18 report shall detail all assumptions, methods, or models that were  
 19 used in performing the analysis and shall report information by  
 20 industry group or expenditure category so that further analysis can  
 21 be performed. The auditor shall have access to all records of the  
 22 department with regard to the credits and refunds granted under the  
 23 acts and the companies receiving such credits and refunds. Such  
 24 records shall remain confidential in the hands of the firm  
 25 conducting the audit and shall not be revealed to any person that  
 26 is not employed by the department or the firm conducting the audit.
- 27 No officer or employee of the firm conducting the audit shall  
 1 disclose any information to any other person that is protected by  
 2 state or federal confidentiality laws.
- 3 (4) Confidential tax returns and return information shall  
 4 be examined only on the premises of the department and shall be  
 5 stored in a secure place. Any person who violates subsection (3)  
 6 of this section or this subsection shall be guilty of a Class IV  
 7 felony and, in the discretion of the court, may be assessed the  
 8 costs of prosecution."

(Signed) William R. Wickersham, Chairperson

### Education

**LEGISLATIVE BILL 759.** Placed on General File as amended.  
 Standing Committee amendment to LB 759:  
 AM0706

- 1 1. On page 2, line 21, strike "and"; and in line 23  
 2 after "systems" insert ""; and (h) both public and nonpublic  
 3 programs which meet recognized standards of quality can address the

- 4 growth, development, and learning needs of young children".  
 5 2. On page 3, line 9, strike "79-1103" and insert  
 6 "79-1104"; in line 10 after "any" insert "prekindergarten"; and in  
 7 line 27 after "units" insert "working in cooperation with existing  
 8 nonpublic programs which meet the requirements of subsection (2) of  
 9 section 79-1104".  
 10 3. On page 4, line 19, after "subsection" insert "and  
 11 nonpublic programs which meet the requirements of subsection (2) of  
 12 section 79-1104".  
 13 4. On page 7, line 1, strike "preschool", show as  
 14 stricken, and insert "prekindergarten"; in line 11 strike  
 15 "Preschool" and insert "Prekindergarten"; and strike beginning with  
 16 "teaching" in line 23 through "programs" in line 28 and insert  
 17 "teachers and administrators in prekindergarten programs  
 18 established pursuant to this section shall hold a valid certificate  
 19 or permit issued pursuant to sections 79-806 to 79-816".  
 20 5. On page 8, line 1, strike "training and".

(Signed) Ron Raikes, Chairperson

### **Appropriations/Health and Human Services**

**LEGISLATIVE BILL 692.** Placed on General File as amended.  
 (Standing Committee amendment, AM0781, may be found in the Bill  
 Books. The amendment has been printed separately and is on file in the Bill  
 Room - Room 1102.)

(Signed) Roger R. Wehrbein, Chairperson

(Signed) Jim Jensen, Chairperson

### **Business and Labor**

**LEGISLATIVE BILL 220.** Indefinitely postponed.  
**LEGISLATIVE BILL 637.** Indefinitely postponed.  
**LEGISLATIVE BILL 665.** Indefinitely postponed.

(Signed) Matt Connealy, Chairperson

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

**LEGISLATIVE BILL 163A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 92A.** 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 92, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

**LEGISLATIVE BILL 154A.** 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 154, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 451A.** 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 451, Ninety-seventh Legislature, First Session, 2001.

**AMENDMENTS - Print in Journal**

Senator Schrock filed the following amendment to LB 329:  
(Amendment, AM0764, 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 96:  
AM0804

- 1 1. On page 3, strike beginning with "to" in line 11
- 2 through "million" in line 12 and insert "exceed".

Senator Beutler filed the following amendment to LB 368:  
AM0803

- 1 1. Strike section 3 and insert the following new
- 2 section:
- 3 "Sec. 3. Section 80-411, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 80-411. (1) The University of Nebraska, the state
- 6 colleges, and the community colleges shall waive all tuition on
- 7 behalf of a dependent of a veteran pursuant to this section. A
- 8 person shall be eligible for the waiver if he or she meets the
- 9 following requirements:
- 10 (a) He or she is a resident of this state and meets the
- 11 appropriate institution's requirements for establishing residency
- 12 for the purpose of paying instate tuition;
- 13 (b) He or she has a parent, stepparent, or spouse who was
- 14 a member of the armed forces of the United States and who:
- 15 (i) Died of a service-connected disability; ~~in World War~~
- 16 ~~I as defined in section 80-401.01;~~
- 17 (ii) Died of a ~~service-connected disability on December~~
- 18 ~~7, 1941, or subsequently until such future date as determined by~~



19 the Legislature;

20 (iii) Died subsequent to discharge as a result of injury  
21 or illness sustained while a member of the armed forces which may  
22 or may not have resulted in total disability;

23 (iv) (iii) Is permanently and totally disabled as a  
24 result of military service, ~~during such periods~~. Permanent and  
1 total disability does not include total ratings or other temporary  
2 ratings except total ratings based on individual unemployability if  
3 permanent; or

4 (v) (iv) While a member of the armed forces of the United  
5 States, is classified as missing in action or as a prisoner of war  
6 during armed hostilities; ~~and after August 4, 1964; and~~

7 (c) If he or she is a child or stepchild of a person  
8 described in subdivision (1)(b) of this section, he or she is under  
9 the age of twenty-six years unless he or she serves on active duty  
10 with the armed forces after his or her eighteenth birthday but  
11 before his or her twenty-sixth birthday, in which case such period  
12 shall end five years after his or her first discharge or release  
13 from such duty with the armed forces, but in no event shall such  
14 period be extended beyond the thirty-first birthday.

15 (2) An application for a waiver shall be submitted  
16 through one of the recognized veterans organizations or any county  
17 service officer on a form to be prescribed by the Director of  
18 Veterans' Affairs. The organization or county service officer  
19 shall thoroughly investigate to determine if the applicant is  
20 eligible for the waiver and transmit a recommendation for action on  
21 the application to the director.

22 (3) If the director determines that the applicant is  
23 eligible for the waiver, the director shall so certify to the  
24 institution in which the applicant desires to enroll. The decision  
25 of the director shall, in the absence of fraud or misrepresentation  
26 on the part of the applicant, be final and shall be binding upon  
27 the applicant and upon the institutions specified in this section.

1 The director shall adopt and promulgate reasonable rules and  
2 regulations for the administration of this section.

3 (4) The waiver shall be valid for one degree, diploma, or  
4 certificate from a community college and one baccalaureate degree.  
5 Receipt of such degree, diploma, or certificate from a community  
6 college shall precede receipt of such baccalaureate degree.".

7 2. On page 8, strike beginning with "such" in line 19  
8 through "hostilities" in line 20, show as stricken, and insert "May  
9 7, 1975".

Senator Hartnett filed the following amendment to LB 483:

FA88

On page 2, line 20 strike "property" and reinsert the original stricken language.

Senator Byars filed the following amendment to LB 191A:  
AM0822

- 1 1. Strike lines 8 through 10 and insert the following:
- 2 "Total expenditures for permanent and temporary salaries
- 3 and per diems from funds appropriated in this section shall not
- 4 exceed \$56,012 for FY2001-02 or \$33,616 for FY2002-03."

Senator Landis filed the following amendment to LB 52:  
AM0805

(Amendments to E & R amendments, AM7064)

- 1 1. On page 2, line 1, strike "or" and insert "of"; in
- 2 line 4 after "(4)" insert "Department means the Department of
- 3 Insurance;
- 4 (5)"; in line 5 strike "(5)" and insert "(6)"; and in
- 5 line 17 strike "(6)" and insert "(7)".
- 6 2. On page 4, line 26, strike "(7)" and insert "(8)".
- 7 3. On page 5, line 2, strike "(8)" and insert "(9)"; in
- 8 line 7 strike "(9)" and insert "(10)"; in line 19 strike "(10)" and
- 9 insert "(11)"; in line 24 strike "(11)" and insert "(12)"; and in
- 10 line 27 strike "(12)" and insert "(13)".
- 11 4. On page 6, line 16, strike "(13)" and insert "(14)".
- 12 5. On page 7, line 4, strike "(14)" and insert "(15)".
- 13 6. On page 7, line 27; page 8, line 14; page 9, line 5;
- 14 and page 13, line 10, strike "amended" and insert "the act existed
- 15 on the operative date of this section".
- 16 7. On page 8, line 2, strike "(15)" and insert "(16)";
- 17 in line 18 strike "(16)" and insert "(17)"; and in line 21 strike
- 18 "(17)" and insert "(18)".
- 19 8. On page 11, line 23, strike "involved by the license
- 20 applied for" and insert "for which application for a license is
- 21 made"; and in line 26 strike "for which the license is applied for"
- 22 and insert "for which application for a license is made".
- 23 9. On page 13, lines 15 and 16; page 40, line 22; and
- 1 page 45, lines 18 and 19, strike "Department of Insurance" and
- 2 insert "department".
- 3 10. On page 16, line 23, after the second comma insert
- 4 "employees".
- 5 11. On page 21, lines 2, 5, and 25, after the second
- 6 comma insert "communications".
- 7 12. On page 22, line 2, strike "or" and insert
- 8 "communications, or other"; and in line 8 after the second comma
- 9 insert "communications".
- 10 13. On page 26, strike lines 24 through 27.
- 11 14. On page 27, strike line 1; in line 2 strike "(g)"
- 12 and insert "(f)"; in line 7 strike "(h)" and insert "(g)"; and in
- 13 line 11 strike "(i)" and insert "(h)".
- 14 15. On page 32, strike beginning with "within" in line
- 15 20 through "act" in line 21; and in line 25 strike "Contracts" and
- 16 insert "Contacts".
- 17 16. On page 34, line 1, before the semicolon insert "

18 as such section existed on the operative date of this section"; and  
 19 in line 3 strike the second "or" and insert "and".  
 20 17. On page 49, line 22, after "state" insert "on or  
 21 before the operative date of this section,".  
 22 18. On page 60, line 26, before the semicolon insert ",  
 23 as the act existed on the operative date of this section".

Senator Smith filed the following amendment to LB 428:  
 AM0608

1 1. On page 8, after line 13 insert the following new  
 2 subsection:  
 3 "(5) No candidate who was defeated at the preceding  
 4 primary or general election by the trustee who is the subject of  
 5 the recall petition shall be eligible to fill a vacancy resulting  
 6 from the removal of a trustee due to the recall petition.".  
 7 2. On page 16, after line 7 insert the following new  
 8 subsection:  
 9 "(6) No candidate who was defeated at the preceding  
 10 primary or general election by the official who is the subject of  
 11 the recall petition shall be eligible to fill the vacancy resulting  
 12 from the removal of the official due to the recall petition.".

Senator Beutler filed the following amendment to LB 10:  
 AM0817

(Amendments to E & R amendments, AM7056)

1 1. On page 1, lines 23 and 24, strike the new matter and  
 2 insert "a location determined by the board. The offices shall not  
 3 be relocated unless the county board provides public notice and a  
 4 hearing on the issue under sections 84-1408 to 84-1414 and  
 5 specifically puts the issue on the agenda in the notice published  
 6 pursuant to section 84-1411."; and in line 24 strike "the" and show  
 7 as stricken.  
 8 2. On page 2, lines 1 and 2, strike the old matter and  
 9 show as stricken and strike the new matter.

Senators Thompson, Dw. Pedersen, Connealy, Hudkins, Hartnett, and  
 Bromm filed the following amendment to LB 142:  
 AM0761

(Amendments to Standing Committee amendments, AM0226)

1 1. On page 5, line 26, after "hearing" insert "in each  
 2 county and municipality involved".  
 3 2. On page 6, line 3, after the period insert "The  
 4 report shall specify the basis for the conclusion that the creation  
 5 of a municipal county is not in the public interest, shall identify  
 6 governmental services, if any, that should be consolidated, and  
 7 shall recommend the consolidation of the services through the use  
 8 of interlocal agreements or through the election process as set  
 9 forth in section 9 of this act. If the commission recommends the  
 10 consolidation of services through the election process, the

11 commission shall also prepare a plan and hold public hearings for  
 12 consolidation of services in accordance with sections 1 to 16 of  
 13 this act."; and in line 4 strike "do so" and insert "create a  
 14 municipal county".

15 3. Insert the following new amendment:

16 "2. On page 3, strike beginning with 'The' in line 2  
 17 through the period in line 6 and insert The commission shall have  
 18 no less than nine members and no more than fifteen members  
 19 representing the counties and municipalities involved, selected by  
 20 the governing bodies. Representation on the commission shall be  
 21 prorated based upon population of the counties and municipalities  
 22 involved, except that (a) each county and municipality involved  
 23 shall have at least one representative appointed by its respective  
 1 governing body and (b) not more than forty percent of the total  
 2 membership shall be public officials.'".

3 4. Renumber the remaining amendments accordingly.

Senator Schimek filed the following amendment to LB 142:  
 (Amendment, AM0749, may be found in the Bill Books. The amendment  
 has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Coordsen filed the following amendment to LB 329:  
 AM0828

(Amendments to E & R amendments, AM7053)

1 1. Insert the following new sections:  
 2 "Sec. 2. Section 14-109, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 14-109. The council shall have power to tax for revenue,  
 5 license, and regulate pawnbrokers, peddlers, auctioneers, brokers,  
 6 hawkers, commission merchants, showmen, jugglers, innkeepers,  
 7 liquor dealers, toll bridges, ferries, insurance, telegraph and  
 8 express companies, and vendors of patents. Such tax may include  
 9 both a tax for revenue and license. If the applicant is an  
 10 individual, an application for a license shall include the  
 11 applicant's social security number. The city council shall have  
 12 power to raise revenue by levying and collecting a tax on any  
 13 occupation or business within the limits of the city and regulate  
 14 the same by ordinance. All such taxes shall be uniform in respect  
 15 to the class upon which they are imposed. A license or occupation  
 16 tax imposed under this section shall not exceed five and  
 17 three-quarters percent of the gross receipts of such occupation or  
 18 business at locations within the city. All scientific and literary  
 19 lectures and entertainments shall be exempt from taxation, as well  
 20 as concerts and all other musical entertainments given exclusively  
 21 by the citizens of the city. It shall be the duty of the city  
 22 clerk to deliver to the city treasurer the certified copy of the  
 23 ordinance levying such tax, and the city clerk shall append thereto  
 1 a warrant requiring the city treasurer to collect such tax. The  
 2 city council shall also have power to require any person, firm, or

3 corporation owning or using any vehicle in a city of the  
4 metropolitan class annually to register such vehicle in such manner  
5 as may be provided and to require such person to pay an annual  
6 registration fee therefor and to require the payment of  
7 registration fees upon the change of ownership of such vehicle.  
8 All registration fees which may be thus provided for shall be  
9 credited to a separate fund of the city, thereby created, to be  
10 used exclusively for the repairing of streets in such city. No  
11 registration fee shall be required where a vehicle is used but  
12 temporarily in such city for a period of not more than one week.

13 Sec. 4. Section 15-203, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 15-203. A city of the primary class shall have power to  
16 raise revenue by levying and collecting a license or occupation tax  
17 on any person, partnership, limited liability company, corporation,  
18 or business within the limits of the city and regulate the same by  
19 ordinance except as otherwise provided in this section and in  
20 section 15-212. All such taxes shall be uniform in respect to the  
21 class upon which they are imposed. A license or occupation tax  
22 imposed under this section shall not exceed five and three-quarters  
23 percent of the gross receipts of such person, partnership, limited  
24 liability company, corporation, or business at locations within the  
25 city. All scientific and literary lectures and entertainments  
26 shall be exempt from such taxation as well as concerts and all  
27 other musical entertainments given exclusively by the citizens of  
1 the city.

2 Sec. 5. Section 16-205, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 16-205. A city of the first class may raise revenue by  
5 levying and collecting a license or occupation tax on any person,  
6 partnership, limited liability company, corporation, or business  
7 within the limits of the city and to regulate same by ordinance.  
8 All such taxes shall be uniform in respect to the class upon which  
9 they are imposed. A license or occupation tax imposed under this  
10 section shall not exceed five and three-quarters percent of the  
11 gross receipts of such person, partnership, limited liability  
12 company, corporation, or business at locations within the city.  
13 All scientific and literary lectures and entertainments shall be  
14 exempt from such taxation as well as concerts and all other musical  
15 entertainments given exclusively by the citizens of the city.

16 Sec. 6. Section 17-525, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 17-525. Second-class cities and villages shall have  
19 power to raise revenue by levying and collecting a license tax on  
20 any occupation or business within the limits of the city or  
21 village, and regulate the same by ordinance. All such taxes shall  
22 be uniform in respect to the classes upon which they are imposed,  
23 A license or occupation tax imposed under this section shall not  
24 exceed five and three-quarters percent of the gross receipts of

25 such business at locations within the city or village. All ;  
26 PROVIDED, all scientific and literary lectures and entertainments  
27 shall be exempt from such taxation, as well as concerts and other  
1 musical entertainments given exclusively by the citizens of the  
2 city or village.

3 Sec. 7. Section 19-4018, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 19-4018. Pursuant to ~~sections 19-4015 to 19-4038~~ the  
6 Business Improvement District Act cities of the metropolitan,  
7 primary, first, or second class may impose (1) a special assessment  
8 upon the property within a business improvement district in the  
9 city or (2) a general business license and occupation tax on  
10 businesses and users of space within a business improvement  
11 district. A general business license or occupation tax imposed  
12 under this section shall not exceed five and three-quarters percent  
13 of the gross receipts of such business or user of space at such  
14 location. The proceeds or other available funds may be used for  
15 the purposes stated in section 19-4019.

16 Sec. 8. (1) Beginning October 1, 2001, the power to levy  
17 an occupation tax granted by sections 14-109, 15-202, 15-203,  
18 16-205, 17-525, and 19-4018 shall not be exercised unless and until  
19 the question has been submitted at a primary, general, or special  
20 election held within the incorporated municipality and in which all  
21 registered voters shall be entitled to vote on such question. The  
22 governing body of the incorporated municipality shall order the  
23 submission of the question by submitting a certified copy of the  
24 resolution proposing the tax to the election commissioner or county  
25 clerk not later than forty-one days before the primary or general  
26 election, or within thirty days before a special election. The  
27 question may include any terms and conditions set forth in the  
1 resolution proposing the tax, such as a termination date or the  
2 specific project or program for which the revenue received from  
3 such tax will be allocated, and shall include the following  
4 language: Shall the governing body of the incorporated municipality  
5 impose an occupation tax within such municipality? If a majority  
6 of the votes cast upon the question are in favor of the tax, then  
7 the governing body of the incorporated municipality shall be  
8 empowered as provided by section 14-109, 15-202, 15-203, 16-205,  
9 17-525, or 19-4018 and shall forthwith proceed to impose an  
10 occupation tax as provided by law. If a majority of those voting  
11 on the question are opposed to the tax, then the governing body of  
12 the incorporated municipality shall not impose the tax.

13 (2) Beginning October 1, 2001, a municipality may only  
14 increase an occupation tax levied under section 14-109, 15-202,  
15 15-203, 16-205, 17-525, or 19-4018 existing on October 1, 2001, if  
16 the question of the tax increase is submitted to the registered  
17 voters of the city or village and the registered voters by a  
18 majority vote approve the increase. The question of the increase  
19 shall be submitted to the registered voters at any primary or

20 general election or at a special election if the governing body  
21 submits a certified copy of a resolution proposing the tax increase  
22 to the election commissioner or county clerk within a reasonable  
23 time prior to the primary, general, or special election. If a  
24 majority of the votes cast upon the question are in favor of  
25 increasing the tax, then the governing body of the incorporated  
26 municipality shall be empowered as provided by section 14-109,  
27 15-202, 15-203, 16-205, 17-525, or 19-4018 and shall forthwith  
1 proceed to increase the occupation tax as provided by law. If a  
2 majority of those voting on the question are opposed to the  
3 increase, then the governing body of the incorporated municipality  
4 shall not increase the tax.  
5 (3) Whenever, at least forty-five days prior to any city,  
6 county, or state election, the registered voters of any  
7 municipality, equal in number to ten percent of the votes cast at  
8 the last preceding municipal election, petition the governing body  
9 to submit the question of imposing or increasing an occupation tax  
10 under section 14-109, 15-202, 15-203, 16-205, 17-525, or 19-4018,  
11 it shall be the duty of the governing body to submit the question  
12 at the next primary, general, or special election.  
13 (4) The question of imposing or increasing an occupation  
14 tax under section 14-109, 15-202, 15-203, 16-205, 17-525, or  
15 19-4018 which has been submitted to the registered voters and  
16 failed shall not be submitted to the registered voters of an  
17 incorporated municipality again until twenty-three months after  
18 such failure.  
19 (5) The governing body shall give notice of the  
20 submission of the question of imposing or increasing an occupation  
21 tax not more than thirty days nor less than ten days before the  
22 election, by publication one time in one or more newspapers  
23 published in or of general circulation in the municipality in which  
24 the question is to be submitted. The notice shall be in addition  
25 to any other notice required under the Election Act."  
26 2. On page 4, line 27, after the period insert "Any such  
27 occupation tax imposed under this section shall not exceed five and  
1 three-fourths percent of the gross receipts of such public service  
2 company from locations within the city."  
3 3. On page 5, line 1, strike "section 15-202" and insert  
4 "sections 14-109, 15-202, 15-203, 16-205, 17-525, and 19-4018".  
5 4. Renumber the remaining sections accordingly.

**ATTORNEY GENERAL'S OPINION**Opinion #01008

DATE: March 1, 2001

SUBJECT: LB 101; Whether Health Insurance Coverages And Premiums Are "Compensation" Within The Restrictions Of Art. III, § 19 Of The Nebraska Constitution.

REQUESTED BY: Senator Mark Quandahl  
Nebraska State Legislature

Senator D. Paul Hartnett  
Nebraska State Legislature

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

LB 101 is a legislative bill relating to metropolitan utilities districts in Nebraska. Among other things, the bill would allow a metropolitan utilities district to treat members of its board of directors as employees of the district for purposes of participation in various health insurance programs. The pertinent portions of the bill specifically amend Neb. Rev. Stat. § 14-2104 to add a new section (3) as follows:

Members of the board of directors [of a metropolitan utilities district] may be considered employees of the district for purposes of participation in medical and dental plans of insurance offered to regular employees. The dollar amount of any health insurance premiums paid from the funds of the district for the benefit of a member of the board of directors may be in addition to the amount of compensation authorized to be paid to such director pursuant to this section.

You have both asked similar questions regarding the constitutionality of LB 101 under art. III, § 19 of the Nebraska Constitution. Consequently, we will respond to all of your questions in the same opinion.

Art. III, § 19 of the Nebraska Constitution provides, as is pertinent:

The Legislature shall never grant any extra compensation to any public officer, agent or servant after the services have been rendered . . . nor shall the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, be increased or diminished during his 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.



Art. III, § 19 apparently applies to the activities of local governmental subdivisions. *See Shepoka v. Knopik*, 201 Neb. 780, 272 N.W.2d 364 (1978)(Holding that the constitutional prohibition on increasing or decreasing the compensation of a public officer during his term of office was not violated when a county board passed a resolution granting cost of living salary increases to county officers over their term of office).

### INQUIRIES FROM SENATOR QUANDAHL

In your opinion request letter, you make the following comments with respect to LB 101:

As with all insurance matters, there is much uncertainty about the premiums charged, the myriad of plan offerings, benefits provided, availability of coverage and necessity of coverage. I feel that it is very likely that an increase or diminishment of all of these factors would occur during the term of office of a member of [a metropolitan utilities] board of directors. This would make it not only possible, but also probable, that members would not be receiving equal compensation for their service.

You then pose three questions to us regarding LB 101 which we will consider separately below.

**Question 1. Does the inclusion of a section allowing members to be considered employees of a district for purposes of participation in medical and dental plans of insurance, and which, in addition allows health insurance premiums to be paid from district funds violate the Nebraska Constitution? (Article III, section 19)**

There is nothing on the face of art. III, § 19 of the Nebraska Constitution which would flatly prohibit a metropolitan utilities district from allowing members of its board of directors to participate in health and dental insurance plans and from paying premiums for that coverage from district funds. However, as you point out, the parameters of health and dental insurance coverages available to employees of organizations often change with the implementation of new coverage options, new deductibles, different premiums, and so forth. Those changes, should they occur during an officer's term of office, implicate that portion of art. III, § 19 which prohibits increasing or decreasing an officer's compensation during his or her term, and presumably form the basis for your initial query.

It appears to us that the threshold question with respect to your first inquiry is whether health and dental insurance coverages along with premiums for those coverages can be considered as "compensation" which is included within

the restrictions of art. III, § 19 in addition to the obvious compensation made up of an officer's salary. The answer to that question is not entirely clear.

The term "compensation" is not defined in the Nebraska Constitution, and we are aware of no Nebraska cases which define that term directly in the context of art. III, § 19. Authority from other jurisdictions also offers little assistance, since there are cases which indicate both that health insurance is and health insurance is not "compensation" for purposes of state constitutional provisions which prohibit increasing or decreasing an officer's compensation during his or her term of office. *Compare Caldwell County Fiscal Court v. Paris*, 945 S.W.2d 952 (Ky. Ct. App. 1997)(Holding that provision for health insurance under group policy covering county officials and employees did not constitute payment of compensation for purposes of state constitutional articles which prohibited changes in the compensation of public officers after their election) *with Opinion By The Justices*, 30 S.2d 14, 249 Ala. 88 (1947)(Holding that benefits from group insurance may be considered as some compensation so that officers who had a fixed and unexpired term would not be entitled to those benefits under state constitutional provisions.)

In the face of such uncertainty, we believe that it is useful to consider the intent of the framers of the constitutional provision at issue. Our supreme court has indicated that the Nebraska Constitution is to be interpreted with reference to the established laws, usages, and customs of the country at the time of its adoption, and historical facts in connection with a constitutional amendment may be used to interpret the meaning of that amendment. *Duggan v. Beermann*, 249 Neb. 411, 544 N.W.2d 68 (1996); *Dwyer v. Omaha-Douglas Public Building Commission*, 188 Neb. 30, 195 N.W.2d 236 (1972). The Nebraska Supreme Court has also indicated that the intent and understanding of the framers of the constitution and the people who adopted it as expressed in the instrument is the principal inquiry in construing it. *State ex rel. State Railway Commission v. Ramsey*, 151 Neb. 333, 37 N.W.2d 502 (1949). To assist in that inquiry, courts may consider the proceedings of the constitutional convention at which a section under consideration was adopted, including the reports of committees, debates and colloquies between members. *State ex rel. Johnson v. Marsh*, 149 Neb. 1, 29 N.W.2d 799 (1947).

The provision in the Nebraska Constitution dealing with increasing or decreasing the compensation of public officers during their term of office has been in the Nebraska Constitution since at least 1875. Nebraska Constitution of 1875, art. III, § 16. It was amended as a result of the state Constitutional Convention in 1919-1920 to apply to any public officer including those officers whose compensation is fixed by the Legislature, and the discussions and events of that constitutional convention are instructive.

The amendment to the Nebraska Constitution at issue was brought before the convention as Proposal No. 71. During debate on the proposal, one of the delegates stated:

The purpose of these amendments to the Constitution is to extend that prohibition in the former Constitution to other officers than Constitutional officers. That is the only change that has been made. The courts have decided in this matter that this Constitutional provision only applied so far as public officers were concerned to Constitutional officers. That has been known by all those who have been in the Legislature for years, that the county officers and other officers whose *salary* is being fixed from time to time by the Legislature have formed in this state a very close connection. Prior to the convening of every Legislature for practically the last fifteen years these men have met in Lincoln, or some other central place in the state, and have delegated to certain members authority to appear before the Legislature as a lobby, their object being since they are elected to try and get the Legislature to raise their *salaries*. This works out in this way: It does not give them all an equal opportunity along this line. Those who have the best lobby here and who, perhaps, are the least worthy of a raise in *salary* are the ones who get their *salary* raised. Others, perhaps, who ought to have their *salaries* raised, fail because they do not have a sufficient lobby, or do not have the right members of the Legislature upon their side. I say it is a straight business proposition that when a man is elected to office, while his *salary*, perhaps, should be raised, yet I think that that man is not the man to say his *salary* should be increased. I think the Legislature should be relieved of a lobby here year after year with no other purpose except to get the Legislature to continually raise these *salaries*.

Proceedings of the Nebraska Constitutional Convention, 1919-1920, p. 2199 (Remarks of Mr. Byrum) (emphasis added). In addition, when the constitution was presented to the people of Nebraska after the constitutional convention in 1919-1920, an Address to the People was prepared by the convention which explained the various changes proposed for the state constitution. The purpose for the changes in the section that ultimately became art. III, § 19 was explained as follows:

Amended Section 16, submitted as No. 10 on the ballot, extends the provision of the old section so that 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, including any officer whose compensation is fixed by the Legislature. *The purpose of this amendment is to prevent the increase of the salary of a public official during his term of office and to prevent or discourage lobbying in favor of increase of salary.*

Proceedings of the Nebraska Constitutional Convention, 1919-1920, p. 2842  
(emphasis added).

As a result, the focus of the Constitutional Convention in 1919-1920 with respect to art. III, § 19, was the *salaries* of public officers, and that is what was presented to the people of the state when they voted on and approved that constitutional amendment. For that reason, we believe that "compensation," as it is used in art. III, § 19, refers to the salaries of public officers, and not to additional benefits such as health and dental insurance or the premiums for such items which are normally separate and apart from an officer's salary.

Our conclusion with respect to the meaning of "compensation" in art. III, § 19 and the nature of health insurance benefits is also consistent with the purposes underlying that constitutional provision. Art. III, § 19 ". . . was designed to protect the individual officer against legislative oppression, and further, to curb the activities of public officers in lobbying to induce the Legislature to increase salaries." *Ramsey v. Gage County*, 153 Neb. 24, 32, 43 N.W.2d 593, 597 (1950). Art. III, § 19 aids in the separation of powers and ". . . is one of the oldest of the 'checks and balances' provided in the federal Constitution and in the Constitutions of most, if not all, of the states." *State ex rel. Johnson v. Marsh*, 149 Neb. 1, 6, 29 N.W.2d 799, 802 (1947). Allowing public officers to participate in health insurance plans on the same basis as public employees as is contemplated by LB 101 would result in a situation where any changes in coverage, premiums, and so forth similar to those described in your opinion request would presumably be experienced by public officers and public employees on the same basis. It is difficult to understand, under those circumstances, how changes in dental and health coverages could be used as a means of legislative oppression against individual officers, since officers and employees would be treated alike. It is also difficult to understand how changes in those coverages under those circumstances would lead to increased lobbying for more individual benefits for public officers.

We would point out, however, that our conclusion regarding the nature of "compensation" under art. III, § 19 might be somewhat different if changes in health insurance benefits or premium changes were directed against or to one particular officer or group of officers for obvious retaliatory reasons or to increase the salaries of those individuals alone. In *Caldwell County Fiscal Court v. Paris*, 945 S.W.2d 952 (Ky. Ct. App. 1997), the Kentucky Court of Appeals held that providing health insurance under a group policy covering county officials and employees did not constitute payment of compensation for purposes of state constitutional articles which prohibited changes in the compensation of public officers after their election. However, the court also stated:

It should be understood that we are not holding that the payment of a "fringe benefit" to a public official can never amount to "compensation" under the constitution. If, for example, some scheme were devised to raise the salary of a particular official through the subterfuge of paying certain

benefits for him not uniformly available to similarly situated officials, that scheme would not likely pass constitutional muster.

*Id.* at 955. We believe that similar reasoning applies to health insurance benefits under art. III, § 19.

We are aware of the fact that the Nebraska Supreme Court has indicated that pensions for public employees are a form of compensation under art. III, § 19. *Wilson v. Marsh*, 162 Neb. 237, 75 N.W.2d 723(1956). *See also Halpin v. The Nebraska State Patrolmen's Retirement System*, 211 Neb. 892, 320 N.W.2d 910 (1982)(Stating that pension payments constitute deferred compensation for services rendered.) Those cases obviously could be used to support the argument that health insurance coverages and premiums are a form of fringe benefit similar to pensions, and for that reason, are compensation under art. III, § 19. However, we believe that the pension cases are distinguishable from the present situation involving health insurance coverages and premiums primarily because pensions are much more closely related to salary than are health insurance benefits. In essence, pensions may be characterized as a form of salary which is deferred. As noted in *Gossman v. State Employees Retirement System*, 177 Neb. 326, 331, 129 N.W.2d 97, 101 (1964):

The benefit of the retirement system awarded to a member thereof who renders services under the act creating the system after its enactment is not a grant of extra compensation after the services are rendered which the Constitution condemns because the *increase in pay* is granted immediately and from the date of the grant is being currently earned.

(Original emphasis deleted and additional emphasis added). Similarly, in the *Wilson* case the court quoted *State ex rel. Sena v. Trujillo*, 46 N.M. 361, 129 P.2d 329 (1942): "Pensions' for state employees are *pay withheld* . . ." 162 Neb. at 254, 75 N.W.2d at 733 (Emphasis added). In our view, since pensions may be considered as deferred salary, they fall under art. III, § 19, while health insurance benefits and premiums do not.

Finally, we would take note of our Opinion No. 246, dated August 2, 1976, in which we concluded that a county board could not change the health insurance provided to an elected county official during his term of office from family coverage to single coverage based upon art. III, § 19. 1975-76 Rep. Att'y Gen. 353 (Opinion No. 246, dated August 2, 1976). That opinion did not discuss the Constitutional Convention of 1919-1920 or any other relevant authorities pertaining to art. III, § 19, and to the extent that it conflicts with this opinion, we believe that it is incorrect.

In sum, it seems to us that health and dental insurance coverages and premiums paid for those benefits are not "compensation" subject to the strictures of art. III, § 19 of the Nebraska Constitution, when, as is the case with

LB 101, the officers receiving those benefits are treated uniformly with other officers and employees of the agency providing the benefits. Under those circumstances, health and dental insurance coverages and the premiums for those benefits are not part of the "salary" of those public officials.

**Question 2. If all members of a board do not uniformly participate in medical and dental plans of insurance, would that violate any provisions of the Nebraska Constitution, including the equal protection clause?**

The equal protection provisions of the state and federal constitutions generally prohibit improper disparate treatment or improper classifications of people who are otherwise similarly situated. As a result, the initial inquiry in any equal protection analysis focuses on whether there is a classification involved in government action where one individual is treated differently than others in the same situation. *Gramercy Hill Enterprises v. State of Nebraska*, 255 Neb. 717, 587 N.W.2d 378 (1998). Absent such disparate treatment or classification, there is no equal protection claim. *Id.*

We are not entirely sure what classifications of board members are at issue in your second question, since it appears to us that all members of a metropolitan utilities district board would be offered the same opportunities for health insurance and dental coverages under LB 101, and any differences in participation would result from the individual choices of the directors involved. However, to the extent that there are classifications inherent in that bill which might be subject to equal protection challenge, "[t]he general rule is that legislation is presumed to be valid and will be sustained if the classification drawn by the statute is rationally related to a legitimate state interest." *Robotham v. State*, 241 Neb. 379, 385, 488 N.W.2d 533, 539 (1992). There are two exceptions to that rule involving "suspect classifications" based upon race, age, national origin, etc., and involving classifications pertaining to fundamental rights. *Clements v. Fashing*, 457 U.S. 957 (1982); *Robotham v. State, supra*. To sustain the constitutional validity of classifications in those latter areas, there must be a showing of a compelling state interest. *Robotham v. State, supra*.

In the present instance, we are not aware of any suspect classifications or fundamental rights implicated by LB 101. Therefore, courts reviewing an equal protection challenge to that statute would ask only if a rational relationship exists between a legitimate state interest and the means selected by the Legislature in LB 101 to achieve that end. *Schindler v. Department of Motor Vehicles*, 256 Neb. 782, 593 N.W.2d 295 (1999). We cannot say that there is no rational relationship between legitimate state interests and any classifications created by LB 101. However, to the extent that particular classifications cause you concern, we suggest that you take steps to create an appropriate legislative history or language in the statute which articulates the state interests which led to the classifications created by the Legislature.

**Question 3. What would be the proper course of action for a board to take if it has paid unequal compensation to its directors?**

We have frequently stated, over time, that we will limit our opinions for members of the Legislature to instances where the questions posed to us involve a legislative purpose growing out of pending or proposed legislation. Op. Att'y Gen. No 157 (December 24, 1985). Under that standard, we are uncertain what legislative purpose is implicated in your third question. Moreover, metropolitan utilities districts and other governmental subdivision boards are represented by their own counsel who presumably would be in a much better position to advise those boards as to the proper course of action if they paid unequal compensation to their directors than this office. In any event, it appears to us that your final question is, in great degree, mooted by our response to your Question No. 1. For those reasons, we will not respond further to your third question.

**INQUIRIES FROM SENATOR HARTNETT**

In your opinion request letter, you state that you concur with the concerns raised by Senator Quandahl, but that you have an additional issue which you would like to present to us. The Urban Affairs Committee of the Legislature apparently considered an amendment to LB 101 which would have stricken the following language from the new section (3) proposed for § 14-2104 quoted at the beginning of this opinion:

The dollar amount of any health insurance premiums paid from the funds of the district for the benefit of a member of the board of directors may be in addition to the amount of compensation authorized to be paid to such director pursuant to this section.

You have three additional questions in light of that amendment.

**Question 1. Does the "dollar amount of health insurance premiums paid from district funds" constitute "compensation" to the director for purposes of ARTICLE III, Section 19 of the State Constitution?**

For the reasons discussed at length above, we believe that health insurance benefits along with any premiums paid for those benefits which are separate and apart from an officer's salary are generally not "compensation" for purposes of art. III, § 19 of the Nebraska Constitution. As a result, the dollar amount of health insurance premiums paid from metropolitan utilities district funds for a director of that district apart from the director's salary does not constitute "compensation" to the director under that state constitutional provision.

**Question 2. If it is "compensation," would *annual* (those occurring mid-term) increases or decreases in premium charges or changes in the benefits provided (such as a higher deductible, a loss of coverage on certain conditions, or an expansion of coverage for others, etc.) constitute unlawful increases or diminishments in compensation in contravention of ARTICLE III, Section 19?**

Since we have determined that, in our view, the dollar amount of health insurance premiums paid from metropolitan utilities district funds for a director of that district apart from the director's salary does not constitute "compensation" to the director, we need not respond further to this question.

**Question 3. Would the answers to questions #1 and #2 be different (a) if the dollar amount of the health premiums were paid by a deduction of the dollar cost of the premium from the salary of a participating board member, with all directors paid the same basic salary, but those participating in the health insurance program actually receiving less (a smaller check) because of the premium deduction or (b) if the full salary was paid all directors and individual directors wishing to participate in the health insurance program were permitted to purchase "into" the employee health insurance program with their own funds?**

As discussed above, it is our view that the term "compensation" in art. III, § 19 of the Nebraska Constitution refers primarily to the "salary" of public officers, and therefore, the strictures of that constitutional provision are focused on matters affecting an officer's salary. As a result, we believe that there is a potential problem under art. III, § 19 if the proposals set out in your Question 3 involve changes to metropolitan utilities district directors' salaries during their terms in order to cover the costs of health insurance premiums, whether the health insurance premiums are deducted from those salaries or paid separately. For example, with respect your proposal (a), if \$2000 were added to all directors' salaries to cover the cost of health insurance in one year and \$2500 added the next, then there would be an increase in the salaries for those directors during their term and an increase in their compensation, whether deductions were made for that health insurance or not.<sup>1</sup> The same would be true under your proposal (b) if the salaries for all directors were raised in the second year of the biennium to cover health insurance premiums, and participating directors paid their health care costs directly. The operative fact in both proposals is that the salaries of directors would be changed during their term. On the other hand, if your Question 3 contemplates no changes in directors' salaries during their biannual term, and metropolitan utilities district directors would simply be allowed to participate in health insurance coverages by deduction or separate payment, then we do not believe that art. III, § 19 would be compromised.



<sup>1</sup> Under Neb. Rev. Stat. § 32-540 (1998), two or three members of the seven-member board of directors of a metropolitan utilities district are elected in even-numbered years, so that members serve staggered terms with new terms beginning every two years.

Sincerely yours,  
DON STENBERG  
Attorney General  
(Signed) Dale A. Comer  
Assistant Attorney General

cc. Patrick O'Donnell  
Clerk of the Legislature

05-287-10.17

**STANDING COMMITTEE REPORT**  
**Business and Labor**

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

Nebraska Boiler Safety Code Advisory Board  
James Marvin

VOTE: Aye: Senators Connealy, Vrtiska, Hartnett, Preister, and Schimek.  
Nay: None. Absent: None. Present and not voting: Senators Chambers and Dierks.

(Signed) Matt Connealy, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 274. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 20 eleventh grade students and teacher from Malcolm High School; 10 seventh and eighth grade students and teacher from St. Augustine School, Winnebago; Mike Bradley from Malcolm; members of the Sidney Area Leadership Tomorrow class; and 58 members of the fourth grade Cairo Centura Choir, teachers, and sponsors from Cairo, Boelus, Rockville, and Dannebrog.

**ADJOURNMENT**

At 12:01 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Tuesday, March 6, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTIETH DAY - MARCH 6, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**FORTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 6, 2001

**PRAYER**

The prayer was offered by Senator Coordsen.

**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 Dierks who was excused; and Senators Foley, Hartnett, Raikes, Robak, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-ninth day was approved.

**STANDING COMMITTEE REPORTS**

**Revenue**

**LEGISLATIVE BILL 172.** Placed on General File as amended.

Standing Committee amendment to LB 172:

AM0784

- 1 1. Strike original section 3 and insert the following
- 2 new section:
- 3 "Sec. 3. The Legislature finds that a simplified sales
- 4 and use tax system will reduce and over time eliminate the burden
- 5 and cost for all vendors to collect this state's sales and use tax.
- 6 The Legislature further finds that this state should participate in
- 7 multistate discussions to review or amend the terms of the
- 8 agreement to simplify and modernize sales and use tax
- 9 administration in order to substantially reduce the burden of tax
- 10 compliance for all sellers and for all types of commerce.".
- 11 2. On page 4, line 4, after "achieve" insert "over
- 12 time"; and in lines 7 and 9, strike "Eliminating" and insert

13 "Limiting the application of".

14 3. On page 5, line 6, strike "or eliminating"; and in  
15 line 27 strike "and".

16 4. On page 6, line 3, after "information" insert ": and"

17 (9) Advisory councils. The agreement shall provide for

18 the appointment of an advisory council of private-sector

19 representatives and an advisory council of nonmember state

20 representatives to consult with in the administration of the

21 agreement"; in line 10 before "The" insert "(1)"; in line 13 strike

22 "Sec. 9." and the paragraphing; strike beginning with "No" in line

23 15 through the period in line 18 and insert paragraphing and "(2)";

24 and after line 24 insert the following new subsection:

1 "(3) No law of Nebraska, or the application thereof, may

2 be declared invalid as to any person or circumstance on the ground

3 that the provision or application is inconsistent with the

4 agreement."

5 5. On page 7, strike beginning with "misrepresentation"

6 in line 8 through "fraud" in line 9 and insert "probable cause to

7 believe that the seller has committed fraud or made a material

8 misrepresentation".

9 6. Renumber the remaining sections and correct internal

10 references accordingly.

**LEGISLATIVE BILL 674.** Placed on General File as amended.  
Standing Committee amendment to LB 674:

AM0811

1 1. Insert the following new sections:

2 "Section 1. Section 77-3504, Revised Statutes

3 Supplement, 2000, 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

12 retirement, disability, survivor's, or supplemental security income

13 benefit or railroad board retirement benefit to the extent excluded

14 in the computation of gross income for federal income tax purposes,

15 of the claimant and spouse, and any additional owners who are

16 natural persons and who occupy the homestead, for the taxable year

17 of the claimant immediately prior to the year for which the claim

18 for exemption is made, less all medical expenses actually incurred

19 and paid by the claimant, his or her spouse, or any owner-occupant

20 which are in excess of four percent of household income calculated

21 prior to the deduction for medical expenses. For purposes of this

22 section, medical expenses means the costs of health insurance

23 premiums and the costs of goods and services purchased from a

24 person licensed under Chapter 71, article 1 or 47, or a health care  
1 facility or health care service licensed under the Health Care  
2 Facility Licensure Act for purposes of restoring or maintaining  
3 health, including insulin and prescription medicine but not  
4 including nonprescription medicine.  
5 Sec. 5. Section 77-3510, Revised Statutes Supplement,  
6 2000, is amended to read:  
7 77-3510. On or before ~~April~~ February 1 of each year, the  
8 Tax Commissioner shall prescribe forms to be used by all claimants  
9 for homestead exemption or for transfer of homestead exemption.  
10 Such forms shall contain provisions for the showing of all  
11 information which the Tax Commissioner may deem necessary to (1)  
12 enable the county officials and the Tax Commissioner to determine  
13 whether each claim for exemption under sections 77-3507 to 77-3509  
14 should be allowed and (2) enable the county assessor to determine  
15 whether each claim for transfer of homestead exemption pursuant to  
16 section 77-3509.01 should be allowed. It shall be the duty of the  
17 county assessor of each county in this state to furnish such forms,  
18 upon request, to each person desiring to make application for  
19 homestead exemption or for transfer of homestead exemption. The  
20 forms so prescribed shall be used uniformly throughout the state,  
21 and no application for exemption or for transfer of homestead  
22 exemption shall be allowed unless the applicant uses the prescribed  
23 form in making an application. The forms shall require the  
24 attachment of an income statement as prescribed by the Tax  
25 Commissioner fully accounting for all household income. The  
26 application and information contained on any attachments to the  
27 application shall be confidential and available to tax officials  
1 only.  
2 Sec. 6. Section 77-3512, Revised Statutes Supplement,  
3 2000, is amended to read:  
4 77-3512. It shall be the duty of each owner who applies  
5 for the homestead exemption provided in sections 77-3507 to 77-3509  
6 to file an application therefor with the county assessor of the  
7 county in which the homestead is located after ~~January 1, 1997, and~~  
8 ~~April 1 in subsequent years~~ February 1 and on or before June 30 of  
9 each year. Failure to do so shall constitute a waiver of the  
10 exemption for that year, except that the county board of the county  
11 in which the homestead is located may, by majority vote, extend the  
12 deadline to on or before July 20 of each year. An extension shall  
13 not be granted to an applicant who received an extension in the  
14 immediately preceding year."  
15 2. On page 9, line 21, after "sections" insert  
16 "77-3504," and before the comma insert ", 77-3510, and 77-3512".  
17 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 727.** Placed on General File as amended.  
Standing Committee amendment to LB 727:  
AM0820

1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. (1) Any person who places in operation a  
4 vending machine which dispenses prepaid telephone calling  
5 arrangements in this state shall obtain a current registration  
6 decal to be affixed permanently and conspicuously to the vending  
7 machine. The person shall apply to the Department of Revenue for  
8 the registration decal. Each application shall include (a) the  
9 name and address of the applicant and owner of the vending machine,  
10 (b) the social security number or taxpayer identification number of  
11 the owner of the vending machine, (c) a description of the physical  
12 appearance and operation of the vending machine, and (d) such other  
13 information which the department deems necessary. No person shall  
14 permit the placement of a vending machine dispensing prepaid  
15 telephone calling arrangements upon premises owned by him or her or  
16 under his or her control when such premises and machine are open  
17 and available to the public unless the machine displays a current  
18 registration decal.  
19 (2) A fee of fifty dollars shall be charged for each  
20 registration decal issued pursuant to this section. The department  
21 shall collect the fee and remit the proceeds to the State Treasurer  
22 for credit to the General Fund. All registration decals issued by  
23 the department pursuant to this section shall have distinct  
24 registration numbers, shall expire on December 31 of each year, and  
1 shall be renewed annually.  
2 (3) The registration decal issued by the department  
3 pursuant to this section shall not be transferable.  
4 (4) Any sales tax return reflecting receipts from the  
5 operation of a vending machine dispensing prepaid telephone calling  
6 arrangements shall indicate by registration number the machines  
7 from which the receipts were obtained.  
8 (5) Any person who violates subsection (1) or (2) of this  
9 section shall be guilty of a Class II misdemeanor. Each day on  
10 which any person engages in or conducts the business of operating  
11 any vending machine dispensing prepaid telephone calling  
12 arrangements without having obtained a registration decal  
13 constitutes a separate offense.  
14 (6) For purposes of this section:  
15 (a) Prepaid telephone calling arrangement means the right  
16 to exclusively purchase telecommunications services that are paid  
17 for in advance that enables the origination of calls using an  
18 access number or authorization code, whether manually or  
19 electronically dialed; and  
20 (b) Vending machine means a mechanical or electronic  
21 device or receptacle designed to receive a coin or bill of a  
22 specified denomination or a token made for the purpose and in  
23 return for the insertion or deposit thereof to mechanically offer,  
24 provide, assist in providing, or permit the acquisition of a  
25 prepaid telephone calling arrangement.  
26 Sec. 2. This act becomes operative on January 1, 2002."

**LEGISLATIVE BILL 60.** Indefinitely postponed.  
**LEGISLATIVE BILL 100.** Indefinitely postponed.  
**LEGISLATIVE BILL 119.** Indefinitely postponed.  
**LEGISLATIVE BILL 199.** Indefinitely postponed.  
**LEGISLATIVE BILL 393.** Indefinitely postponed.  
**LEGISLATIVE BILL 508.** Indefinitely postponed.  
**LEGISLATIVE BILL 629.** Indefinitely postponed.  
**LEGISLATIVE BILL 713.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

### ANNOUNCEMENT

Senator Suttle designates LB 398 as her priority bill.

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 36, 37, and 38 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 36, 37, and 38.

### SELECT FILE

**LEGISLATIVE BILL 55.** Senator Chambers withdrew his pending amendment, AM0332, found on page 566.

### SENATOR CUDABACK PRESIDING

Senator Landis renewed his pending amendment, AM0736, found on page 842.

The Landis amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 71.** Senator Chambers renewed his pending amendment, AM0065, found on page 380.

Senator Chambers offered the following amendment to his pending amendment:

FA90

Amend AM0065

Insert May 16, 2001 as the effective date of the provisions of AM0065.

The Chambers amendment was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

The Chambers amendment, AM0065, as amended, was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 574.** E & R amendment, AM7052, found on page 723, was adopted.

Senator Bromm renewed his pending amendment, AM0692, found on page 873.

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

#### **SENATOR COORDSEN PRESIDING**

#### **SPEAKER KRISTENSEN PRESIDING**

Senators Schimek and Foley asked unanimous consent to be excused until they return. No objections. So ordered.

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.

Senator Burling asked unanimous consent to be excused. No objections. So ordered.

The Bromm amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Pending.

#### **STANDING COMMITTEE REPORTS**

##### **Natural Resources**

**LEGISLATIVE BILL 634.** Placed on General File as amended.  
(Standing Committee amendment, AM0795, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ed Schrock, Chairperson

##### **General Affairs**

**LEGISLATIVE BILL 11.** Indefinitely postponed.



**LEGISLATIVE BILL 828.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

**Health and Human Services**

**LEGISLATIVE BILL 468.** Placed on General File.

**LEGISLATIVE BILL 668.** Placed on General File.

**LEGISLATIVE BILL 580.** Placed on General File as amended.  
Standing Committee amendment to LB 580:

AM0751

- 1 1. Strike section 1.
- 2 2. On page 11, line 1, after the underscored period
- 3 insert "The annual fee for registration and inspection of X-ray
- 4 radiation generating equipment used to diagnose conditions in
- 5 humans or animals shall not exceed seventy dollars per X-ray
- 6 machine.".
- 7 3. Renumber the remaining sections and correct internal
- 8 references accordingly.

**LEGISLATIVE BILL 788.** Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 433.** Placed on Select File as amended.

(E & R amendment, AM7065, 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 433A.** Placed on Select File.

**LEGISLATIVE BILL 505.** Placed on Select File as amended.

E & R amendment to LB 505:

AM7066

- 1 1. On page 1, line 3, after "Complex" insert "and for
- 2 workers' compensation claims".

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 303, 303A, 314, 360, 419, 484, and 730.

**Enrollment and Review Change to LB 303**

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

ER9029

1. In the Standing Committee amendments, AM0136, on page 4, line 2, the second "its" has been struck; and in line 3 "and Education Committees" has been struck and "Committee and Education Committee" inserted.

**Enrollment and Review Change to LB 360**

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

ER9025

1. On page 25, line 21, "~~(10)~~" has been struck and "(11)" inserted.
2. The matter beginning with page 25, line 21, through page 26, line 11, as amended, has been moved to page 26, after line 14.
3. On page 26, line 12, the stricken "~~(10)~~" has been reinstated and "(11)" has been struck.
4. On page 36, line 9, "the" has been inserted after "in".
5. On page 44, line 20, "days" has been struck and "days" inserted.
6. On page 54, line 17, "~~(13)(b)(ii)~~" has been struck and "~~(13)(a)(ii)~~" inserted.
7. Original sections 20 and 21 have been renumbered as sections 22 and 21, respectively, and internal references changed accordingly.

(Signed) Philip Erdman, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 170.** Title read. Considered.

**SENATOR CUDABACK PRESIDING**

The Standing Committee amendment, AM0245, printed separately and referred to on page 544, was considered.

Senator Wickersham renewed his pending amendment, AM0381, found on page 637, to the Standing Committee amendment.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Wickersham amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Kristensen renewed his pending amendment, AM0673, found on page 838, to the Standing Committee amendment.

Senator Kristensen withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 1 nay, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 240.** Title read. Considered.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0368, found on page 585, 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 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

## STANDING COMMITTEE REPORTS

### Urban Affairs

**LEGISLATIVE BILL 325.** Placed on General File as amended.

Standing Committee amendment to LB 325:

AM0831

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) A city of the metropolitan class shall
- 4 provide written notice of any proposed acquisition of subject
- 5 property by purchase or condemnation to the owners of adjacent
- 6 property in the manner set out in this section.
- 7 (2) Except as provided in subsection (7) of this section,
- 8 notice of the proposed acquisition of the subject property by
- 9 purchase or condemnation shall be sent to the owners of the subject
- 10 property and the owners of adjacent property by regular United
- 11 States mail, postage prepaid, to the owner's address as it appears
- 12 in the records of the office of the county assessor, postmarked at
- 13 least twenty working days prior to the planning board public
- 14 hearing on the proposed acquisition with a certified letter to any
- 15 registered neighborhood association or the clerk of any sanitary
- 16 and improvement district when the subject property is located
- 17 within the boundary of the area of concern of such association or
- 18 when any adjacent property is located within the boundaries of the
- 19 sanitary and improvement district. Each neighborhood association
- 20 desiring to receive such notice shall register with the city the
- 21 area of concern of such association and the name and address of the
- 22 individual who is to receive notice on behalf of such association.
- 23 The registration shall be in accordance with any rules adopted and

24 promulgated by the city. Such notice shall describe the subject  
1 property or give its address, describe the nature of the  
2 acquisition and the purpose for which the subject property is being  
3 acquired, and contain the date, time, and location of the planning  
4 board hearing.

5 (3) No additional or further notice beyond that required  
6 by subsections (2) and (7) of this section shall be necessary in  
7 the event that the scheduled planning board or city council public  
8 hearing on the proposed acquisition is adjourned, continued, or  
9 postponed until a later date.

10 (4) Except for a willful or deliberate failure to cause  
11 notice to be given, no acquisition of subject property by purchase  
12 or condemnation made by a city of the metropolitan class shall be  
13 void, invalidated, or affected in any way because of any  
14 irregularity, defect, error, or failure on the part of the city or  
15 its employees to cause notice to be given as required by this  
16 section if a reasonable attempt to comply with this section was  
17 made. No action to challenge the validity of the acquisition of  
18 subject property by purchase or condemnation on the basis of this  
19 section shall be filed more than one year following the effective  
20 date of the ordinance providing for the purchase or condemnation of  
21 the subject property.

22 (5) Except for a willful or deliberate failure to cause  
23 notice to be given, the city and its employees shall not be liable  
24 for any damage to any person resulting from any failure to cause  
25 notice to be given as required by this section if a reasonable  
26 attempt was made to provide such notice. No action for damages  
27 resulting from the failure to cause notice to be provided as  
1 required by this section shall be filed more than one year  
2 following the effective date of the ordinance providing for the  
3 purchase or condemnation of the subject property.

4 (6) For purposes of this section:

5 (a) Adjacent property means any tract of real property,  
6 any portion of which is located within one thousand feet of the  
7 nearest boundary line of the subject property;

8 (b) Owner means the owner of all or any portion of the  
9 subject property or the owner of a tract of adjacent property as  
10 indicated on the records of the office of the county assessor as  
11 provided to or made available to the city no earlier than the last  
12 business day before the thirty-fifth day preceding the planning  
13 board or city council public hearing on the proposed acquisition of  
14 the subject property by purchase or condemnation; and

15 (c) Subject property means any tract of real property  
16 which is the subject of a proposed acquisition by purchase or  
17 condemnation by a city of the metropolitan class when:

18 (i) The real property will be used as the site or  
19 location of a publicly owned facility other than a street, alley,  
20 highway, road, or any portion of a sewer system; and

21 (ii) The use of the real property resulting from the

22 acquisition will require a special or conditional use permit or a  
 23 change in zoning to a less restrictive zoning classification on the  
 24 property than it possessed at the time when the acquisition was  
 25 initiated by the city council.

26 (7) If the proposed acquisition of a subject property  
 27 will not receive a public hearing before the planning board, the  
 1 notice specified in subsection (2) of this section shall be given  
 2 with regard to the public hearing before the city council on the  
 3 proposed acquisition.

4 (8) The notice specified in this section shall be  
 5 required only with regard to planning board and city council public  
 6 hearings scheduled to occur on and after thirty-five business days  
 7 following the effective date of this act.

8 Sec. 2. Section 14-366, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 14-366. The Subject to the provisions of section 1 of  
 11 this act, a city of the metropolitan class may purchase or acquire  
 12 by the exercise of the power of eminent domain private property or  
 13 public property which is not at the time devoted to a specific  
 14 public use, for the following purposes and uses: (1) For streets,  
 15 alleys, avenues, parks, recreational areas, parkways, playgrounds,  
 16 boulevards, sewers, public squares, market places, and for other  
 17 needed public uses or purposes authorized by this act, and for  
 18 adding to, enlarging, widening, or extending any of the foregoing;  
 19 and (2) for constructing or enlarging waterworks, gas plants, or  
 20 other municipal utility purposes or enterprises authorized by ~~this~~  
 21 act section 14-101. The power to so purchase or appropriate  
 22 private property or public property, as ~~in this act~~ specified in  
 23 section 14-101, for parks, recreational areas, parkways,  
 24 boulevards, sewers, and for the purpose of constructing waterworks,  
 25 gas works, light plants, or other municipal enterprises authorized  
 26 by ~~this act~~ such section, may be exercised by ~~the~~ a city of the  
 27 metropolitan class within the corporate limits of the city or  
 1 within seventy-five miles thereof. The power to so purchase or  
 2 appropriate private property or public property, as ~~in this act~~  
 3 specified in section 14-101, for streets, alleys, avenues, and  
 4 other construction of like kind may be exercised by ~~the~~ a city of  
 5 the metropolitan class within the corporate limits of the city or  
 6 within three miles thereof.

7 Sec. 3. Section 14-374, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:

9 14-374. Each Subject to the provisions of section 1 of  
 10 this act, a city of the metropolitan class shall have the power to  
 11 acquire by gift, purchase, condemnation, or bequest, such real  
 12 estate within the corporate limits and within three miles thereof  
 13 as may be necessary for any public use and may later convey, lease,  
 14 sell, or otherwise dispose of any real estate thus acquired and not  
 15 necessary for present use or future development upon such terms as  
 16 it may deem appropriate. In addition to any other public uses, the

17 following are declared to be for a public purpose and for the  
18 public health and welfare: Establishing, laying out, widening, and  
19 enlarging waterways, streets, bridges, boulevards, parkways, parks,  
20 playgrounds, sites for public buildings, and property for  
21 administrative, institutional, educational, and all other public  
22 uses, and for reservations in, about, along, or leading to any or  
23 all of the same. The powers provided in this section shall be in  
24 addition to and not in restriction of any other powers now held by  
25 such cities.

26 Sec. 4. Section 14-420, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 14-420. (1) A city of the metropolitan class shall  
2 provide written notice of any properly filed request for a change  
3 in the zoning classification of a subject property to the owners of  
4 adjacent property in the manner set out in this section.

5 (2) Initial notice of the proposed zoning change on the  
6 subject property shall be sent to the owners of adjacent property  
7 by regular United States mail, postage prepaid, to the owner's  
8 address as it appears in the records of the ~~register~~  
9 ~~of deeds~~ county assessor, postmarked at least ten working days  
10 prior to the planning board public hearing on the proposed change  
11 with a certified letter to any registered neighborhood association  
12 when the subject property is located within the boundary of the  
13 area of concern of such association. Each neighborhood association  
14 desiring to receive such notice shall register with the city the  
15 area of concern of such association and the name and address of the  
16 individual who is to receive notice on behalf of such association.  
17 The registration shall be in accordance with any rules adopted and  
18 promulgated by the city. Such notice shall describe the subject  
19 property or give its address, describe the nature of the zoning  
20 change requested, and contain the date, time, and location of the  
21 planning board hearing.

22 (3) A second notice of the proposed zoning change on the  
23 subject property shall be sent to the same owners of adjacent  
24 property who were provided with notice under subsection (2) of this  
25 section. Such notice shall be sent by regular United States mail,  
26 postage prepaid, to the owner's address as it appears in the  
27 records of the office of the ~~register of deeds~~ county assessor,

1 postmarked at least ten working days prior to the city council  
2 public hearing on the proposed change. Such notice shall describe  
3 the subject property or give its address, describe the nature of  
4 the zoning change requested, and contain the date, time, and  
5 location of the city council public hearing.

6 (4) No additional or further notice beyond that required  
7 by subsections (2) and (3) of this section shall be necessary in  
8 the event that the scheduled planning board or city council public  
9 hearing on the proposed zoning change is adjourned, continued, or  
10 postponed until a later date.

11 (5) The requirements of this section shall not apply to

12 proposed changes in the text of the zoning code itself or any  
 13 proposed changes in the zoning code affecting whole classes or  
 14 classifications of property throughout the jurisdiction of the  
 15 city.

16 (6) Except for a willful or deliberate failure to cause  
 17 notice to be given, no zoning decision made by a city of the  
 18 metropolitan class either to accept or reject a proposed zoning  
 19 change with regard to a subject property shall be void,  
 20 invalidated, or affected in any way because of any irregularity,  
 21 defect, error, or failure on the part of the city or its employees  
 22 to cause notice to be given as required by this section if a  
 23 reasonable attempt to comply with this section was made. No action  
 24 to challenge the validity of the acceptance or rejection of a  
 25 proposed zoning change on the basis of this section shall be filed  
 26 more than one year following the date of the formal acceptance or  
 27 rejection of the zoning change by the city council.

1 (7) Except for a willful or deliberate failure to cause  
 2 notice to be given, the city and its employees shall not be liable  
 3 for any damage to any person resulting from any failure to cause  
 4 notice to be given as required by this section when a reasonable  
 5 attempt was made to provide such notice. No action for damages  
 6 resulting from the failure to cause notice to be provided as  
 7 required by this section shall be filed more than one year  
 8 following the date of the formal acceptance or rejection of the  
 9 proposed zoning change by the city council.

10 (8) For purposes of this section:

11 (a) ~~Adjacent property shall mean~~ means any ~~piece tract~~ of  
 12 real property any portion of which is located within three hundred  
 13 feet of the nearest boundary line of the subject property or within  
 14 one thousand feet of the nearest boundary line of the subject  
 15 property if the proposed zoning change involves a heavy industrial  
 16 district classification;

17 (b) ~~Owner shall mean~~ means the owner of a ~~piece tract~~ of  
 18 adjacent property as indicated on the records of the office of the  
 19 ~~register of deeds county assessor~~ as provided to or made available  
 20 to the city no earlier than the last business day before the  
 21 twenty-fifth day preceding the planning board public hearing on the  
 22 zoning change proposed for the subject property; and

23 (c) Subject property ~~shall mean~~ means any tract of real  
 24 property located within the boundaries of a city of the  
 25 metropolitan class or within the zoning jurisdiction of a city of  
 26 the metropolitan class which is the subject of a properly filed  
 27 request for a change of its zoning classification.

1 Sec. 5. Section 18-2122, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:  
 3 18-2122. An authority shall have the right to acquire by  
 4 the exercise of the power of eminent domain any real property which  
 5 it may deem necessary for a redevelopment project or for its  
 6 purposes under the provisions of sections 18-2101 to 18-2144 after

7 the adoption by it of a resolution declaring that the acquisition  
 8 of the real property described therein is necessary for such  
 9 purposes. The exercise of the power of eminent domain for the  
 10 purposes of sections 18-2101 to 18-2144 by a city of the  
 11 metropolitan class or an authority in a city of the metropolitan  
 12 class shall be conducted subject to section 1 of this act. The  
 13 procedure to condemn property shall be exercised in the manner set  
 14 forth in sections 76-704 to 76-724.

15 When an authority has found and determined by resolution  
 16 that certain real property described therein is necessary for a  
 17 redevelopment project or for its purposes under the provisions of  
 18 sections 18-2101 to 18-2144, the resolution shall be conclusive  
 19 evidence that the acquisition of such real property is necessary  
 20 for the purposes described therein.

21 Sec. 6. Original sections 14-366, 14-374, 14-420, and  
 22 18-2122, Reissue Revised Statutes of Nebraska, are repealed.".

**LEGISLATIVE BILL 742.** Indefinitely postponed.

**LEGISLATIVE RESOLUTION 20CA.** Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 796.** Placed on General File.

**LEGISLATIVE BILL 704.** Placed on General File as amended.

Standing Committee amendment to LB 704:

AM0779

- 1 1. On page 3, line 10, strike the new matter and
- 2 reinstate the stricken matter.

**LEGISLATIVE BILL 707.** Placed on General File as amended.

(Standing Committee amendment, AM0791, 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 722.** Placed on General File as amended.

Standing Committee amendment to LB 722:

AM0328

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 48-230, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 48-230. Any person who violates ~~the provisions of~~
- 6 sections 48-225 to 48-231 ~~and 55-161~~ shall be guilty of a Class IV
- 7 misdemeanor. Such person shall be prohibited from receiving any
- 8 compensation from public funds until he or she complies with ~~the~~



9 provisions of sections 48-225 to 48-231, and 55-161.

10 Sec. 2. Section 48-231, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 48-231. The county attorneys, in their respective  
13 counties, shall prosecute, before any court of appropriate  
14 jurisdiction, all persons charged with violating the provisions of  
15 sections 48-225 to 48-231, and 55-161.

16 Sec. 3. Section 55-160, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 55-160. (1) All employees, including elected officials  
19 of the State of Nebraska, or any political subdivision thereof, who  
20 ~~are shall be~~ members of the National Guard, Army Reserve, Naval  
21 Reserve, Marine Corps Reserve, Air Force Reserve, and Coast Guard  
22 Reserve, shall be entitled to a military leave of absence from  
23 their respective duties, without loss of pay, ~~on all days during~~  
24 ~~which they are when~~ employed with or without pay under the orders  
1 or authorization of competent authority in the active service of  
2 the state or of the United States. Members who normally work or  
3 are normally scheduled to work one hundred twenty hours or more in  
4 three consecutive weeks shall receive a military leave of absence  
5 of one hundred twenty hours each calendar year. Members who  
6 normally work or are normally scheduled to work less than one  
7 hundred twenty hours in three consecutive weeks shall receive a  
8 military leave of absence each calendar year equal to the number of  
9 hours they normally work or would normally be scheduled to work,  
10 whichever is greater, in three consecutive weeks. Such military  
11 leave of absence may be taken in hourly increments and, for not to  
12 exceed fifteen workdays in any one calendar year. Such leave of  
13 absence shall be in addition to the regular annual leave of the  
14 persons named herein in this section.

15 (2) When the Governor of this state ~~shall declare~~  
16 declares that a state of emergency exists, and any of the persons  
17 named in this section are ordered to active service of the state, a  
18 state of emergency an additional leave of absence will be granted  
19 until such member is released from active service of the state by  
20 competent authority. A military leave of absence shall not be used  
21 during a state of emergency declared by the Governor. Other forms  
22 of leave may be granted. During a state of emergency During the  
23 additional leave of absence because of the call of the Governor,  
24 any official or employee subject to the provisions of this section  
25 shall receive ~~such portion of his or her normal~~ salary or  
26 compensation as will equal the loss he may suffer while minus the  
27 state active duty base pay he or she receives in active service of  
1 the state. Governmental officers serving a term of office shall  
2 receive their compensation as provided by law.

3 Sec. 4. Section 55-161, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 55-161. ~~At~~ (1) The parts of the federal Uniformed  
6 Services Employment and Reemployment Rights Act of 1994, 38 U.S.C.

7 Chapter 43, listed in subdivisions (a) through (j) of this  
8 subsection or any other parts referred to by such parts, in  
9 existence and effective as of January 1, 2001, are adopted as  
10 Nebraska law. This section shall be applicable to all persons  
11 employed in the State of Nebraska and shall include all officers  
12 and permanent employees, including teachers employed on a one-year  
13 contract basis and elected officials, of the state, or of any of  
14 its agencies or political subdivisions. The Legislature hereby  
15 adopts:

16 (a) Section 4301(a) -- Purposes;

17 (b) Section 4302 -- Relation to other law and plans or  
18 agreements;

19 (c) Section 4303(2),(4),(7) through (13),(15), and (16)  
20 and those portions of subparagraph (3) not relating to employment  
21 in a foreign country -- Definitions;

22 (d) Section 4304 -- Character of service;

23 (e) Section 4311 -- Discrimination against persons who  
24 serve in the uniformed services and acts of reprisal prohibited;

25 (f) Section 4312 -- Reemployment rights of persons who  
26 serve in the uniformed services;

27 (g) Section 4313 with the exception of that portion of  
1 subparagraph (a) dealing with reemployment of federal employees --  
2 Reemployment positions;

3 (h) Section 4316 -- Rights, benefits, and obligations of  
4 persons absent from employment for service in a uniformed service;

5 (i) Section 4317 -- Health plans; and

6 (j) Section 4318 -- Employee pension benefit plans.

7 (2) This section applies to all members performing duty  
8 in active service of the state.

9 (3) ; who leave a position other than temporary to  
10 undergo military training with the armed forces of the United  
11 States or undertake military duty in the active service of the  
12 state, shall be entitled to a leave of absence from such civil  
13 employment for the period of such training or service, not to  
14 exceed four years, plus in each case any additional period in which  
15 he was unable to obtain orders relieving him from active duty, plus  
16 any period of time hospitalized incident to active duty, without  
17 loss of status or efficiency rating, and without loss of pay during  
18 the first fifteen workdays of such leave of absence. Such pay for  
19 the first fifteen workdays shall not be construed as being in  
20 addition to the pay provided for in section 55-160. The proper  
21 appointing authority or employer may make a temporary appointment  
22 to fill any vacancy created by the absence of an officer or  
23 employee pursuant to this section, such leave of absence. When  
24 such person is separated from such training or service under  
25 honorable conditions, or upon his discharge from hospitalization  
26 incident to that duty, such employee shall be entitled to return to  
27 his former position with such seniority, status, pay, and vacation  
1 as he would have had if he had not been absent for such purpose, if

2 he is still qualified to perform the duties of his former position,  
3 and if he makes application within thirty days after he is released  
4 from such training or service. If such person is not qualified to  
5 perform the duties of such position upon his return by reason of  
6 disability sustained during the training or service but is  
7 qualified to perform the duties of any other position in the employ  
8 of the employer, he shall be restored to such other position, the  
9 duties of which he is qualified to perform, as will provide him  
10 with the same seniority, status, and pay, or the nearest  
11 proximation thereof consistent with the circumstances in his case.  
12 Such person officer or employee shall not be discharged from his or  
13 her former or new position without justifiable cause within one  
14 year after reinstatement. ~~It shall be the duty of the~~  
15 ~~(4) The Commissioner of Labor to shall enforce the~~  
16 ~~provisions of this section.~~  
17 ~~(5) The Adjutant General shall perform duties assigned to~~  
18 ~~the Secretary of Defense, Secretary of Veterans Affairs, or~~  
19 ~~Secretary of Labor in the portions of 38 U.S.C. Chapter 43 adopted~~  
20 ~~under this section.~~

21 Sec. 5. Section 55-164, Reissue Revised Statutes of  
22 Nebraska, is amended to read:  
23 55-164. If any employer fails to comply with any of the  
24 provisions of ~~sections 55-160 to 55-163~~ section 55-160 or 55-161,  
25 the employee may, at his or her election, bring an action at law  
26 for damages for such noncompliance. ~~He~~ The employee may also apply  
27 to the courts for such equitable relief as may be just and proper  
1 under the circumstances.

2 Sec. 6. Section 55-165, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 55-165. Any person, firm, or organization violating the  
5 ~~provisions of sections 55-160 to 55-164~~ section 55-160 or 55-161  
6 shall be guilty of a Class IV misdemeanor, and, in addition  
7 thereto, shall restore to the employee all rights of which he or  
8 she has been illegally deprived.

9 Sec. 7. Section 79-990, Reissue Revised Statutes of  
10 Nebraska, is amended to read:  
11 79-990. (1) Any member who is eligible for reemployment  
12 on or after December 12, 1994, pursuant to 38 U.S.C. chapter 43, as  
13 ~~amended adopted under section 55-161~~, or is eligible for  
14 reemployment under ~~sections 55-160 to 55-163~~ section 55-160 may pay  
15 to the retirement system after the date of his or her return from  
16 active military service, and within the period required by law, not  
17 to exceed five years, an amount equal to the sum of all deductions  
18 which would have been made from the salary which he or she would  
19 have received during the period of military service for which  
20 creditable service is desired. If such payment is made, the member  
21 shall be entitled to credit for membership service in determining  
22 his or her annuity for the period for which contributions have been  
23 made and the board shall be responsible for any funding necessary

24 to provide for the benefit which is attributable to this increase  
25 in the member's creditable service. The member's payments shall be  
26 paid as the trustees may direct, through direct payments to the  
27 retirement system or on an installment basis pursuant to a binding  
1 irrevocable payroll deduction authorization between the member and  
2 the school district. Creditable service may be purchased only in  
3 one-half-year increments, starting with the most recent year's  
4 salary.

5 (2) Under such rules and regulations as the board may  
6 prescribe, any member who was away from his or her position while  
7 on a leave of absence from such position authorized by the board of  
8 education of the school district by which he or she was employed at  
9 the time of such leave of absence or pursuant to any contractual  
10 agreement entered into by such school district may receive credit  
11 for any or all time he or she was on leave of absence. Such time  
12 shall be included in creditable service when determining  
13 eligibility for death, disability, termination, and retirement  
14 benefits. The member who receives the credit shall earn benefits  
15 during the leave based on salary at the level received immediately  
16 prior to the leave of absence. Such credit shall be received if  
17 such member pays into the retirement system (a) an amount equal to  
18 the sum of the deductions from his or her salary for the portion of  
19 the leave for which creditable service is desired, (b) any  
20 contribution which the school district would have been required to  
21 make for the portion of the leave for which creditable service is  
22 desired had he or she continued to receive salary at the level  
23 received immediately prior to the leave of absence, and (c) regular  
24 interest on these combined payments from the date such deductions  
25 would have been made to the date of repayment. Such amounts shall  
26 be paid as the trustees may direct, through direct payments to the  
27 retirement system or on an installment basis pursuant to a binding  
1 irrevocable payroll deduction authorization between the member and  
2 the school district over a period not to exceed five years from the  
3 date of the termination of his or her leave of absence. Interest  
4 on any delayed payment shall be at the rate of regular interest.  
5 Creditable service may be purchased only in one-half-year  
6 increments, starting with the most recent year's salary, and if  
7 payments are made on an installment basis, creditable service will  
8 be credited only as payment has been made to the retirement system  
9 to purchase each additional one-half-year increment. Leave of  
10 absence shall be construed to include, but not be limited to,  
11 sabbaticals, maternity leave, exchange teaching programs, full-time  
12 leave as an elected official of a professional association or  
13 collective-bargaining unit, or leave of absence to pursue further  
14 education or study. A leave of absence granted pursuant to this  
15 section shall not exceed four years in length, and in order to  
16 receive credit for the leave of absence, the member must return to  
17 employment with the Class V school district within one year after  
18 termination of the leave of absence.

19 Sec. 8. Original sections 48-230, 48-231, 55-160,  
20 55-161, 55-164, 55-165, and 79-990, Reissue Revised Statutes of  
21 Nebraska, are repealed.

22 Sec. 9. The following sections are outright repealed:

23 Sections 55-162 and 55-163, Reissue Revised Statutes of Nebraska."

**LEGISLATIVE BILL 768.** Placed on General File as amended.

Standing Committee amendment to LB 768:

AM0792

- 1 1. Strike original section 3.
- 2 2. On page 2, strike beginning with "within" in line 8  
3 through line 11 and insert "by filing an affidavit indicating his  
4 or her choice with the Secretary State. The candidate for  
5 Lieutenant Governor shall file a written consent with the Secretary  
6 of State. Both the affidavit and the written consent shall be  
7 filed on or before September 1 for the names to be on the general  
8 election ballot. The written consent shall be in lieu of a  
9 candidate filing form, and no filing fees shall be required for the  
10 candidate for Lieutenant Governor.".
- 11 3. On page 4, line 9, after the period insert "The  
12 written consent required under section 2 of this act of the  
13 Lieutenant Governor candidate shall be submitted when the petitions  
14 are submitted for verification."; in line 25 after "person" insert  
15 "of the same political party"; and in line 27 after the period  
16 insert "If a vacancy on the ballot arises for the Lieutenant  
17 Governor on or before September 1, the candidate for Governor shall  
18 select a new candidate for Lieutenant Governor in the same manner  
19 as required in section 2 of this act.".
- 20 4. On page 18, line 21, strike "sections 32-606 and" and  
21 insert "section".
- 22 5. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 237.** Indefinitely postponed.

**LEGISLATIVE BILL 382.** Indefinitely postponed.

**LEGISLATIVE BILL 617.** Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

### Health and Human Services

**LEGISLATIVE BILL 479.** Placed on General File as amended.

Standing Committee amendment to LB 479:

AM0763

- 1 1. Strike original section 5 and insert the following  
2 new section:  
3 "Sec. 3. This act becomes operative on July 1, 2003."
- 4 2. On page 3, line 1; and page 5, line 5, strike  
5 "custody" and insert "physical custody and shall pay for the  
6 maintenance and treatment".

- 7 3. On page 3, line 1; and page 5, line 6, strike  
 8 "forty-eight" and insert "seventy-two".  
 9 4. Renumber the remaining section accordingly.

(Signed) Jim Jensen, Chairperson

### Banking, Commerce and Insurance

**LEGISLATIVE BILL 825.** Placed on General File as amended.

Standing Committee amendment to LB 825:

AM0790

- 1 1. Strike the original section and insert the following  
 2 new section:  
 3 "Section 1. (1) The Legislature finds that male or  
 4 female reproductive disease processes in and of themselves are  
 5 serious health matters that need to be properly diagnosed,  
 6 maintained, and treated. Refusal to cover basic reproductive  
 7 health care procedures is discriminatory and leaves an entire  
 8 sector of society susceptible to substandard care.  
 9 (2) Notwithstanding section 44-3,131, any individual or  
 10 group sickness and accident insurance policy or subscriber contract  
 11 delivered, issued for delivery, or renewed in this state and any  
 12 hospital, medical, or surgical expense-incurred policy, except for  
 13 policies that provide coverage for a specified disease or other  
 14 limited-benefit coverage, and any self-funded employee benefit plan  
 15 to the extent not preempted by federal law shall not exclude  
 16 coverage for reproductive health care. Medical insurance claims  
 17 may not be denied on the basis of fertility or infertility.  
 18 (3)(a) For purposes of this section, reproductive health  
 19 care means the diagnosis, maintenance, and treatment of diseases,  
 20 disorders, or dysfunctions associated with the reproductive process  
 21 of the human body.  
 22 (b) This term does not include (i) abortion, (ii)  
 23 contraceptive devices, medications, or procedures, or (iii)  
 24 assisted reproductive technologies, including, but not limited to,  
 1 in vitro fertilization embryo transfer, gamete intrafallopian  
 2 transfer, zygote intrafallopian transfer, intracytoplasmic sperm  
 3 injection, intrauterine insemination, partial zona dissection,  
 4 subzonal insertion of sperm, blastocyst embryo transfer,  
 5 intrauterine insemination, percutaneous epididymal sperm  
 6 aspiration, testicular tissue sperm aspiration, egg retrieval,  
 7 frozen embryo transfer, and embryo transfer.  
 8 (4) This section applies to policies, plans, or contracts  
 9 which are delivered, issued for delivery, or renewed in this state  
 10 on or after the effective date of this act."

(Signed) David M. Landis, Chairperson

**Urban Affairs**

**LEGISLATIVE BILL 579.** Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

**AMENDMENTS - Print in Journal**

Senator Dw. Pedersen filed the following amendment to LB 154:  
AM0634

(Amendments to Standing Committee amendments, AM0147)

- 1 1. Insert the following new section:
- 2 "Sec. 14. All facilities of the department shall become
- 3 accredited by the National Commission on Correctional Health Care
- 4 within four years after the effective date of this act."
- 5 2. On page 1, line 3, strike "13" and insert "14".

Senator Dw. Pedersen filed the following amendment to LB 154:  
AM0730

(Amendments to Standing Committee amendments, AM0147)

- 1 1. Insert the following new sections:
- 2 "Sec. 14. Section 83-181, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 83-181. (1) Each person committed to the Department of
- 5 Correctional Services shall have regular medical and dental care.
- 6 Each person shall be adequately fed and clothed in accordance with
- 7 the regulations of the Department of Correctional Services. No
- 8 offender shall be required to wear stripes or other degrading
- 9 apparel.
- 10 (2) Persons dispensing medications in a facility operated
- 11 by the department who are not physicians, nurses, or physician
- 12 assistants licensed by the Department of Health and Human Services
- 13 Regulation and Licensure shall meet, at a minimum, the standards in
- 14 subsection (4) of section 71-6725 for medication aides.
- 15 Sec. 15. Original section 83-181, Reissue Revised
- 16 Statutes of Nebraska, is repealed."
- 17 2. Insert underscoring in sections 1 to 13.

Senator Beutler filed the following amendment to LB 10:  
AM0830

(Amendments to E & R amendments, AM7056)

- 1 1. On page 1, lines 23 and 24, strike the new matter and
- 2 insert "a location determined by the board."; and in line 24 strike
- 3 "the" and show as stricken.
- 4 2. On page 2, lines 1 and 2, strike the old matter and
- 5 show as stricken and strike the new matter.

Senator Brashear filed the following amendment to LB 83:  
AM0468

- 1 1. Insert the following new section:  
 2 "Section 1. Section 29-2704, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 29-2704. Upon examination in county court on complaint  
 5 of a felony, whether the accused ~~be is~~ held to answer in court or  
 6 discharged, the court may file with the county clerk a certified  
 7 transcript of the costs ~~as assessed under section 29-2709~~, giving  
 8 the items of the same, and to whom each is due, and on what  
 9 account. As early as may be after the filing of such bill, but  
 10 without assembling for the special purpose, the county board of the  
 11 proper county shall examine into such bill of costs as to its  
 12 correctness, justice, and legality and may, if need be, examine  
 13 under oath any person upon the subject, which oath may be  
 14 administered by the county clerk.  
 15 It shall be the duty of the board to disallow any item,  
 16 in whole or in part, of such bill that ~~shall be is~~ found to be  
 17 unlawful or needlessly incurred, or; if it ~~shall appear~~ appears  
 18 that the complaint was made for a felony when it should have been  
 19 for a misdemeanor only, it may in its discretion disallow the  
 20 entire bill or any part thereof.  
 21 The board may order that such bill, or so much thereof as  
 22 it finds to be lawful and just, be paid from the county treasury,  
 23 whereupon the county clerk shall draw warrants upon the county  
 24 treasurer for the sums respectively due to each person upon such  
 1 bill so allowed, which warrants the treasurer shall pay from the  
 2 county general fund. The amount of costs so allowed shall be  
 3 certified by the county clerk, and the certificate filed with the  
 4 papers in the cause, in the office of the clerk of the district  
 5 court. If the defendant shall be convicted, judgment shall be  
 6 rendered against him or her for the costs so allowed, in addition  
 7 to the costs made in the district court."  
 8 2. On page 2, line 3, after the second comma insert  
 9 "felony preliminary,"; in line 23 strike "section" and insert  
 10 "sections 29-2704 and"; and in line 24 strike "is" and insert  
 11 "are".  
 12 3. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB 154:  
 FA89

Amend AM0662

1. Page 2 add a new section 3:

"In administering health care services, the department shall provide a community standard of health care to all inmates."

2. Renumber.

### **MOTION - Print in Journal**

Senator Schrock filed the following motion to LB 329:  
 Indefinitely postpone LB 329.



## AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 213:

AM0800

1 1. On page 3, strike beginning with "On" in line 22  
 2 through "The" in line 28 and show the old matter as stricken.  
 3 2. On page 4, strike beginning with "provisional" in  
 4 line 1 through the period in line 8 and show the old matter as  
 5 stricken; in line 20 strike beginning with the first comma through  
 6 the second comma, show as stricken, and insert "or whether periodic  
 7 review or inspection by the department indicates that insufficient  
 8 progress has been made toward compliance by a provisional or  
 9 probationary licensee. If the director determines that the charges  
 10 are true or that periodic review or inspection by the department  
 11 indicates that insufficient progress has been made toward  
 12 compliance by a provisional or probationary licensee,"; and in line  
 13 21 strike "finding" through "true" and show as stricken and before  
 14 "and" insert "stating such finding".

Senators Beutler and Hartnett filed the following amendment to LB 483:

AM0815

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 "Section 1. Section 14-375, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 14-375. Upon the recommendation of the city planning  
 6 board, the city council may, by ordinance or resolution, vacate any  
 7 street or alley within any such city without any petition being  
 8 filed therefor. Before any such street or alley shall be vacated,  
 9 the council shall appoint a committee of at least three members  
 10 thereof, who shall faithfully and impartially and after reasonable  
 11 notice to the owners and parties interested in property affected by  
 12 such vacation, assess the damages, if any, to such owners and  
 13 parties affected. They shall take into consideration the amount of  
 14 special benefits, if any, arising from such vacation and shall file  
 15 their report in writing with the city clerk. Any owner or party  
 16 interested in property affected by such vacation, who shall file a  
 17 written protest with such committee, may appeal from the adoption  
 18 by the council of such appraisers' report in the manner provided in  
 19 section 14-813, but such appeal shall not stay the passage of the  
 20 ordinance or resolution vacating such street or alley. The award  
 21 of appraisers shall be final and conclusive as the order of a court  
 22 of general jurisdiction, unless appealed from. When the city  
 23 vacates a street or alley, the city shall, within thirty days after  
 24 the effective date of the vacation, file a certified copy of the  
 1 vacating ordinance or resolution with the register of deeds for the  
 2 county in which the vacated property is located to be indexed  
 3 against all affected lots.  
 4 Sec. 2. Section 14-3,107, Reissue Revised Statutes of

5 Nebraska, is amended to read:

6 14-3,107. The city is authorized to vacate or narrow any  
 7 street, highway, main thoroughfare, controlled-access facility,  
 8 connecting link, boulevard, major traffic street, or alley upon  
 9 petition of the owners of seventy-five percent of the taxable  
 10 frontage feet abutting upon such street or alley proposed to be  
 11 vacated and asking for such vacation, or the city, for purposes of  
 12 construction of a controlled-access highway, or to conform to a  
 13 master plan of the city, may, without petition having been filed  
 14 therefor, vacate any street or alley or any part thereof in the  
 15 city. Whenever a street is vacated or narrowed the part so vacated  
 16 shall revert to the abutting owners on the respective sides  
 17 thereof, ~~except~~ ; ~~PROVIDED~~, that if part or all of the vacated  
 18 street lies within the State of Nebraska but one side or any part  
 19 of the street is adjacent to the boundary of the State of Nebraska,  
 20 all of the street lying within the State of Nebraska, or that part  
 21 lying within the State of Nebraska, shall revert to the owner of  
 22 the abutting property lying wholly within the State of Nebraska.  
 23 The city is authorized to open, to improve, and to make passable  
 24 any street, highway, boulevard, main thoroughfare,  
 25 controlled-access facility, connecting link, major traffic street,  
 26 or alley. The term open as used in this section refers to the  
 27 adaptation of the surface of the street to the needs of ordinary  
 1 travel, but does not necessarily require the grading to an  
 2 established grade. The costs of any of the improvements mentioned  
 3 in this section, except as otherwise provided in sections 14-384 to  
 4 14-3,127, to the extent of special benefits thereby conferred, may  
 5 be assessed against the property specially benefited thereby in the  
 6 usual manner for assessing special benefits. When the city vacates  
 7 all or any portion of a street, highway, main thoroughfare,  
 8 controlled-access facility, connecting link, boulevard, major  
 9 traffic street, or alley pursuant to this section, the city shall,  
 10 within thirty days after the effective date of the vacation, file a  
 11 certified copy of the vacating ordinance or resolution with the  
 12 register of deeds for the county in which the vacated property is  
 13 located to be indexed against all affected lots.

14 Sec. 3. Section 15-701, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 15-701. The city council shall have power by ordinance  
 17 to create, open, widen or otherwise improve, vacate, control, name,  
 18 and rename any street, alley, or public way or ways, including the  
 19 sidewalk space within the limits of the city, ~~except that~~ ;  
 20 ~~PROVIDED~~, all damages sustained by the owners of the property  
 21 thereon by opening or widening shall be ascertained in the manner  
 22 set forth in sections 76-704 to 76-724. ~~Whenever~~ ; ~~AND PROVIDED~~  
 23 ~~FURTHER~~, ~~whenever~~ any street, alley, or public way shall be  
 24 vacated, the same shall revert to the owners of the adjacent real  
 25 estate, one-half on each side thereof, unless the city reserves  
 26 title thereto in the ordinance vacating such street, alley, or

27 public way. In the event title is retained by the city, such  
1 property may be sold, conveyed, exchanged, or leased upon such  
2 terms and conditions as shall be deemed in the best interests of  
3 the city, as authorized in its home rule charter. When the city  
4 vacates all or any portion of a street, alley, or public way or  
5 ways, the city shall, within thirty days after the effective date  
6 of the vacation, file a certified copy of the vacating ordinance  
7 with the register of deeds for the county in which the vacated  
8 property is located to be indexed against all affected lots.

9 Sec. 4. Section 16-609, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 16-609. The council shall have power to open, control,  
12 name, rename, extend, widen, narrow, vacate, grade, curb, gutter,  
13 park, and pave or otherwise to improve and control and keep in good  
14 repair and condition, in any manner it may deem proper, any street,  
15 avenue or alley, or public parks park or square, or part of either,  
16 within or without the limits of the city, and it may grade  
17 partially or to the established grade, or park or otherwise improve  
18 any width or part of any such street, avenue, or alley. When the  
19 city vacates all or any portion of a street, avenue, or alley, or  
20 public park or square, or part of either, the city shall, within  
21 thirty days after the effective date of the vacation, file a  
22 certified copy of the vacating ordinance with the register of deeds  
23 for the county in which the vacated property is located to be  
24 indexed against all affected lots.

25 Sec. 5. Section 16-611, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 16-611. (1) Upon the vacation of any street the same so  
1 vacated shall be and remain the property of the city, but may be  
2 sold and conveyed by the city for any price that shall be agreed  
3 upon by the mayor and three-fourths of the city council by the  
4 city, the title to such property shall vest in the owners of the  
5 abutting property and become a part of such property, one-half on  
6 each side thereof.

7 (2) When an alley is vacated the same shall revert to the  
8 owner of the adjacent real estate by the city, the title to such  
9 property shall vest in the owners of the abutting property and  
10 become a part of such property, one-half on each side thereof,  
11 unless the alley is except that when any alley is taken wholly from  
12 one or more lots, upon the vacation thereof, it shall revert to the  
13 owner of the abutting property and become a part of such property  
14 in which case the title to such property shall vest in the owner of  
15 the abutting property and become a part of such property.

16 (3) When a portion of a street or alley is vacated only  
17 on one side of the center thereof, the title to such land property  
18 shall vest in the owner of the abutting property and become a part  
19 of such property.

20 (4) When the city vacates all or any portion of a street  
21 or alley, the city shall, within thirty days after the effective

22 date of the vacation, file a certified copy of the vacating  
 23 ordinance with the register of deeds for the county in which the  
 24 vacated property is located to be indexed against all affected  
 25 lots.

26 Sec. 6. Section 17-558, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 17-558. Second-class cities and villages shall have  
 2 power to open, widen, or otherwise improve or vacate any street,  
 3 avenue, alley, or lane within the limits of the city or village;  
 4 and also to create, open, and improve any new street, avenue,  
 5 alley, or lane. All ; ~~PROVIDED~~, all damages sustained by the  
 6 citizens of the city or village, or by the owners of the property  
 7 therein, shall be ascertained in such manner as shall be provided  
 8 by ordinance. Whenever any street, ~~avenue, or alley, or lane~~ shall  
 9 be vacated, the same shall revert to the owners of the abutting  
 10 real estate, one-half on each side thereof and become a part of  
 11 such property. When a portion of a street, ~~avenue, or alley, or~~  
 12 ~~lane~~ is vacated only on one side of the center thereof, the title  
 13 to such land shall vest in the owner of the abutting property and  
 14 become a part of such property. When the city or village vacates  
 15 all or any portion of a street, avenue, alley, or lane the city or  
 16 village shall, within thirty days after the effective date of the  
 17 vacation, file a certified copy of the vacating ordinance or  
 18 resolution with the register of deeds for the county in which the  
 19 vacated property is located to be indexed against all affected  
 20 lots.

21 Sec. 7. Section 39-1725, Reissue Revised Statutes of  
 22 Nebraska, is amended to read:

23 39-1725. After the public hearing the county board shall  
 24 by resolution at its next meeting or as soon thereafter as may be  
 25 practicable vacate or abandon or refuse vacation or abandonment, as  
 26 in the judgment of the board the public good may require. Vacation  
 27 ; ~~PROVIDED, that vacation and abandonment shall not be ordered~~  
 1 except upon vote of two-thirds of all members of the board and the  
 2 prior approval of the governing body of a city of the metropolitan,  
 3 primary, or first class has been obtained when any public road or  
 4 any part thereof is within the area of the zoning jurisdiction of  
 5 such city. If such ; ~~AND PROVIDED FURTHER, that if said road lies~~  
 6 within a township in a county operating roads on a township basis  
 7 the ~~same~~ road shall not be vacated or abandoned unless an offer has  
 8 been made to relinquish to the township in the manner provided in  
 9 section 39-1726.

10 In the event that the county board decides to vacate or  
 11 abandon, its resolution shall state upon what conditions, if any,  
 12 the vacation or abandonment shall be qualified and particularly  
 13 whether or not the title or right-of-way to any vacated or  
 14 abandoned fragment or section of road shall be sold, revert to  
 15 private ownership, or remain in the public. If ; ~~PROVIDED, that if~~  
 16 the county board fails to specify in a resolution as to the

17 disposition of right-of-way, and if there shall be nonuse of such  
 18 right-of-way for any public purpose for a continuous period of not  
 19 less than ten years, the right-of-way shall revert to the owners of  
 20 the adjacent real estate, one-half on each side thereof. When the  
 21 county vacates all or any portion of a road, the county shall,  
 22 within thirty days after the effective date of the vacation, file a  
 23 certified copy of the vacating resolution with the register of  
 24 deeds for the county to be indexed against all affected lots.

25 Sec. 8. Section 39-1726, Reissue Revised Statutes of  
 26 Nebraska, is amended to read:

27 39-1726. (1) No fragment of a county road lying within a  
 1 township in a county operating roads on a township basis shall be  
 2 vacated or abandoned without first offering to relinquish it to the  
 3 said township. The county board shall offer to relinquish such  
 4 county road by written notification to such township. Such offer  
 5 to relinquish may be conditional or subject to the reservation of  
 6 any right which the county board deems necessary and proper. Four  
 7 months after sending the written notification, the county board may  
 8 proceed to abandon such county road unless a petition from a  
 9 notified township has been filed with the county board setting  
 10 forth that the said township desires to maintain such road, or  
 11 portion thereof, subject to the reservations contained in the  
 12 notice. The county board may reject any petition which does not  
 13 accept the conditions or reservations set forth in the notice. The  
 14 petition and the acceptance or rejection thereof by the county  
 15 board shall be placed upon public record in the office of the  
 16 county clerk. In the event the petition is accepted, the county  
 17 board shall by resolution relinquish the county road to the  
 18 township. From the date of the resolution the county shall be  
 19 relieved of all responsibility in relation to said road. In the  
 20 event a petition for relinquishment is not received within said  
 21 four months or in the event that the petition for relinquishment is  
 22 not accepted, the county board shall, by resolution, state whether  
 23 the vacated or abandoned road shall be retained or disposed of by  
 24 sale, or by reverter to the adjacent property or otherwise.

25 (2) In any county in which is located a city of the  
 26 metropolitan class, written notification of the proposed vacation  
 27 or abandonment shall be given to the planning director of the city,  
 1 and any recommendations which the officer shall make shall be  
 2 received and considered before such vacation or abandonment is  
 3 effected.

4 (3) When the county vacates or abandons all or any  
 5 portion of a county road, the county shall, within thirty days  
 6 after the effective date of the vacation, file a certified copy of  
 7 the vacating resolution with the register of deeds for the county  
 8 in which the vacated property is located to be indexed against all  
 9 affected lots.

10 Sec. 9. Original sections 14-375, 14-3,107, 15-701,  
 11 16-609, 16-611, 17-558, 39-1725, and 39-1726, Reissue revised

12 Statutes of Nebraska, are repealed."

Senator Chambers filed the following amendment to LB 574:

FA91

P. 3, strike lines 11-14.

Senators Dw. Pedersen, Thompson, and Bromm filed the following amendment to LB 142:

AM0724

(Amendments to Standing Committee amendments, AM0226)

1 1. On page 1, after line 20 insert the following new  
 2 paragraph:  
 3 "In order to prevent urban sprawl and to provide  
 4 economical and efficient municipal services, a municipality which  
 5 remains within the boundaries of a municipal county and is not  
 6 consolidated into the municipal county may annex adjacent territory  
 7 within the municipal county if the municipality can show that it  
 8 will provide services equal in quality to those provided by the  
 9 municipal county for an extended period of at least three years at  
 10 a cost less than that of the cost for the services being provided  
 11 by the municipal county."

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 335A.** Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 335, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 547A.** 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 547, Ninety-seventh Legislature, First Session, 2001.

### ANNOUNCEMENTS

The Urban Affairs Committee designates LB 809 and LB 810 as its priority bills.

Senator Hartnett designates LB 808 as his priority bill.

The Nebraska Retirement Systems Committee designates LB 408 as its priority bill.

Senator Aguilar designates LB 598 as his priority bill.

**NOTICE OF COMMITTEE HEARING  
Government, Military and Veterans Affairs**

Tuesday, March 20, 2001  
Accountability and Disclosure Commission  
Napoleon P. Agonor  
State Emergency Response Commission  
Steven Danon  
Darrell Eastin  
Lon Fields  
Keith Mueller  
Dalyce Ronnau  
Harlan Schafer

1:00 PM

(Signed) DiAnna R. Schimek, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Chambers asked unanimous consent to have his name added as cointroducer to LB 71. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 260. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 44 twelfth grade students and teacher from Gibbon; sixth through eighth grade students from Rieiche School District #37, Madison County; and 66 fourth grade students and teachers from Pyrtle Elementary School, Lincoln.

The Doctor of the Day was Dr. Amy Vertin from Lincoln.

**ADJOURNMENT**

At 11:52 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, March 7, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**FORTY-FIRST DAY - MARCH 7, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FORTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 7, 2001

**PRAYER**

The prayer was offered by Pastor Bill Shaner, Martin Luther Home Society, 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 Bromm, Dierks, McDonald, Robak, Schimek, Schrock, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fortieth day was approved.

**STANDING COMMITTEE REPORTS  
Nebraska Retirement Systems**

**LEGISLATIVE BILL 363.** Placed on General File.

**LEGISLATIVE BILL 109.** Placed on General File as amended.  
Standing Committee amendment to LB 109:  
AM0856

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 24-703, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 24-703. (1) Each original member shall contribute
- 5 monthly four percent of his or her monthly compensation to the fund
- 6 until the maximum benefit as limited in subsection (1) of section
- 7 24-710 has been earned. It shall be the duty of the Director of
- 8 Administrative Services in accordance with subsection ~~(10)~~ (11) of
- 9 this section to make a deduction of four percent on the monthly

10 payroll of each original member who is a judge of the Supreme  
11 Court, a judge of the Court of Appeals, a judge of the district  
12 court, a judge of a separate juvenile court, a judge of the county  
13 court, a clerk magistrate of the county court who was an associate  
14 county judge and a member of the fund at the time of his or her  
15 appointment as a clerk magistrate, or a judge of the Nebraska  
16 Workers' Compensation Court showing the amount to be deducted and  
17 its credit to the fund. The Director of Administrative Services  
18 and the State Treasurer shall credit the four percent as shown on  
19 the payroll and the amounts received from the various counties to  
20 the fund and remit the same to the director in charge of the judges  
21 retirement system who shall keep an accurate record of the  
22 contributions of each judge.

23 (2) Each future member shall contribute monthly six  
24 percent of his or her monthly compensation to the fund until the  
1 maximum benefit as limited in subsection (2) of section 24-710 has  
2 been earned. Any time the maximum benefit is changed, a future  
3 member who has previously earned the maximum benefit as it existed  
4 prior to the change shall contribute monthly six percent of his or  
5 her monthly compensation to the fund until the maximum benefit as  
6 changed and as limited in subsection (2) of section 24-710 has been  
7 earned. It shall be the duty of the Director of Administrative  
8 Services to make a deduction of six percent on the monthly payroll  
9 of each such future member who is a judge of the Supreme Court, a  
10 judge of the Court of Appeals, a judge of the district court, a  
11 judge of a separate juvenile court, a judge of the county court, a  
12 clerk magistrate of the county court who was an associate county  
13 judge and a member of the fund at the time of his or her  
14 appointment as a clerk magistrate, or a judge of the Nebraska  
15 Workers' Compensation Court showing the amount to be deducted and  
16 its credit to the fund. This shall be done each month. The  
17 Director of Administrative Services and the State Treasurer shall  
18 credit the six percent as shown on the payroll and the amounts  
19 received from the various counties to the fund and remit the same  
20 to the director in charge of the judges retirement system who shall  
21 keep an accurate record of the contributions of each judge.

22 (3) A Nebraska Retirement Fund for Judges fee of one  
23 dollar shall be taxed as costs in each civil cause of action,  
24 criminal cause of action, traffic misdemeanor or infraction, and  
25 city or village ordinance violation filed in the district courts  
26 and the county courts. In county courts a sum shall be charged  
27 which is equal to ten percent of each fee provided by sections  
1 33-125, 33-126.02, 33-126.03, and 33-126.06. No judges retirement  
2 fee shall be charged for filing a report pursuant to sections  
3 33-126.02 and 33-126.06. When collected by the clerk of the  
4 district or county court, such fees shall be paid to the director  
5 in charge of the judges retirement system on forms prescribed by  
6 the board by the clerk within ten days after the close of each  
7 calendar quarter. Such director shall promptly thereafter remit

8 the same to the State Treasurer for credit to the fund. No  
9 Nebraska Retirement Fund for Judges fee which is uncollectible for  
10 any reason shall be waived by a county judge as provided in section  
11 29-2709.

12 (4) All expenditures from the fund shall be authorized by  
13 voucher in the manner prescribed in section 24-713. The fund shall  
14 be used for the payment of all annuities and other benefits and for  
15 the expenses of administration.

16 (5) The fund shall consist of the total fund as of  
17 December 25, 1969, the contributions of members as provided in this  
18 section, all supplementary court fees as provided in subsection (3)  
19 of this section, and any required contributions of the state.

20 (6) Not later than January 1 of each year, the State  
21 Treasurer shall transfer to the fund the amount certified by the  
22 board as being necessary to pay the cost of any benefits accrued  
23 during the fiscal year ending the previous June 30 in excess of  
24 member contributions for that fiscal year and court fees as  
25 provided in subsection (3) of this section, if any, for that fiscal  
26 year plus any required contributions of the state as provided in  
27 subsection (9) of this section.

1 (7) Benefits under the retirement system to members or to  
2 their beneficiaries shall be paid from the fund.

3 (8) Any member who is making contributions to the fund on  
4 December 25, 1969, may, on or before June 30, 1970, elect to become  
5 a future member by delivering written notice of such election to  
6 the board.

7 (9) Not later than January 1 of each year, the State  
8 Treasurer shall transfer to the fund an amount, determined on the  
9 basis of an actuarial valuation as of the previous June 30 and  
10 certified by the board, to fully fund the unfunded accrued  
11 liabilities of the retirement system as of June 30, 1988, by level  
12 payments up to January 1, 2000. Such valuation shall be on the  
13 basis of actuarial assumptions recommended by the actuary, approved  
14 by the board, and kept on file with the board. Any change in the  
15 unfunded accrued liabilities due to benefit or assumption changes  
16 shall be fully funded over the average expected future service of  
17 the active members of the retirement system or by the first day of  
18 the twenty-sixth calendar year after the date of the actuarial  
19 valuation which first recognized these changes, whichever occurs  
20 first. The change in the unfunded accrued liabilities shall be  
21 funded by level annual payments which shall be made over the lesser  
22 of twenty-five years or the average expected future service of the  
23 active members of the retirement system. If the unfunded accrued  
24 liability for the retirement system, determined under the entry age  
25 actuarial cost method, is zero or less than zero on any actuarial  
26 valuation date, then all prior unfunded accrued liability amounts  
27 shall be considered fully funded. Effective July 1, 1988,

1 actuarial gains and losses shall be amortized over the expected  
2 future service of the active members as part of the annual normal  
3 cost.

4 (10) On July 1, 2001, and each fiscal year thereafter,  
 5 \$200,000 shall be appropriated from the General Fund to the  
 6 Nebraska Retirement Fund for Judges. On July 1, 2002, and each  
 7 fiscal year thereafter, the Public Employees Retirement Board shall  
 8 determine whether member contributions pursuant to subsection (2)  
 9 of this section for the previous fiscal year have exceeded the  
 10 total of the amount remitted pursuant to subsection (3) of this  
 11 section plus the appropriation provided in this subsection for the  
 12 same time period. If member contributions have not exceeded the  
 13 total of the amount remitted pursuant to subsection (3) of this  
 14 section plus the appropriation provided in this subsection, the  
 15 board shall remit the difference to the State Treasurer for credit  
 16 to the General Fund. If member contributions have exceeded the  
 17 total of the amount remitted pursuant to subsection (3) of this  
 18 section plus the appropriation provided in this subsection, the  
 19 board shall request from the Appropriations Committee of the  
 20 Legislature in the following legislative session an amount to be  
 21 appropriated from the General Fund to the Nebraska Retirement Fund  
 22 for Judges. The request shall be an amount which, when added to  
 23 the amount remitted pursuant to subsection (3) of this section plus  
 24 the appropriation pursuant to this subsection, equals the amount  
 25 remitted pursuant to subsection (2) of this section for the  
 26 previous fiscal year.

27 (11) The state or county shall pick up the member  
 1 contributions required by this section for all compensation paid on  
 2 or after January 1, 1985, and the contributions so picked up shall  
 3 be treated as employer contributions in determining federal tax  
 4 treatment under the Internal Revenue Code, except that the state or  
 5 county shall continue to withhold federal income taxes based upon  
 6 these contributions until the Internal Revenue Service or the  
 7 federal courts rule that, pursuant to section 414(h) of the code,  
 8 these contributions shall not be included as gross income of the  
 9 member until such time as they are distributed or made available.  
 10 The state or county shall pay these member contributions from the  
 11 same source of funds which is used in paying earnings to the  
 12 member. The state or county shall pick up these contributions by a  
 13 compensation deduction either through a reduction in the  
 14 compensation of the member or a combination of a reduction in  
 15 compensation and offset against a future compensation increase.  
 16 Member contributions picked up shall be treated for all purposes of  
 17 ~~sections 24-701 to 24-714~~ the Judges Retirement Act in the same  
 18 manner and to the extent as member contributions made prior to the  
 19 date picked up.

20 Sec. 4. Since an emergency exists, this act takes effect  
 21 when passed and approved according to law."

22 2. On page 3, line 13, after "section" insert "24-703,  
 23 Reissue Revised Statutes of Nebraska, and section"; and in line 14  
 24 strike "is" and insert "are".

25 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 596.** Placed on General File as amended.  
 Standing Committee amendment to LB 596:  
 AM0858

- 1 1. On page 2, line 26, strike "three and one-half" and
- 2 insert "two and three-fourths".

**LEGISLATIVE BILL 475.** Indefinitely postponed.

(Signed) Jon C. Bruning, Chairperson

### ANNOUNCEMENTS

The Banking, Commerce and Insurance Committee designates LB 56 and LB 359 as its priority bills.

The Revenue Committee designates LB 172 as its priority bill.

Senator Baker designates LB 664 as his priority bill.

The Transportation and Telecommunications Committee designates LB 470 and LB 389 as its priority bills.

### AMENDMENT - Print in Journal

Senator Brown filed the following amendment to LB 462:  
 AM0861

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 "Section 1. (1) No drug or therapy or performance of a
- 4 diagnostic procedure, which drug, therapy, or diagnostic procedure
- 5 was derived from aborted fetal tissue or research using aborted
- 6 fetal tissue, shall be prescribed, requested to be performed, or
- 7 used in this state.
- 8 (2) For purposes of this section, aborted fetal tissue
- 9 means human fetal tissue, cells, or organs that are obtained from a
- 10 living or dead embryo or fetus during or after an induced abortion.
- 11 Aborted fetal tissue does not include human fetal tissue, cells, or
- 12 organs that are obtained from a spontaneous abortion or ectopic
- 13 pregnancy."

### RESOLUTION

**LEGISLATIVE RESOLUTION 40.** Introduced by Jones, 43.

WHEREAS, on March 3, 2001, the Loup County Public Schools girls' basketball team won the 2001 Class D-2 State Basketball Tournament championship; and

WHEREAS, the Wildcats defeated Chambers 48-44 to win the 2001 state championship; and

WHEREAS, the Wildcats' victory was hard-won, resulting in the toppling of two previously unbeaten teams; and

WHEREAS, this was the first state girls' basketball championship for the team; and

WHEREAS, Coach Rusty Ruppert and the Wildcats exemplified dedication, discipline, and perseverance through talent combined with hard work and courage; and

WHEREAS, the Wildcats, Coach Ruppert, and the team's families and supporters should be commended for their well-earned victory.

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

1. That the Legislature recognizes and congratulates the Loup County Wildcats girls' basketball team and Coach Ruppert for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Loup County Public Schools girls' basketball team and Coach Rusty Ruppert.

Laid over.

### **MOTION - Approve Appointment**

Senator Connealy moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 913: Nebraska Boiler Safety Code Advisory Board - James Marvin.

Voting in the affirmative, 33:

Aguilar	Baker	Brown	Bruning	Burling
Byars	Chambers	Connealy	Coordsen	Cunningham
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Pederson, D.
Price	Quandahl	Redfield	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein		

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Bourne	Brashear	Cudaback	Jensen
Preister	Raikes	Smith	Tyson	

Excused and not voting, 7:

Bromm	Dierks	McDonald	Robak	Schimek
Schrock	Wickersham			

The appointment was confirmed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**GENERAL FILE**

**LEGISLATIVE BILL 23A.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 154A.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 451A.** 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.

**SELECT FILE**

**LEGISLATIVE BILL 163A.** Advanced to E & R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 227.** Considered.

Senator Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion failed with 24 ayes, 10 nays, and 15 not voting.

Senator Tyson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

Senator Thompson moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Thompson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Aguilar	Beutler	Brown	Bruning	Byars
Chambers	Dierks	Jensen	Maxwell	Preister
Price	Raikes	Redfield	Schimek	Schrock
Suttle	Thompson	Vrtiska	Wehrbein	

Voting in the negative, 29:

Baker	Bourne	Brashear	Bromm	Burling
Connealy	Coordsen	Cudaback	Cunningham	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jones	Kremer	Kristensen	Landis
McDonald	Pedersen, Dw.	Pederson, D.	Quandahl	Robak
Smith	Stuhr	Tyson	Wickersham	

Present and not voting, 1:

Kruse

Failed to advance to E & R for review with 19 ayes, 29 nays, and 1 present and not voting.

The Chair declared the call raised.

### STANDING COMMITTEE REPORTS Banking, Commerce and Insurance

**LEGISLATIVE BILL 455.** Placed on General File as amended.  
Standing Committee amendment to LB 455:  
AM0846

- 1 1. Strike original sections 1, 3, 6, and 7 and insert
- 2 the following new section:
- 3 "Sec. 4. Original sections 1-115, 1-118, and 1-119,
- 4 Reissue Revised Statutes of Nebraska, are repealed."
- 5 2. On page 4, line 26, strike "one thousand" and insert
- 6 "four hundred".
- 7 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 563.** Placed on General File as amended.  
Standing Committee amendment to LB 563:  
AM0769

- 1 1. Strike section 1 and insert the following new
- 2 section:
- 3 "Section 1. Section 44-793, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 44-793. (1) On or after January 1, 2000, notwithstanding
- 6 section 44-3,131, any health insurance plan delivered, issued, or
- 7 renewed in this state (a) if coverage is provided for treatment of
- 8 mental health conditions other than alcohol or substance abuse, (i)
- 9 shall not establish any rate, term, or condition that places a
- 10 greater financial burden on an insured for access to treatment for
- 11 a serious mental illness than for access to treatment for a
- 12 physical health condition and (ii)(A) if an out-of-pocket limit is
- 13 established for physical health conditions, shall apply such
- 14 out-of-pocket limit as a single comprehensive out-of-pocket limit



15 for both physical health conditions and mental health conditions  
 16 and (B) if a copayment or coinsurance is required, shall apply such  
 17 copayment or coinsurance against the out-of-pocket limit described  
 18 in subdivision (1)(a)(ii)(A) of this section in the same manner for  
 19 both physical health conditions and mental health conditions, or  
 20 (b) if no coverage is to be provided for treatment of mental health  
 21 conditions, shall provide clear and prominent notice of such  
 22 noncoverage in the plan.

23 (2) If a health insurance plan provides coverage for  
 24 serious mental illness, the health insurance plan shall cover  
 1 health care rendered for treatment of serious mental illness (a) by  
 2 a mental health professional, (b) by a person authorized by the  
 3 rules and regulations of the Department of Health and Human  
 4 Services Regulation and Licensure to provide treatment for mental  
 5 illness, (c) in a mental health center as defined in section  
 6 71-423, or (d) in any other health care facility licensed under the  
 7 Health Care Facility Licensure Act that provides a program for the  
 8 treatment of a mental health condition pursuant to a written plan.  
 9 The issuer of a health insurance plan may require a health care  
 10 provider under this subsection to enter into a contract as a  
 11 condition of providing benefits.

12 (3) The Director of Insurance may disapprove any plan  
 13 that the director determines to be inconsistent with the purposes  
 14 of this section."

**LEGISLATIVE BILL 319.** Indefinitely postponed.  
**LEGISLATIVE BILL 324.** Indefinitely postponed.  
**LEGISLATIVE BILL 450.** Indefinitely postponed.  
**LEGISLATIVE BILL 459.** Indefinitely postponed.  
**LEGISLATIVE BILL 544.** Indefinitely postponed.  
**LEGISLATIVE BILL 672.** Indefinitely postponed.  
**LEGISLATIVE BILL 716.** Indefinitely postponed.

(Signed) David M. Landis, Chairperson

### AMENDMENTS - Print in Journal

Senators Wickersham and Vrtiska filed the following amendment to LB 711:  
 AM0870

1 1. insert the following new sections:  
 2 "Section 1. Section 24-710.07, Revised Statutes  
 3 Supplement, 2000, is amended to read:  
 4 24-710.07. (1) Beginning July 1, 2000, and each July 1  
 5 thereafter, current benefits paid to a member or beneficiary shall  
 6 be adjusted to equal seventy-five percent of the annuity which  
 7 results when the initial benefit that was paid to the member or  
 8 beneficiary (before any cost-of-living adjustments or supplemental  
 9 retirement benefit adjustments pursuant to the Judges Retirement  
 10 Act) is adjusted by the increase in the change in the Consumer

11 Price Index for Urban Wage Earners and Clerical Workers between the  
12 commencement date of the annuity and July 1 of each year the  
13 adjustment is made. The adjustment pursuant to this subsection  
14 shall not cause a current benefit to be reduced.

15 (2)(a) Beginning July 1, 2000, until July 1, 2001, the  
16 current benefit of a member or the beneficiary of such a member  
17 shall be increased annually by the lesser of (a) the change in the  
18 Consumer Price Index for Urban Wage Earners and Clerical Workers  
19 published by the Bureau of Labor Statistics of the United States  
20 Department of Labor for the prior year or (b) two percent.

21 (b) Beginning July 1, 2001, the current benefit of a  
22 member or the beneficiary of such a member shall be increased  
23 annually by the lesser of (a) the change in the Consumer Price  
24 Index for Urban Wage Earners and Clerical Workers published by the  
25 Bureau of Labor Statistics of the United States Department of Labor  
26 for the prior year or (b) two and seventy-five hundredths percent.

27 (3) The Judges Purchasing Power Stabilization Fund is  
28 created. The purpose of the fund shall be to reflect changes in  
29 the cost of living and wage levels that have occurred subsequent to  
30 the date of retirement and that have reduced the purchasing power  
31 of retirement benefits provided under the retirement system. A  
32 separate annual actuarial valuation of the fund and the benefits  
33 provided in section 24-710.08 shall be completed by the actuary  
34 using the aggregate actuarial cost method. Commencing with the  
35 1996-97 fiscal year through the 1999-00 fiscal year, the state  
36 shall contribute to the Judges Purchasing Power Stabilization Fund  
37 an annual level dollar payment certified by the board. After the  
38 1999-00 fiscal year, the state shall contribute to the Nebraska  
39 Retirement Fund for Judges an annual level dollar payment certified  
40 by the board. For the 1996-97 fiscal year through the 2010-11  
41 fiscal year, the annual level dollar payment certified by the board  
42 shall equal 1.04778 percent of six million eight hundred  
43 ninety-five thousand dollars. Until July 1, 2000, any money in the  
44 Judges Purchasing Power Stabilization Fund available for investment  
45 shall be invested by the state investment officer pursuant to the  
46 Nebraska Capital Expansion Act and the Nebraska State Funds  
47 Investment Act. On July 1, 2000, the Judges Purchasing Power  
48 Stabilization Fund shall terminate and all money in the fund shall  
49 be transferred to the Nebraska Retirement Fund for Judges.

50 (4) The board shall adjust the annual benefit adjustment  
51 provided in this section so that the total amount of all  
52 cost-of-living adjustments provided to the eligible retiree at the  
53 time of the annual benefit adjustment does not exceed the change in  
54 the National Consumer Price Index for Urban Wage Earners and  
55 Clerical Workers published by the Bureau of Labor Statistics for  
56 the period between June 30 of the prior year to June 30 of the  
57 present year. If the consumer price index used in this section is  
58 discontinued or replaced, a substitute index published by the  
59 United States Department of Labor shall be selected by the board

9 which shall be a reasonable representative measurement of the cost  
10 of living for retired employees.

11 Sec. 5. Section 81-2027.03, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 81-2027.03. (1) Beginning July 1, 2000, and each July 1  
14 thereafter, current benefits paid to a member or beneficiary shall  
15 be adjusted to equal sixty percent of the annuity which results  
16 when the initial benefit that was paid to the member or beneficiary  
17 (before any cost-of-living adjustments or supplemental retirement  
18 benefit adjustments pursuant to the Nebraska State Patrol  
19 Retirement Act) is adjusted by the increase in the change in the  
20 Consumer Price Index for Urban Wage Earners and Clerical Workers  
21 between the commencement date of the annuity and July 1 of each  
22 year the adjustment is made. The adjustment pursuant to this  
23 subsection shall not cause a current benefit to be reduced.

24 (2)(a) Beginning July 1, 2000, and until July 1, 2001,  
25 the current benefit of a member or the beneficiary of such a member  
26 shall be increased annually by the lesser of ~~(a)~~ (i) the change in  
27 the Consumer Price Index for Urban Wage Earners and Clerical  
1 Workers published by the Bureau of Labor Statistics of the United  
2 States Department of Labor for the prior year or ~~(b)~~ (ii) two  
3 percent.

4 (b) Beginning July 1, 2001, the current benefit of a  
5 member or the beneficiary of such a member shall be increased  
6 annually by the lesser of (i) the change in the Consumer Price  
7 Index for Urban Wage Earners and Clerical Workers published by the  
8 Bureau of Labor Statistics of the United States Department of Labor  
9 for the prior year or (ii) two and seventy-five hundredths percent.

10 (3) The State Patrol Purchasing Power Stabilization Fund  
11 is created. The purpose of the fund shall be to reflect changes in  
12 the cost of living and wage levels that have occurred subsequent to  
13 the date of retirement and that have reduced the purchasing power  
14 of retirement benefits provided under the retirement system. A  
15 ~~separate annual actuarial valuation of the fund and the benefits~~  
16 ~~provided in section 81-2027.04 shall be completed by the actuary~~  
17 ~~using the aggregate actuarial cost method.~~ Commencing with the  
18 1996-97 fiscal year through the 1999-00 fiscal year, the state  
19 shall contribute to the State Patrol Purchasing Power Stabilization  
20 Fund an annual level dollar payment certified by the board. After  
21 the 1999-00 fiscal year, the state shall contribute to the State  
22 Patrol Retirement Fund an annual level dollar payment certified by  
23 the board. For the 1996-97 fiscal year through the 2010-11 fiscal  
24 year, the annual level dollar payment certified by the board shall  
25 equal 3.04888 percent of six million eight hundred ninety-five  
26 thousand dollars. Until July 1, 2000, any money in the State  
27 Patrol Purchasing Power Stabilization Fund available for investment  
1 shall be invested by the state investment officer pursuant to the  
2 Nebraska Capital Expansion Act and the Nebraska State Funds  
3 Investment Act. On July 1, 2000, the State Patrol Purchasing Power

4 Stabilization Fund shall terminate and all money in the fund shall  
 5 be transferred to the State Patrol Retirement Fund.  
 6 (4) The board shall adjust the annual benefit adjustment  
 7 provided in this section so that the total amount of all  
 8 cost-of-living adjustments provided to the eligible retiree at the  
 9 time of the annual benefit adjustment does not exceed the change in  
 10 the National Consumer Price Index for Urban Wage Earners and  
 11 Clerical Workers published by the Bureau of Labor Statistics for  
 12 the period between June 30 of the prior year to June 30 of the  
 13 present year. If the consumer price index used in this section is  
 14 discontinued or replaced, a substitute index published by the  
 15 United States Department of Labor shall be selected by the board  
 16 which shall be a reasonable representative measurement of the cost  
 17 of living for retired employees."  
 18 2. On page 9, line 26, after "Original" insert "section  
 19 81-2027.03, Reissue Revised Statutes of Nebraska, and" and after  
 20 "sections" insert "24-710.07,".  
 21 3. Renumber the remaining sections and correct internal  
 22 references accordingly.

Senator Landis filed the following amendment to LB 215:  
 AM0871

(Amendments to Standing Committee amendments, AM0307)

- 1 1. Strike amendments 2 and 3 and renumber the remaining
- 2 amendments accordingly.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 21A.** 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 21, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 357A.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 357, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 848A.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 848, Ninety-seventh Legislature, First Session, 2001.

**ANNOUNCEMENTS**

The Natural Resources Committee designates LB 103 as its priority bill.

The Government, Military and Veterans Affairs Committee designates LB 796 as its priority bill.

**NOTICE OF COMMITTEE HEARING  
Natural Resources**

Wednesday, March 14, 2001 1:30 PM  
Nebraska Power Review Board  
Ken Kunze  
Rick Sanders

LR 32      Wednesday, March 14, 2001 1:30 PM

(Signed) Ed Schrock, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 574.** Senator Brashear renewed his pending amendment, AM0705, found on page 791.

Senator McDonald asked unanimous consent to be excused until he returns. No objections. So ordered.

**SENATOR CUDABACK PRESIDING**

Senator Brashear withdrew his amendment.

Senator Chambers renewed his pending amendment, FA91, found on page 942.

Senators Robak, Hudkins, and Brashear asked unanimous consent to be excused. No objections. So ordered.

Pending.

**STANDING COMMITTEE REPORTS  
Appropriations/Health and Human Services**

- LEGISLATIVE BILL 372.** Indefinitely postponed.
- LEGISLATIVE BILL 562.** Indefinitely postponed.
- LEGISLATIVE BILL 570.** Indefinitely postponed.
- LEGISLATIVE BILL 615.** Indefinitely postponed.
- LEGISLATIVE BILL 623.** Indefinitely postponed.
- LEGISLATIVE BILL 693.** Indefinitely postponed.
- LEGISLATIVE BILL 694.** Indefinitely postponed.

(Signed) Roger R. Wehrbein, Chairperson

(Signed) Jim Jensen, Chairperson

**Business and Labor**

**LEGISLATIVE BILL 180.** Placed on General File as amended.  
(Standing Committee amendment, AM0806, 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 185.** Placed on General File as amended.  
Standing Committee amendment to LB 185:  
AM0789

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) No railroad company shall allow the
- 4 operation of any freight train or locomotive between terminals in
- 5 this state unless the freight train or locomotive has a crew of at
- 6 least two railroad company employees.
- 7 (2) At least one of the railroad company employees on the
- 8 crew shall be a locomotive engineer, and one of the railroad
- 9 company employees on the crew shall be a conductor.
- 10 (3) A locomotive engineer shall be present in the cab and
- 11 shall operate the control locomotive at all times that the freight
- 12 train or locomotive is in motion, and the conductor may dismount
- 13 the freight train or locomotive when necessary to perform switching
- 14 activities and other duties in the course of his or her job.
- 15 (4) For purposes of sections 1 to 3 of this act:
- 16 (a) Railroad company means any individual, partnership,
- 17 firm, limited liability company, corporation, company, society, or
- 18 association managing, maintaining, operating, or in possession of a
- 19 railroad in whole or in part within this state whether as owner or
- 20 contractor. The term also includes any form of nonhighway ground
- 21 transportation that runs on rails or electromagnetic guideways and
- 22 any entity providing such transportation; and
- 23 (b) Terminal means one or more tracks within an area in
- 24 which the switching of rolling stock and locomotives and the
- 1 testing, servicing, repair, or inspection of freight or passenger
- 2 rolling stock or locomotives is conducted.
- 3 Sec. 2. Section 1 of this act does not apply to the
- 4 extent that it conflicts with or is inconsistent with a directive
- 5 of the United States Congress.
- 6 Sec. 3. Any person, railroad company, or railroad
- 7 company employee who violates section 1 of this act is subject to a
- 8 first offense fine of not less than one hundred dollars, a second
- 9 offense fine of not less than two hundred fifty dollars, and a
- 10 third offense fine of five hundred dollars. All fines shall apply
- 11 to each freight train or locomotive operated on each day of
- 12 operation in this state, shall be enforced by the Public Service
- 13 Commission, and shall be remitted to the State Treasurer for credit
- 14 to the permanent school fund.
- 15 Sec. 4. If any section in this act or any part of any

16 section is declared invalid or unconstitutional, the declaration 17 shall not affect the validity or constitutionality of the remaining 18 portions.".

(Signed) Matt Connealy, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 170A.** 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 170, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

**LEGISLATIVE BILL 436A.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 436, Ninety-seventh Legislature, First Session, 2001.

**NOTICE OF COMMITTEE HEARING  
Health and Human Services**

Wednesday, March 14, 2001

1:30 PM

Commission for the Deaf and Hard of Hearing

Stephen Stout

Kevin Williams

Health and Human Services System Partnership Council

Kimberly Buser

Patrick Connell

Mary Harbaugh

David Long

Bradley Sher

Sheila Stearns

(Signed) Jim Jensen, Chairperson

**ANNOUNCEMENTS**

Senator Wickersham designates LB 772 as his priority bill.

Senator Maxwell designates LB 678 as his priority bill.

**AMENDMENTS - Print in Journal**

Senator Suttle filed the following amendment to LB 23:  
AM0882

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 43-2,125, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 43-2,125. Whenever any judge of a separate juvenile
- 5 court is disabled or disqualified to act in any cause before him or
- 6 her or is temporarily absent from the county or whenever it would
- 7 be beneficial to the administration of justice, a judge of the
- 8 district court may agree to serve as judge of the separate juvenile
- 9 court during such period or the Chief Justice of the Supreme Court
- 10 may designate and appoint a judge of the district court, a judge of
- 11 another separate juvenile court, or a judge of the county court to
- 12 serve as judge of the separate juvenile court during such period.
- 13 The Chief Justice may also appoint a judge of a separate juvenile
- 14 court to hear juvenile matters in a county court."
- 15 2. On page 2, line 20, strike "section 43-2,119" and
- 16 insert "sections 43-2,119 and 43-2,125"; and in line 21 strike "is"
- 17 and insert "are".
- 18 3. Renumber the remaining sections accordingly.

Senator Bromm filed the following amendment to LB 574:

FA92

- 1 1. In the Bromm amendment, AM0692, on page 2, lines 4
- 2 and 10, strike "biometric identifier" and insert "facial recognition
- 3 map".
- 4 2. On page 3, lines 12 and 13, strike "biometric
- 5 identifiers" and insert "facial recognition maps".

## VISITORS

Visitors to the Chamber were students and teacher from Christ Is King Community School, Norfolk; Friend High School Jazz Band and teacher; Scott Henderson from Omaha; Pat Korell from Bayard; Rick Gowdy with the American Legislative Exchange Counsel from Washington, D.C.; 7 seniors and teacher from Benedict; and Bruce Christiansen from Holdrege.

The Doctor of the Day was Dr. Gilbert Herd from Omaha.

## ADJOURNMENT

At 12:01 p.m., on a motion by Senator Tyson, the Legislature adjourned until 9:00 a.m., Thursday, March 8, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SECOND DAY - MARCH 8, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 8, 2001

**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., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Maxwell who was excused; and Senators Brashear, Coordsen, Cunningham, Hartnett, Kremer, Landis, Preister, Schimek, Vrtiska, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-first day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 170.** Placed on Select File as amended.

E & R amendment to LB 170:

AM7067

- 1 1. In the Standing Committee amendments, AM0245:
- 2 a. On page 5, lines 4 and 5; and page 18, line 1, strike
- 3 "average level", show as stricken, and insert "established
- 4 indicator of central tendency";
- 5 b. On page 14, line 5, strike "days", show as stricken,
- 6 and insert "days";
- 7 c. On page 15, line 25, strike "to", show as stricken,
- 8 and insert "and"; and
- 9 d. On page 22, line 27, strike the semicolon and insert
- 10 a comma.

11 2. On page 1, strike lines 2 through 9 and insert  
 12 "49-1201, Reissue Revised Statutes of Nebraska, and sections  
 13 77-101, 77-1311, 77-1327, 77-1342, 77-1343, 77-1344, 77-1347,  
 14 77-1363, 77-1510, 77-5004, 77-5007, 77-5013, 77-5023, 77-5024,  
 15 77-5026, and 79-1016, Revised Statutes Supplement, 2000; to change  
 16 provisions relating to property tax valuation; to define a term; to  
 17 provide and change powers and duties; to change qualifications for  
 18 members of the Tax Equalization and Review Commission; to change  
 19 procedures relating to appeals to the commission; to eliminate  
 20 provisions relating to taxation of irrigation works and formal  
 21 equalization plans; to harmonize provisions; to repeal the original  
 22 sections; to outright repeal section 46-267, Reissue Revised  
 23 Statutes of Nebraska, and section 77-5012, Revised Statutes  
 24 Supplement, 2000; and to declare an emergency."

**LEGISLATIVE BILL 240.** Placed on Select File.  
**LEGISLATIVE BILL 23A.** Placed on Select File.  
**LEGISLATIVE BILL 154A.** Placed on Select File.  
**LEGISLATIVE BILL 451A.** Placed on Select File.

### Correctly Engrossed

The following bills were correctly engrossed: LBs 55, 71, and 163A.

#### Enrollment and Review Change to LB 55

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

ER9030

1. On page 5, line 2, "and" has been struck.
2. On page 6, line 22, the semicolon has been struck.
3. On page 7, line 21, "section" has been inserted after the first "in".

#### Enrollment and Review Change to LB 71

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

ER9031

1. In lieu of the Chambers amendment, FA90, in the Chambers amendment, AM0065:

a. Section 5 has been struck and the following new sections inserted:

"Sec. 5. Sections 2 and 6 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on May 16, 2001.

Sec. 6. Original section 32-538, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 7. Original sections 14-201.03, 32-553, and 32-555, Reissue Revised Statutes of Nebraska, are repealed."; and

b. Section 6 has been renumbered as section 8.

2. On page 1, the matter beginning with "section" in line 1 through line 4 has been struck and "sections 14-201.03, 32-538, 32-553, and 32-555, Reissue Revised Statutes of Nebraska; to authorize the city council of a city of the metropolitan class to redraw its own district boundaries as prescribed; to change provisions relating to cities with the city manager plan of government; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Philip Erdman, Chairperson

### ANNOUNCEMENTS

Senator Stuhr designates LB 486 as her priority bill.

Senator Cunningham designates LB 536 as his priority bill.

The Health and Human Services Committee designates LB 235 and LB 640 as its priority bills.

Senator Smith designates LB 516 as his priority bill.

### GENERAL FILE

**LEGISLATIVE BILL 677.** Title read. Considered.

The Standing Committee amendment, AM0329, found on page 584, was considered.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 759.** Title read. Considered.

### SENATOR CUDABACK PRESIDING

The Standing Committee amendment, AM0706, found on page 894, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 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 34 ayes, 0 nays, 9 present and not

voting, and 6 excused and not voting.

**LEGISLATIVE BILL 585.** Title read. Considered.

The Standing Committee amendment, AM0462, found on page 712, was considered.

Senators Schimek, Dierks, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee 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 30 ayes, 3 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 585A.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 4 nays, 10 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 12A.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 12, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 677A.** Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 677, Ninety-seventh Legislature, First Session, 2001.

### **STANDING COMMITTEE REPORT** **Natural Resources**

**LEGISLATIVE BILL 217.** Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

### **ANNOUNCEMENT**

The Business and Labor Committee designates LB 72 and LB 180 as its priority bills.

**GENERAL FILE**

**LEGISLATIVE BILL 114.** Title read. Considered.

The Standing Committee amendment, AM0509, found on page 694, was considered.

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

AM0907

(Amendments to Standing Committee amendments, AM0509)

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 53-168.06, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-168.06. No person shall manufacture, bottle, blend,
- 5 sell, barter, transport, deliver, furnish, or possess any alcoholic
- 6 liquor for beverage purposes except as specifically provided in
- 7 Nebraska Liquor Control Act. Nothing in the act shall prevent (1)
- 8 the possession of alcoholic liquor legally obtained as provided in
- 9 the act for the personal use of the possessor and his or her family
- 10 and guests; (2) the making of wine, cider, or other alcoholic
- 11 liquor by a person from fruits, vegetables, or grains, or the
- 12 product thereof, by simple fermentation and without distillation,
- 13 if made solely for the use of the maker and his or her family and
- 14 guests; (3) any duly licensed practicing physician or dentist from
- 15 possessing or using alcoholic liquor in the strict practice of his
- 16 or her profession, any hospital or other institution caring for the
- 17 sick and diseased persons from possessing and using alcoholic
- 18 liquor for the treatment of bona fide patients of such hospital or
- 19 other institution, or any drug store employing a licensed
- 20 pharmacist from possessing or using alcoholic liquor in the
- 21 compounding of prescriptions of licensed physicians; or (4) the
- 22 possession and dispensation of wine by an authorized representative
- 23 of any church for the purpose of conducting any bona fide rite or
- 1 religious ceremony conducted by such church; ; ~~(5) persons who are~~
- 2 ~~sixteen years old or older from carrying alcoholic liquor from~~
- 3 ~~licensed establishments when they are accompanied by a person not a~~
- 4 ~~minor; (6) persons who are sixteen years old or older from handling~~
- 5 ~~alcoholic liquor containers and alcoholic liquor in the course of~~
- 6 ~~their employment; (7) persons who are sixteen years old or older~~
- 7 ~~from removing and disposing of alcoholic liquor containers for the~~
- 8 ~~convenience of the employer and customers in the course of their~~
- 9 ~~employment; or (8) persons who are nineteen years old or older from~~
- 10 ~~selling or serving alcoholic liquor in the course of their~~
- 11 ~~employment."~~
- 12 2. On page 2, line 13, after the semicolon insert "in
- 13 line 20 after 'sections' insert '53-168.02,','";
- 14 3. Renumber section 5 as section 6 and correct internal
- 15 references accordingly.

Senator Beutler 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 21 ayes, 1 nay, and 27 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Chambers	Connealy	Preister	Price	Redfield
Robak	Suttle	Wehrbein		

Voting in the negative, 18:

Bourne	Brown	Bruning	Burling	Erdman
Foley	Janssen	Jensen	Kruse	Landis
Pedersen, Dw.	Quandahl	Schimek	Schrock	Smith
Stuhr	Thompson	Tyson		

Present and not voting, 18:

Aguilar	Baker	Bromm	Byars	Coordsen
Cudaback	Cunningham	Engel	Hartnett	Hilgert
Hudkins	Jones	Kremer	McDonald	Pederson, D.
Raikes	Vrtiska	Wickersham		

Excused and not voting, 5:

Beutler	Brashear	Dierks	Kristensen	Maxwell
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The Chambers amendment lost with 8 ayes, 18 nays, 18 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

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

AM0899

(Amendments to Standing Committee amendments, AM0509)

- 1 1. On page 2, line 2, strike "impounded" and insert
- 2 "suspended"; in line 6 strike "suspended" and insert "impounded";
- 3 and in line 8 after "section" insert "53-180.01 or".

Senator D. Pederson asked unanimous consent to be excused. No objections. So ordered.

The Janssen amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Pending.

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

**LEGISLATIVE BILL 17.** Indefinitely postponed.

**LEGISLATIVE BILL 410.** Indefinitely postponed.

**LEGISLATIVE BILL 681.** Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

**Business and Labor**

**LEGISLATIVE BILL 72.** Placed on General File.

**LEGISLATIVE BILL 633.** Placed on General File.

(Signed) Matt Connealy, Chairperson

**ANNOUNCEMENTS**

Senator Raikes designates LB 305 as his priority bill.

Senator Thompson designates LB 38 as her priority bill.

Senator Landis designates LB 740 as his priority bill.

Senator Bourne designates LB 335 as his priority bill.

Senator Connealy designates LB 75 as his priority bill.

The Agriculture Committee designates LB 438 and LB 196 as its priority bills.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 113A.** 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 113, Ninety-seventh Legislature, First Session, 2001.

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB 114:

FA93

Amend AM0509

At page 1 after line 13, add, "Unless a person is an emancipated minor at least eighteen years of age, no person under twenty-one years of age shall be authorized to participate or assist law enforcement officers in such compliance checks without the written consent of his or her parents or legal guardian."

Senator Chambers filed the following amendment to LB 114:

FA94

Amend AM0509

Page 1, line 8 after "from", insert "illegally".

Senator Beutler filed the following amendment to LB 692:

AM0901

(Amendments to Standing Committee amendments, AM0781)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 71-1627, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-1627. ~~Any~~ Subject to section 71-1628.01, any county
- 5 or group of counties may establish a county or district health
- 6 department with a health director at its head, who shall be
- 7 required to give his or her entire time to the duties of the
- 8 office, and such other necessary qualified full or part-time health
- 9 officers, environmental health specialists, public health nurses,
- 10 health educators, and clerical assistants as may be necessary to
- 11 carry on the activities pertinent to a county or district health
- 12 department.
- 13 Sec. 2. Section 71-1628, Revised Statutes Supplement,
- 14 2000, is amended to read:
- 15 71-1628. ~~The~~ Subject to section 71-1628.01 the county
- 16 board of any county may (1) make an agreement with the Department
- 17 of Health and Human Services, the Department of Health and Human
- 18 Services Regulation and Licensure, or the Department of Health and
- 19 Human Services Finance and Support relative to the expenditure of
- 20 local, state, federal, and other funds or any combination thereof,
- 21 available for public health in such county; (2) after notice and
- 22 public hearing, establish and maintain a single full-time local
- 23 health department for such county and any other counties which
- 1 combine for that purpose and, pursuant to such combination or
- 2 agreement, such counties may cooperate with one another and the
- 3 Department of Health and Human Services Regulation and Licensure
- 4 and may contribute to a joint fund in carrying out the purpose and
- 5 intent of sections 71-1626 to 71-1636. The duration and nature of
- 6 such agreement shall be evidenced by the resolutions of the county
- 7 boards of such counties, and such agreement shall be submitted to
- 8 and approved by the Department of Health and Human Services
- 9 Regulation and Licensure; or (3) cooperate with any city in the
- 10 establishment and maintenance of a city-county health department as



11 provided in section 71-1630. The duration and nature of such an  
12 agreement shall be evidenced by resolutions of the city council of  
13 the city and the county board participating, and such agreement  
14 shall be submitted to and approved by the Department of Health and  
15 Human Services Regulation and Licensure. A city-county health  
16 department shall be administered as provided in the agreement  
17 between the county and the city and shall be considered a  
18 state-approved, local, full-time public health service.

19 Sec. 3. Section 71-1628.01, Revised Statutes Supplement,  
20 2000, is amended to read:

21 71-1628.01. (1) There shall be no more than a total of  
22 twenty-two county, district, and city-county health departments  
23 established in this state under sections 71-1626 to 71-1636.

24 (2) A county or district health department established  
25 under sections 71-1626 to 71-1636 may be terminated, following a  
26 public hearing, by a majority vote of the county board members for  
27 any county having a health department or of the majority of county  
1 boards having a district health department. A city-county health  
2 department may be terminated as provided by the agreement between  
3 the county and the city."

4 2. On page 2, lines 3 and 4, strike "9 to 14" and insert  
5 "12 to 17".

6 3. On page 13, strike lines 7 through 19 and insert  
7 "(1) Six million dollars in fiscal year 2001-02 and six  
8 million dollars in fiscal year 2002-03 to the Department of Health  
9 and Human Services for local public health services, public health  
10 planning, and public health infrastructure development. The  
11 department, in cooperation with counties and public health  
12 organizations, shall prepare and adopt a plan which provides for  
13 the inclusion of every county and city in a new or existing county,  
14 district, or city-county health department under sections 71-1626  
15 to 71-1636 on or before June 1, 2001. There shall be no more than  
16 a total of twenty-two of such departments established in this state  
17 under such sections. No funds appropriated under this subdivision  
18 shall be allocated to or used in a county which is not included in  
19 a health department under the plan adopted by the Department of  
20 Health and Human Services. The department, in cooperation with  
21 counties, public health organizations, and the Legislature, shall  
22 prepare and submit a proposal for the distribution of funds  
23 appropriated pursuant to this subdivision for use by the  
24 departments described in the plan to the Appropriations Committee  
25 and the Health and Human Services Committee of the Legislature on  
26 or before July 1, 2001. The department shall adopt and promulgate  
27 rules and regulations for such distribution and use by January 1,  
1 2002. No funds appropriated under this subdivision shall be  
2 distributed or expended prior to January 1, 2002; and".

3 4. On page 16, line 6, strike "sections" and insert  
4 "section 71-1627, Reissue Revised Statutes of Nebraska, and  
5 sections 71-1628, 71-1628.01,".

6 5. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB 114:

FA95

Amend AM0509

P. 1, line 13, strike the period and insert, "and submitted to the General Affairs Committee of the Legislature for review."

Senator Chambers filed the following amendment to LB 114:

FA96

Amend AM0509

P. 1, line 16 strike "wine" and insert "an alcoholic beverage", strike "sacramental" and insert "religious"

Senator Stuhr filed the following amendment to LB 180:

AM0896

(Amendments to Standing Committee amendments, AM0806)

- 1 1. On page 1, lines 3 and 5, strike "fourteen" and
- 2 insert "thirteen".

Senator Bourne filed the following amendment to LB 177:

AM0752

(Amendments to Final Reading copy)

- 1 1. Strike section 2.
- 2 2. On page 1, line 2; and page 8, line 28, strike
- 3 "14-554,".
- 4 3. Renumber the remaining sections accordingly.

Senator Robak filed the following amendment to LB 827:

AM0912

(Amendments to Standing Committee amendments, AM0499)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. It is the intent of the Legislature that
- 4 \$200,000 shall be appropriated to be used by the Legislature to
- 5 conduct a comprehensive review of the telecommunications industry.
- 6 The review shall include:
- 7 (1) A statewide needs assessment to determine the
- 8 telecommunications needs of Nebraska consumers and whether they are
- 9 being met;
- 10 (2) A review of the statutory and regulatory frameworks
- 11 of other states where political subdivisions are providing
- 12 telecommunications services;
- 13 (3) A review of public and private telecommunications
- 14 joint ventures that have been undertaken and the statutory
- 15 frameworks that have allowed those joint ventures;
- 16 (4) An inventory of the extent of available fiber optic
- 17 capacity of political subdivisions in Nebraska; and
- 18 (5) Funding and grant mechanisms utilized in other states

19 to provide for deployment of advanced telecommunications services  
20 in high-cost and underserved areas.  
21 The study shall be completed within two years after the  
22 effective date of this act."

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Baker asked unanimous consent to have his name added as cointroducer to LB 664. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 384 and LB 593. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were Dave and Patrick Bergin from Canyon City, Colorado and Dallas and Kyle Watkins from Benkelman; 25 members of the Pleasant View Bible Church, Aurora; members of the Bellevue Leadership class; Dan Steffensmeier from Beemer; 30 first through eighth grade home school students and sponsor from Beatrice; and the Day Spring Class from Omaha.

#### **ADJOURNMENT**

At 12:06 p.m., on a motion by Senator Hartnett, the Legislature adjourned until 9:00 a.m., Friday, March 9, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-THIRD DAY - MARCH 9, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 9, 2001

**PRAYER**

The prayer was offered by Pastor Richard Anderson, Dix Bible Church, Dix, 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 Landis and McDonald who were excused; and Senators Bromm, Brown, Byars, D. Pederson, Raikes, Robak, and Tyson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-second day was approved.

**STANDING COMMITTEE REPORTS  
Health and Human Services**

**LEGISLATIVE BILL 737.** Placed on General File.

**LEGISLATIVE BILL 399.** Placed on General File as amended.  
Standing Committee amendment to LB 399:  
AM0489

- 1 1. Strike original section 6.
- 2 2. On page 2, strike beginning with "(1)" in line 3
- 3 through "(2)" in line 8; in line 10 strike "(a)" and insert "(1)";
- 4 in line 13 strike "(b)" and insert "(2)"; in line 15 strike "(c)"
- 5 and insert "(3)"; strike beginning with "Charity" in line 20
- 6 through "(2)" in line 24; strike lines 26 and 27; and in line 28
- 7 strike "(4)" and insert "(2)".
- 8 3. On page 3, line 2, strike "(5)" and insert "(3)"; in
- 9 line 4 after "regulations" insert ", as such act and regulations

- 10 existed on the effective date of this act"; in line 5 strike "(6)"  
 11 and insert "(4)"; in line 7 before the semicolon insert ", as such  
 12 act existed on the effective date of this act"; in line 8 strike  
 13 "(7)" and insert "(5)"; in line 10 strike "(8)" and insert "(6)";  
 14 in line 13 strike "(9)" and insert "(7)"; in line 15 strike "(10)"  
 15 and insert "(8)"; in line 17 after "bill" insert "and includes  
 16 medicaid, medicare, private payor, self-pay, and other public or  
 17 private sources"; in line 18 strike "(11)" and insert "(9)"; in  
 18 line 21 strike "(12)" and insert "(10)"; in line 23 after the  
 19 semicolon insert "and"; and strike lines 24 through 28.  
 20 4. On page 4, line 1, strike "(14)" and insert "(11)";  
 21 in line 23 after the semicolon insert "and"; and strike beginning  
 22 with "The" in line 24 through "(7)" in line 27.  
 23 5. On page 5, strike lines 3 through 7.  
 24 6. On page 6, line 16, after the period insert "As an  
 1 additional source of revenue, the department shall charge any  
 2 person requesting a special report the cost of preparing the  
 3 report, including the cost of data retrieval and data processing."  
 4 7. On page 7, strike beginning with "suspend" in line 4  
 5 through "and" in line 7; and in line 7 after "of" insert "up to".  
 6 8. Renumber the remaining sections and correct internal  
 7 references accordingly.

**LEGISLATIVE BILL 557.** Placed on General File as amended.  
 Standing Committee amendment to LB 557:  
 AM0900

- 1 1. On page 3, line 3, after "disorders" insert ", as  
 2 prescribed by the Board of Respiratory Care Practice in rules and  
 3 regulations".

(Signed) Jim Jensen, Chairperson

### ANNOUNCEMENTS

Senator Brashear designates LB 357 as his priority bill.

The Education Committee designates LB 797 and LB 364 as its priority bills.

Senator McDonald designates LB 621 as his priority bill.

The Judiciary Committee designates LB 593 and LB 489 as its priority bills.

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 9, 2001, 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

Holmquist, David W.  
 American Cancer Society, (NE)

Kelley, Michael A.  
 J & R Enterprises

Lawton, Kristine L.  
 Rasmussen Legislative Consultants, Inc.

**GENERAL FILE**

**LEGISLATIVE BILL 170A.** Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**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 34 with 35 ayes, 4 nays, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 34.**

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, 2000; to change provisions relating to organ and tissue donation language on applications; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 45:

Aguiar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield

Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Byars	Landis	McDonald	Tyson
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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 106.** With Emergency.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-483, Revised Statutes Supplement, 2000; to change powers and duties of the Director of Motor Vehicles; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Byars	Landis	McDonald	Tyson
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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 108.**

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.

Whereupon the 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	Burling	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

**LEGISLATIVE BILL 186.**

A BILL FOR AN ACT relating to the County Employees Retirement Act; to amend section 23-2307, Reissue Revised Statutes of Nebraska, and section 23-2331, Revised Statutes Supplement, 2000; to change provisions relating to contributions; to provide for a supplemental retirement plan for certain law enforcement personnel; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 43:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Maxwell	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek

Schrock	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 2:

Chambers	Kruse
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Excused and not voting, 4:

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

### **LEGISLATIVE BILL 186A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 186, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

### **MOTION - Return LB 270 to Select File**

Senator Chambers moved to return LB 270 to Select File for the following

specific amendment:  
 FA97  
 Strike enacting clause.

Senator Connealy asked unanimous consent to be excused until he returns.  
 No objections. So ordered.

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 270 with 34 ayes, 5 nays, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 270.**

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-102 and 71-182, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-110, 71-111, 71-112, 71-112.01, and 71-162, Revised Statutes Supplement, 2000; to provide for licensure for acupuncturists; to create a fund; to provide a standard of practice for chiropractic practitioners; 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, 34:

Aguilar	Beutler	Bourne	Brashear	Bromm
Bruning	Burling	Byars	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kruse	Maxwell	Pedersen, Dw.	Pederson, D.	Preister
Quandahl	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Wehrbein	Wickersham	

Voting in the negative, 7:

Baker	Chambers	Coordsen	Kristensen	Price
Raikes	Redfield			

Present and not voting, 4:

Brown	Hartnett	Robak	Vrtiska
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Excused and not voting, 4:

Connealy      Landis      McDonald      Tyson

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 270A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 270, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Beutler	Bourne	Brashear	Bromm
Bruning	Burling	Byars	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hartnett	Hilgert	Hudkins	Janssen	Jones
Kremer	Kristensen	Kruse	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Quandahl	Raikes	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Wehrbein	Wickersham		

Voting in the negative, 4:

Baker      Chambers      Price      Redfield

Present and not voting, 3:

Brown      Jensen      Vrtiska

Excused and not voting, 4:

Connealy      Landis      McDonald      Tyson

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

**LEGISLATIVE BILL 308.**

A BILL FOR AN ACT relating to state government; to authorize use of electronic funds transfers and direct deposits for payment of wages.

Whereupon the 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	Burling	Byars
Chambers	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

**LEGISLATIVE BILL 411.**

A BILL FOR AN ACT relating to the Nebraska Rural Health Advisory Commission; to amend section 71-5654, Revised Statutes Supplement, 2000; to change commission membership provisions; and to repeal the original section.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Connealy      Landis      McDonald      Tyson

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 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.

Whereupon the 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	Burling	Byars
Chambers	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Connealy      Landis      McDonald      Tyson

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

**LEGISLATIVE BILL 314. With Emergency.**

A BILL FOR AN ACT relating to teachers; to amend sections 79-808, 79-809, and 79-812, Reissue Revised Statutes of Nebraska; to change provisions relating to teaching certificates; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bourne	Brashear
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Bromm	Brown	Bruning	Burling	Byars
Chambers	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schrock	Smith	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 4:

Connealy      Landis      McDonald      Tyson

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 360 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 360.**

A BILL FOR AN ACT relating to insurance; to amend sections 44-417, 44-516, 44-517, 44-520, 44-10,100, 44-10,106, 44-1981, 44-19,108, 44-2121, 44-2702, 44-2703, 44-2707, 44-2709, 44-2713, and 44-4201, Reissue Revised Statutes of Nebraska, and sections 44-522, 44-523, 44-1992, 44-19,115, 44-2708, and 44-4203, Revised Statutes Supplement, 2000; to define and redefine terms; to change provisions relating to credit for reinsurance, nonrenewal and cancellation of automobile liability policies, and service of process and notice requirements for foreign or alien societies; to change provisions of the Title Insurers Act, the Title Insurance Agent Act, the Insurance Holding Company System Act, the Nebraska Life and Health Insurance Guaranty Association Act, and the Comprehensive Health Insurance Pool Act; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Connealy	Landis	McDonald	Tyson
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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 419.** With Emergency.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend section 77-5017, Reissue Revised Statutes of Nebraska, and section 77-5016, Revised Statutes Supplement, 2000; to change appeal provisions relating to exempt-status property; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	Pedersen, Dw.	Pederson, D.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.



Present and not voting, 1:

Bourne

Excused and not voting, 4:

Connealy      Landis      McDonald      Tyson

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

**LEGISLATIVE BILL 484.**

A BILL FOR AN ACT relating to municipalities; to amend sections 17-541, 17-614, 19-615, and 19-617, Reissue Revised Statutes of Nebraska; to change provisions relating to meetings and officers; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 43:

Baker	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kristensen	Kruse
Maxwell	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 1:

Kremer

Excused and not voting, 5:

Aguilar      Connealy      Landis      McDonald      Tyson

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

**LEGISLATIVE BILL 730.**

A BILL FOR AN ACT relating to elections; to amend sections 16-302.01, 32-534, 32-538, and 32-554, Reissue Revised Statutes of Nebraska; to provide for nominating and electing some city council members at large; to change city council election provisions as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 45:

Baker	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

**MOTION - Return LB 346 to Select File**

Senator Brown moved to return LB 346 to Select File for her specific amendment, AM0725, found on page 833.

Senator Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Brown withdrew her motion to return.

**WITHDRAW - Amendment to LB 346**

Senator Robak withdrew her pending amendment, AM0744, found on page 868, to LB 346.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 346.**

A BILL FOR AN ACT relating to the Occupational Therapy Practice Act; to amend sections 71-6103, 71-6113, and 71-6115, Reissue Revised Statutes of Nebraska; to provide for continuing education; to define and redefine terms; to provide duties; and to repeal the original sections.

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

Voting in the affirmative, 44:

Aguilar	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kristensen	Kruse
Maxwell	Pedersen, Dw.	Pederson, D.	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, 3:

Baker            Cunningham    Kremer

Excused and not voting, 2:

Landis            McDonald

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

**LEGISLATIVE BILL 346A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 346, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen

Jensen	Jones	Kremer	Kristensen	Kruse
Maxwell	Pedersen, Dw.	Pederson, D.	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, 3:

Baker            Cudaback        Cunningham

Excused and not voting, 2:

Landis            McDonald

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

#### **MOTION - Return LB 177 to Select File**

Senator Bourne moved to return LB 177 to Select File for his specific amendment, AM0752, found on page 970.

The Bourne motion to return prevailed with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 177.** The Bourne specific amendment, AM0752, found on page 970, was adopted with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

#### **ANNOUNCEMENTS**

Senator Schrock designates LB 273 as his priority bill.

Senator Jensen designates LB 792 as his priority bill.

Senator Foley designates LB 824 as his priority bill.

Senator Schimek designates LB 751 as her priority bill.

Senator Hilgert designates LB 82 as his priority bill.

The Executive Board Committee designates LB 706 as its priority bill.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 429A.** 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 429, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 507A.** 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 507, Ninety-seventh Legislature, First Session, 2001.

**SELECT COMMITTEE REPORTS****Enrollment and Review**

**LEGISLATIVE BILL 677.** Placed on Select File.

**LEGISLATIVE BILL 759.** Placed on Select File as amended.

E & R amendment to LB 759:

AM7068

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 79-1101, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 79-1101. (1) The Legislature finds and declares that:  
6 (a) Early childhood ~~and parent~~ education programs can assist  
7 children in achieving their potential as citizens, workers, and  
8 human beings and can strengthen families; (b) early childhood  
9 education has been proven to be a sound public investment of funds  
10 not only in assuring productive, taxpaying workers in the economy  
11 but also in avoidance of increasingly expensive social costs for  
12 those who drop out as productive members of society; (c) the key  
13 ingredient in an effective early childhood education program is a  
14 strong family ~~education~~ development and support component because  
15 the role of the parent is of critical importance; (d) while all  
16 children can benefit from quality, developmentally appropriate  
17 early childhood education experiences, such experiences are  
18 especially important for at-risk infants and children; ~~and~~ (e)  
19 current early childhood education programs serve only a fraction of  
20 Nebraska's children and the quality of current programs varies  
21 widely; (f) well-designed early childhood education programs  
22 increase the likelihood that children who participate will enter  
23 school prepared to achieve high standards; (g) effective early  
24 childhood education programs require staff with knowledge about  
1 child growth, development, and learning and family systems; and (h)

2 both public and nonpublic programs which meet recognized standards  
3 of quality can address the growth, development, and learning needs  
4 of young children.

5 (2) It is the intent of the Legislature and the public  
6 policy of this state to encourage the provision of schools and  
7 community-based organizations to work together to provide  
8 high-quality early childhood education programs for infants and  
9 young children which include family involvement. The purpose  
10 purposes of sections 79-1101 to 79-1103 is 79-1104 are to provide  
11 state assistance to selected school districts, cooperatives of  
12 school districts, and educational service units for early childhood  
13 education, training and pilot projects and to encourage  
14 coordination between public and private service providers of early  
15 childhood education and child care programs, and to provide state  
16 support for efforts to improve training opportunities for staff in  
17 such programs.

18 (3) For purposes of sections 79-1101 to 79-1104, early  
19 childhood education program means any prekindergarten part-day or  
20 full-day program with a stated purpose of promoting social,  
21 emotional, intellectual, language, physical, and aesthetic  
22 development and learning for children from birth to  
23 kindergarten-entrance age and family development and support.

24 Sec. 2. Section 79-1103, Revised Statutes Supplement,  
25 2000, is amended to read:

26 79-1103. (1) The State ~~Board~~ Department of Education  
27 shall establish and administer the Early Childhood Education Pilot  
1 Project Grant Program. The State Department of Education, with the  
2 assistance of an Early Childhood Education Pilot Project Steering  
3 Committee appointed by the State Board of Education, shall  
4 establish guidelines and criteria for pilot projects. Based on  
5 such criteria and guidelines, the board ~~The department~~ shall  
6 request proposals for early childhood education programs from local  
7 school districts, and cooperatives of school districts, and select  
8 four proposals for early childhood education pilot projects. Each  
9 project selected shall educational service units working in  
10 cooperation with existing nonpublic programs which meet the  
11 requirements of subsection (2) of section 79-1104. Each program  
12 selected may be provided funds a grant of up to one hundred  
13 thousand dollars per year one-half of the total budget of the  
14 program per year. Pilot projects previously funded under this  
15 section as it existed immediately before the effective date of this  
16 act and Even Start family literacy programs which exhaust their  
17 eligibility for Even Start funds shall be eligible for grant awards  
18 if their continuation plans meet the requirements of subsection (2)  
19 of this section. Programs selected for grant awards may receive  
20 continuation grants subject to the availability of funding and the  
21 submission of a continuation plan which meets the requirements of  
22 such subsection.

23 (2) Each pilot project program proposal which is accepted

24 by the ~~board~~ department shall include (a) a planning period, ~~of at~~  
 25 ~~least six months~~, (b) an agreement to participate in an evaluation  
 26 ~~of the project~~ periodic evaluations of the program to be specified  
 27 by the department, (c) evidence that the ~~project~~ program will be  
 1 coordinated or contracted with existing programs, including Head  
 2 Start and services for children with disabilities who are less than  
 3 five years of age as provided in the Special Education Act, and  
 4 those listed in subdivision (d) of this subsection and nonpublic  
 5 programs which meet the requirements of subsection (2) of section  
 6 79-1104, (d) a plan to coordinate and use a combination of local,  
 7 state, and federal funding sources, including, but not limited to,  
 8 programs for children with disabilities below five years of age  
 9 funded through the Special Education Act, the Early Intervention  
 10 Act, funds available through the flexible funding provisions under  
 11 the Special Education Act, the federal Head Start program, 42  
 12 U.S.C. 9831 et seq., the federal Even Start Family Literacy  
 13 Program, 20 U.S.C. 6361 et seq., Title I of the federal Improving  
 14 America's Schools Act of 1994, 20 U.S.C. 6301 et seq., and child  
 15 care assistance through the Department of Health and Human  
 16 Services, (e) a plan to use sliding fee scales and the funding  
 17 sources included in subdivision (d) of this subsection to maximize  
 18 the participation of economically and categorically diverse groups  
 19 and to ensure that participating children and families have access  
 20 to comprehensive services, (f) the establishment of an advisory  
 21 body which includes families and community members, (g) the  
 22 utilization of appropriately qualified staff, (h) an appropriate  
 23 child-to-staff ratio, (i) appropriate group size, (j) compliance  
 24 with minimum health and safety standards, (k) appropriate facility  
 25 size and equipment, (l) a sliding fee scales, to maximize the  
 26 participation of diverse groups.  
 27 ~~(3)~~ Each project shall also demonstrate the following  
 1 elements of quality early childhood education programs, including:  
 2 (a) A strong family education development and support component  
 3 recognizing the central role of parents in their children's  
 4 development, (m) ; (b) well-trained staff and optimum staff and  
 5 child ratios; (c) developmentally and culturally appropriate  
 6 curriculum, practices, and assessment, (n) ; (d) sensitivity to the  
 7 economic and logistical needs and circumstances of families in the  
 8 provision of services, (o) ; (e) integration of children of diverse  
 9 social and economic characteristics, (p) ; (f) a sound evaluation  
 10 component, including at least one objective measure of child  
 11 performance and progress, (q) ; and (g) continuity with programs in  
 12 kindergarten and elementary grades, (r) well-defined language  
 13 development and early literacy emphasis, including the involvement  
 14 of parents in family literacy activities, (s) a plan for ongoing  
 15 professional development of staff, and (t) inclusion of children  
 16 with disabilities as defined in the Special Education Act, all as  
 17 specified by rules and regulations of the department in accordance  
 18 with sound early childhood educational practice.

19 (3) The department shall make an effort to fund programs  
20 widely distributed across the state in both rural and urban areas.  
21 (4) One pilot project shall be located in each of the  
22 three congressional districts and one shall be located at large  
23 according to the decision of the department.  
24 (5) The pilot projects shall continue for three calendar  
25 years, and by July 1, 1995, the department shall conduct an overall  
26 evaluation of the success or failure of the pilot projects and  
27 components thereof. A report evaluating the pilot projects  
1 programs shall be made to the State Board of Education and the  
2 Legislature by November 30, 1995 January 1 of each odd-numbered  
3 year. Up to five percent of the total appropriation for the Early  
4 Childhood Education Grant Program may be reserved by the department  
5 for evaluation and technical assistance for the programs.  
6 (5) Programs selected for funding may be awarded  
7 continuation funding on the submission of a continuation plan  
8 demonstrating that the program will continue to meet the  
9 requirements of subsection (2) of this section.  
10 (6) The board shall adopt and promulgate rules and  
11 regulations to implement the Early Childhood Education Grant  
12 Program.  
13 Sec. 3. Section 79-1104, Reissue Revised Statutes of  
14 Nebraska, is amended to read:  
15 79-1104. (1) Any school board or board of education in  
16 its discretion may ~~(1)~~ (a) establish and financially support  
17 programs providing before-and-after-school or ~~pre-school~~  
18 prekindergarten services, to which attendance shall be voluntary  
19 and which the board may deem beneficial to the education of  
20 prekindergarten or school-age children and ~~(2)~~ (b) provide or  
21 financially support transportation for children to, from, or to and  
22 from programs as defined in section 71-1910. The board may charge  
23 a fee, not to exceed the actual cost, for providing such programs  
24 and services but may waive such fee on the basis of need. This  
25 section does not allow any school district to fail to meet its  
26 responsibilities under the Special Education Act.  
27 (2) Prekindergarten programs established by school boards  
1 or educational service units shall be approved by the State  
2 Department of Education subject to regulations adopted and  
3 promulgated by the State Board of Education and may include such  
4 components as (a) the utilization of appropriately qualified staff,  
5 (b) an appropriate child-to-staff ratio, (c) appropriate group  
6 size, (d) compliance with minimum health and safety standards, (e)  
7 appropriate facility size and equipment, (f) a strong family  
8 development and support component, (g) developmentally and  
9 culturally appropriate curriculum, practices, and assessment, (h)  
10 well-defined language development and early literacy emphasis, and  
11 (i) a plan for on-going professional development of staff, all in  
12 accordance with sound early childhood educational practice. All  
13 teachers and administrators in prekindergarten programs established



14 pursuant to this section shall hold a valid certificate or permit  
15 issued pursuant to sections 79-806 to 79-816. The State Board of  
16 Education shall adopt and promulgate rules and regulations for the  
17 issuance of such permits or certificates required by this section.  
18 Sec. 4. Original sections 79-1101 and 79-1104, Reissue  
19 Revised Statutes of Nebraska, and section 79-1103, Revised Statutes  
20 Supplement, 2000, are repealed."

**LEGISLATIVE BILL 585.** Placed on Select File as amended.

E & R amendment to LB 585:

AM7069

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. For purposes of sections 1 to 12 of this
- 4 act:
- 5 (1) Automatic number identification means a feature by
- 6 which a person calling a public safety answering point has his or
- 7 her ten-digit telephone number simultaneously forwarded to the
- 8 public safety answering point and to the public safety answering
- 9 point's display and transfer units;
- 10 (2) Advisory board means the Enhanced Wireless 911
- 11 Advisory Board;
- 12 (3) Commission means the Public Service Commission;
- 13 (4) E-911 service shall have the same meaning as in
- 14 subdivision (3) of section 86-1002;
- 15 (5) Enhanced wireless 911 service means a telephone
- 16 exchange communications service by which wireless carriers can
- 17 provide automatic number identification, pseudo-automatic number
- 18 identification, and wireless automatic location identification
- 19 information to a public safety answering point which has capability
- 20 of providing selective routing, selective transfer, fixed transfer,
- 21 automatic number identification, and wireless automatic location
- 22 identification;
- 23 (6) Governing body shall have the same meaning as in
- 24 subdivision (4) of section 86-1002;
- 1 (7) 911 service shall have the same meaning as in
- 2 subdivision (6) of section 86-1002;
- 3 (8) Pseudo-automatic number identification means a
- 4 feature by which automatic number identification is provided to a
- 5 public safety answering point of the ten-digit telephone number of
- 6 the specific cell site or cell site sector from which a wireless
- 7 call originated;
- 8 (9) Public safety agency shall have the same meaning as
- 9 in subdivision (8) of section 86-1002;
- 10 (10) Public safety answering point shall have the same
- 11 meaning as in subdivision (9) of section 86-1002;
- 12 (11) Ten-digit telephone number means a telephone number
- 13 assigned to a particular telephone account prefaced by the area
- 14 code;

15 (12) Wireless automatic location identification means a  
16 feature by which information is provided to a public safety  
17 answering point identifying the location, the latitude and  
18 longitude within the parameters established by the Federal  
19 Communication Commission, of a wireless unit originating a call to  
20 a public safety answering point; and

21 (13) Wireless carrier means (a) any carrier of commercial  
22 mobile radio service as defined in 47 U.S.C. 153(27) and 332(d) and  
23 47 C.F.R. 20.18, or (b) any cellular licensee, personal  
24 communications licensee, and specialized mobile radio carrier  
25 defined in 47 C.F.R. 20.18.

26 Sec. 2. Commencing July 1, 2001, each wireless carrier  
27 who has a subscriber with a billing address in Nebraska shall  
1 collect a surcharge of fifty cents per month per access line. The  
2 wireless carrier shall add the surcharge to each subscriber's  
3 billing statement. The wireless carrier shall not be liable for  
4 any surcharge not paid by a subscriber and shall not be obligated  
5 to take legal action to collect the surcharge. The surcharge shall  
6 appear as a separate line-item charge on the subscriber's billing  
7 statement and shall be labeled as 'Enhanced Wireless 911  
8 Surcharge'. The commission may take any legal action as it deems  
9 necessary to collect unpaid surcharges in its own name, as a real  
10 party in interest, or by assigning such debt for collection to a  
11 third party.

12 Sec. 3. Each wireless carrier shall remit to the  
13 commission the amount of surcharge collected in a calendar quarter  
14 together with any forms required by the commission no later than  
15 sixty days after the last day of the quarter. The wireless carrier  
16 shall maintain surcharge and remittance records for a period of two  
17 years after the date of the subscriber's billing statement. The  
18 commission shall remit the funds to the State Treasurer for credit  
19 to the Enhanced Wireless 911 Fund. The commission may at its own  
20 expense require an audit of any wireless carrier's books and  
21 records concerning the collection and remittance of the surcharge  
22 pursuant to sections 1 to 12 of this act.

23 Sec. 4. The Enhanced Wireless 911 Advisory Board is  
24 created to advise the commission concerning the implementation,  
25 development, administration, coordination, evaluation, and  
26 maintenance of enhanced wireless 911 service. The advisory board  
27 shall be composed of nine individuals appointed by the Governor,

1 including:

2 (1) One sheriff;

3 (2) Two county officials or employees;

4 (3) Two municipal officials or employees;

5 (4) Two representatives from the state's wireless  
6 telecommunications industry;

7 (5) One manager of a public safety answering point not  
8 employed by a sheriff;

9 (6) One representative of the state's local exchange

10 telecommunications service industry; and

11 (7) The Director of Administrative Services or his or her  
12 designee who shall serve as an ex officio member.

13 For members of the initial board as described in  
14 subdivisions (1) through (6) of this section, three members shall  
15 be appointed for a term of one year, three members shall be  
16 appointed for a term of two years, and three members shall be  
17 appointed for a term of three years. Each succeeding member of the  
18 board shall be appointed for a term of three years. The board  
19 shall meet as often as necessary to carry out its duties. Members  
20 of the board shall be reimbursed for their actual and necessary  
21 expenses as provided in sections 81-1174 to 81-1177.

22 Sec. 5. The advisory board shall make recommendations to  
23 the commission regarding the implementation of sections 1 to 12 of  
24 this act, including:

25 (1) The allocation of funds from the Enhanced Wireless  
26 911 Fund as specified in section 8 of this act;

27 (2) Rules and regulations necessary to carry out the  
1 provisions of sections 1 to 12 of this act;

2 (3) Any adjustments in the surcharge amount to recommend  
3 to the Legislature; and

4 (4) The resolution of any disputes between public safety  
5 answering points and wireless carriers.

6 The commission may approve and implement any  
7 recommendations of the advisory board.

8 Sec. 6. The Enhanced Wireless 911 Fund is created. The  
9 fund shall consist of the surcharges credited to the fund, any  
10 money appropriated by the Legislature, any federal funds received  
11 for wireless emergency communication, and any other funds  
12 designated for credit to the fund. Money in the fund shall be used  
13 for the costs of administering the fund and the purposes specified  
14 in section 8 of this act unless otherwise directed by federal law  
15 with respect to any federal funds. The costs of administering the  
16 fund shall be kept to a minimum. The money in the fund shall not  
17 be subject to any fiscal-year limitation or lapse provision of  
18 unexpended balance at the end of any fiscal year or biennium. Any  
19 money in the fund available for investment shall be invested by the  
20 state investment officer pursuant to the Nebraska Capital Expansion  
21 Act and the Nebraska State Funds Investment Act.

22 Sec. 7. A public safety answering point may enter into a  
23 service agreement with one or more wireless carriers. The  
24 commission shall determine the most efficient method for providing  
25 enhanced wireless 911 service.

26 Sec. 8. (1) The commission shall, in consultation with  
27 the advisory board:

1 (a) Determine the costs to implement wireless automatic  
2 location identification;

3 (b) Determine the level of funding needed to trigger  
4 disbursements pursuant to sections 1 to 12 of this act;

5 (c) Determine the percentage of the fund to be allocated  
6 to each funding purpose, including the percentage that shall be  
7 designated for funding 911 service under subdivision (2)(c) of this  
8 section; and

9 (d) Determine how the funds distributed under  
10 subdivisions (2)(a) and (2)(c) of this section are to be allocated  
11 among the wireless carriers and the public safety answering points.

12 (2) The commission shall, in consultation with the  
13 advisory board, establish eligibility standards and criteria for  
14 fund disbursement applications and standards and criteria  
15 concerning the level of fund disbursement for each application. In  
16 establishing such criteria and standards, the following purposes  
17 shall be eligible for funding:

18 (a) Costs incurred or to be incurred by wireless carriers  
19 to implement enhanced wireless 911 service pursuant to a service  
20 agreement with a public safety answering point or pursuant to a  
21 request for service from a public safety answering point. Such  
22 costs shall include, but not be limited to, the portion of the  
23 costs for new equipment used for providing enhanced wireless 911  
24 service, costs to lease another vendor's equipment or services to  
25 provide enhanced wireless 911 service, costs to create or maintain  
26 any database or database elements used solely for enhanced wireless  
27 911 service, and other costs of establishing enhanced wireless 911  
1 service. The portion of the costs of equipment or services used in  
2 the wireless carrier's main infrastructure resulting in revenue to  
3 the wireless carrier is not eligible for funding;

4 (b) Costs incurred or to be incurred by public safety  
5 answering points to implement enhanced wireless 911 service,  
6 including, but not limited to, purchases of new equipment, costs of  
7 upgrades, modification and personnel training used solely to  
8 process the data elements of enhanced wireless 911 service, and  
9 maintenance costs and license fees for new equipment;

10 (c) Costs incurred or to be incurred by public safety  
11 answering points for the purchase, installation, maintenance, and  
12 operation of telecommunications equipment and telecommunications  
13 services required for the provision of 911 service, E-911 service,  
14 or enhanced wireless 911 service; and

15 (d) Expenses incurred by members of the advisory board  
16 while performing duties required by sections 1 to 12 of this act.

17 (3) The commission shall have any powers necessary to  
18 carry out the intent and purposes of sections 1 to 12 of this act.

19 Sec. 9. (1) A public safety answering point and wireless  
20 carrier shall be compensated for costs determined by the commission  
21 to be eligible for funding. A public safety answering point or  
22 wireless carrier may apply for disbursement from the Enhanced  
23 Wireless 911 Fund by submitting a written application to the  
24 commission. The commission shall receive and review applications,  
25 including supporting documentation. The commission shall notify  
26 each applicant as to the commission's approval or disapproval of

27 the application.

1 (2) Each entity that receives disbursements from the fund

2 shall make a full accounting of the money in a manner and form

3 prescribed by the commission.

4 Sec. 10. Information provided by wireless carriers to

5 the advisory board or the commission pursuant to sections 1 to 12

6 of this act may be treated as records which may be withheld from

7 the public upon request of the party submitting such records if the

8 information qualifies under subdivision (3) of section 84-712.05.

9 Sec. 11. The commission, governing bodies, and public

10 safety agencies may provide enhanced wireless 911 service. In

11 contracting for and providing such service, except for failure to

12 use reasonable care or for intentional acts, the commission, each

13 governing body, each public safety agency, each wireless carrier,

14 and their employees and agents shall be immune from liability or

15 the payment of damages in the performance of installing,

16 maintaining, or providing enhanced wireless 911 service.

17 Sec. 12. The commission, in consultation with the

18 advisory board, shall adopt and promulgate rules and regulations to

19 carry out the provisions of sections 1 to 12 of this act.

20 Sec. 13. Since an emergency exists, this act takes

21 effect when passed and approved according to law."

**LEGISLATIVE BILL 585A.** Placed on Select File.

**LEGISLATIVE BILL 170A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### **AMENDMENT - Print in Journal**

Senator Dierks filed the following amendment to LB 474:

AM0923

(Amendments to Standing Committee amendments, AM0244)

1 1. On page 3, strike beginning with "term" in line 11

2 through "6" in line 12 and insert "member serving for former

3 district 6 will assume the role of serving for new district 6 and

4 his or her term".

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 34, 106, 108, 186, 186A, 270, 270A, 308, 411, 477, 314, 360, 419, 484, 730, 346, and 346A.

### **UNANIMOUS CONSENT - Members Excused**

Senators Jones and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 114.** Senator Chambers renewed his pending amendment, FA93, found on page 967, to the Standing Committee amendment.

Senator Brashear 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 23 ayes, 0 nays, and 26 not voting.

The Chambers amendment was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB 585:  
AM0921

(Amendments to E & R amendments, AM7069)

- 1 1. On page 2, line 22, after "332(d)" insert ", as such
- 2 sections existed on the effective date of this act,"; and in lines
- 3 23 and 25 after "20.18" insert ", as such section existed on the
- 4 effective date of this act".

Senator Thompson filed the following amendment to LB 142:  
AM0936

(Amendments to Standing Committee amendments, AM0226)

- 1 1. On page 3, line 26, after the period insert "The
- 2 report shall specify the basis for the conclusion that the creation
- 3 of a municipal county is not in the public interest, shall identify
- 4 governmental services, if any, that should be consolidated, and
- 5 shall recommend the consolidation of the services through the use
- 6 of interlocal agreements or through the election process as set
- 7 forth in section 9 of this act. If the commission recommends the
- 8 consolidation of services through the election process, the
- 9 commission shall also prepare a plan and hold public hearings for
- 10 consolidation of services in the same manner as provided in
- 11 sections 1 to 16 of this act for creation of a municipal county."
- 12 and strike "do so" and insert "create a municipal county".
- 13 2. On page 5, line 26, after "hearing" insert "in each
- 14 county and municipality involved".
- 15 3. On page 13, line 15, after "(8)" insert "A
- 16 consolidation of services through the election process as provided
- 17 for in section 1 of this act may be reversed in the same manner as

18 provided in this section for dissolution of a municipal county.  
 19 (9)".

20 4. Insert the following new amendment:

21 "2. On page 3, strike beginning with 'The' in line 2

22 through the period in line 6 and insert 'The commission shall have

23 no less than nine members and no more than fifteen members

1 representing the counties and municipalities involved as determined

2 by the governing bodies of the counties and municipalities involved

3 in order to achieve proportionate representation. The governing

4 bodies shall select the members. Representation on the commission

5 shall be prorated based upon population of the counties and

6 municipalities involved, except that (a) each county and

7 municipality involved shall have at least one representative

8 selected by its respective governing body and (b) not more than

9 forty percent of the total membership shall be public

10 officials.'".

11 5. Renumber the remaining amendments accordingly.

Senator Stuhr filed the following amendment to LB 457:

AM0864

1 1. Insert the following new sections:

2 "Section 1. Section 46-230, Revised Statutes Supplement,

3 2000, is amended to read:

4 46-230. As the adjudication of a stream progresses and

5 as each claim is finally adjudicated, the director shall make and

6 cause to be entered of record in his or her office an order

7 determining and establishing the several priorities of right to use

8 the water of such stream, the amount of the appropriation of the

9 several persons claiming water from such stream and the character

10 of use for which each appropriation shall be found to have been

11 made, and the address of the owner of each water appropriation. It

12 shall be the duty of every owner of an appropriation to give notice

13 to the department of its address and any change of its address or

14 of the name of the owner of the appropriation. Notification shall

15 be in such form and shall include such evidence of ownership as the

16 director may by regulation require. Upon receipt of such notice,

17 the department shall update its records. The department shall

18 establish a uniform fee for filing such notices, notices filed

19 pursuant to section 22 of this act, and notices filed pursuant to

20 subsection (6) of section 46-602. Such fees shall be no higher

21 than the amount necessary to cover the costs incurred by the

22 department for processing such notices in accordance with this

23 section and section 22 of this act and subsection (6) of section

24 46-602. The fee shall be paid at the time of filing the notice and

1 shall be remitted to the State Treasurer for credit to the

2 Department of Natural Resources Cash Fund.

3 Sec. 5. Section 46-606, Revised Statutes Supplement,

4 2000, is amended to read:

5 46-606. (1) The Director of Natural Resources shall

6 collect in advance a registration fee of thirty dollars and the fee  
7 required by section 46-1224 for each water well registered under  
8 section 46-602 except as provided in subsections (2) through (5) of  
9 this section.

10 (2) For water wells permitted pursuant to the Industrial  
11 Ground Water Regulatory Act, the director shall collect in advance  
12 a registration fee of thirty dollars and the fee required by  
13 section 46-1224 for each of the first ten such water wells  
14 registered under section 46-602, and for each group of ten or fewer  
15 such water wells registered thereafter, the director shall collect  
16 in advance a registration fee of thirty dollars and the fee  
17 required by section 46-1224.

18 (3) For a series of water wells completed for purposes of  
19 installation of a ground heat exchanger for a structure for  
20 utilizing the geothermal properties of the ground, the director  
21 shall collect in advance a fee of thirty dollars for each such  
22 series and the fee required by section 46-1224.

23 (4) For water wells constructed as part of a single site  
24 plan for monitoring ground water, obtaining hydrogeologic  
25 information, or extracting contaminants from the ground, the  
26 director shall collect in advance a registration fee of thirty  
27 dollars and the fee required by section 46-1224 for each of the  
1 first five such water wells registered under section 46-602, and  
2 for each group of five or fewer such water wells registered  
3 thereafter, the director shall collect in advance a registration  
4 fee of thirty dollars and the fee required by section 46-1224.  
5 However, if such water wells are a part of remedial action approved  
6 by the Department of Environmental Quality pursuant to section  
7 66-1525, 66-1529.02, or 81-15,124, the fee set pursuant to this  
8 subsection shall be collected as if only one water well was being  
9 registered and the fee required by section 46-1224 shall be  
10 collected.

11 (5)(a) For a series of two or more water wells completed  
12 and pumped into a common carrier as part of a single site plan for  
13 irrigation purposes, the director shall collect in advance a  
14 registration fee of thirty dollars and the fee required by section  
15 46-1224 for each of the first two such wells registered under  
16 section 46-602.

17 (b) Any additional water wells which are part of a series  
18 registered under this subsection shall not be subject to a new well  
19 registration fee.

20 (6) The director shall remit the fees collected to the  
21 State Treasurer for credit to the appropriate fund. The State  
22 Treasurer shall credit the registration fees to the Water Well  
23 Decommissioning Fund. From the fees required by section 46-1224,  
24 the State Treasurer shall credit to the Department of Natural  
25 Resources Cash Fund the amount determined by the Department of  
26 Natural Resources to be necessary to pay for the costs of  
27 registering such water wells online as authorized by subsection (1)



1 of section 46-1224 and shall credit the remainder of the fees  
 2 required by section 46-1224 to the Water Well Standards and  
 3 Contractors' Licensing Fund.

4 Sec. 21. Section 61-210, Revised Statutes Supplement,  
 5 2000, is amended to read:

6 61-210. The Department of Natural Resources Cash Fund is  
 7 created. The State Treasurer shall credit to such fund such money  
 8 as is specifically appropriated or reappropriated by the  
 9 Legislature. The State Treasurer shall also credit such fund with  
 10 payments, if any, accepted for services rendered by the department  
 11 and fees collected pursuant to subdivision (10) of section 33-105,  
 12 subsection (6) of section 46-602, subsection (6) of section 46-606,  
 13 section 46-230, and section 61-209 and section 22 of this act. The  
 14 funds made available to the Department of Natural Resources by the  
 15 United States, through the Natural Resources Conservation Service  
 16 of the Department of Agriculture or through any other agencies,  
 17 shall be credited to the fund by the State Treasurer. Any money in  
 18 the fund available for investment shall be invested by the state  
 19 investment officer pursuant to the Nebraska Capital Expansion Act  
 20 and the Nebraska State Funds Investment Act. The Department of  
 21 Natural Resources shall allocate money from the fund to pay costs  
 22 of the programs or activities of the department. The Director of  
 23 Administrative Services, upon receipt of proper vouchers approved  
 24 by the department, shall issue warrants on the fund, and the State  
 25 Treasurer shall countersign and pay from, but never in excess of,  
 26 the amounts to the credit of the fund. The State Treasurer shall  
 27 transfer any money in the Department of Water Resources Cash Fund  
 1 and in the Nebraska Natural Resources Commission Cash Fund on July  
 2 1, 2000, to the Department of Natural Resources Cash Fund.

3 Sec. 22. (1) Any person transferring real property not  
 4 inside the corporate limits of a municipality shall complete and  
 5 provide to the transferee, at or before the closing of the  
 6 transfer, a water resources update notice acknowledging (a) whether  
 7 any surface water rights issued pursuant to Chapter 46, article 2,  
 8 and in the name of any party other than an irrigation district,  
 9 public power and irrigation district, or mutual irrigation company  
 10 are attached to the real property being transferred and (b) whether  
 11 there are any water wells, except water wells used solely for  
 12 domestic purposes and constructed prior to September 9, 1993, on  
 13 the real property being transferred. If the water resources update  
 14 notice discloses the existence of such surface water rights or such  
 15 water wells, the transferee shall complete the water resources  
 16 update notice and shall file it with the Department of Natural  
 17 Resources within sixty days after recording the deed or other  
 18 instrument by which the transfer of real property is made. The  
 19 department shall use such notice to update ownership of surface  
 20 water rights and water well registrations as required by sections  
 21 46-230 and 46-602.

22 (2) The department shall prescribe the form and content

23 of the water resources update notice and shall make such forms  
 24 available to title insurance companies and other persons as deemed  
 25 appropriate by the department. The requirement that a water  
 26 resources update notice be filed with the department or the failure  
 27 to file such a notice does not affect the recording, legality, or  
 1 sufficiency of a deed or other instrument evidencing the transfer  
 2 of real property.

3 (3) The department shall establish a uniform fee which  
 4 shall be no higher than the amount necessary to cover costs  
 5 incurred by the department for processing the water resources  
 6 update notices, notices filed pursuant to section 46-230, and  
 7 notices filed pursuant to subsection (6) of section 46-602. The  
 8 fee shall be paid at the time of filing the water resources update  
 9 notice and shall be remitted to the State Treasurer for credit to  
 10 the Department of Natural Resources Cash Fund."

11 2. On page 4, strike beginning with "The" in line 7  
 12 through line 8 and insert "The department shall establish a uniform  
 13 fee for filing such notices, notices filed pursuant to section 22  
 14 of this act, and notices filed pursuant to subsection (6) of  
 15 section 46-602. Such fees shall be no higher than the amount  
 16 necessary to cover the costs incurred by the department for  
 17 processing such notices in accordance with this section and section  
 18 22 of this act and subsection (6) of section 46-602. The fee shall  
 19 be paid at the time of filing the notice and shall be remitted to  
 20 the State Treasurer for credit to the Department of Natural  
 21 Resources Cash Fund."

22 3. Amend the repealer and renumber the remaining  
 23 sections accordingly.

24 4. In the Standing Committee amendments, AM0360,  
 25 renumber sections 7 and 9 as sections 9 and 11, respectively.

### **STANDING COMMITTEE REPORTS**

#### **Transportation and Telecommunications**

**LEGISLATIVE BILL 388.** Placed on General File.

**LEGISLATIVE BILL 553.** Placed on General File.

**LEGISLATIVE BILL 766.** Placed on General File.

**LEGISLATIVE BILL 178.** Placed on General File as amended.

Standing Committee amendment to LB 178:

AM0847

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

3 "Sec. 2. Section 60-302, Revised Statutes Supplement,  
 4 2000, is amended to read:

5 60-302. (1) No motor vehicle, trailer, semitrailer, or  
 6 cabin trailer, unless otherwise expressly provided, shall be  
 7 operated or parked on the highways of this state unless the vehicle  
 8 is registered in accordance with Chapter 60, article 3. There

9 shall be a rebuttable presumption that any vehicle stored and kept  
10 more than thirty days in the state is being operated or parked on  
11 the highways of this state and shall be registered in accordance  
12 with Chapter 60, article 3, from the date of title of the motor  
13 vehicle or, if no transfer in ownership of the motor vehicle has  
14 occurred, from the expiration of the last registration period for  
15 which the motor vehicle was registered. Every owner of a vehicle  
16 required to be registered shall make application for registration  
17 to the county treasurer of the county in which the vehicle has  
18 situs as defined in section 60-3001. The application shall be a  
19 copy of a certificate of title or, in the case of a renewal of a  
20 registration, the application shall be the previous registration  
21 period's certificate. If the certificate of title is not available  
22 during the thirty-day period after the date of acquisition of the  
23 motor vehicle, the purchaser of a newly acquired motor vehicle may  
24 pay the taxes and fees, subject to subsequent presentation of the  
1 certificate of title or duplicate certificate of title to the  
2 county treasurer, by presenting a copy of the purchase contract or  
3 other evidence of transfer of ownership to the county treasurer.  
4 The county treasurer shall issue a receipt for payment of such  
5 taxes and fees. The purchaser may obtain the appropriate  
6 registration documentation and license plates upon presenting the  
7 certificate of title or duplicate certificate of title to the  
8 county treasurer. Possession of the receipt shall be sufficient  
9 evidence of compliance with this section after the expiration of  
10 the thirty-day period after the acquisition of the motor vehicle.  
11 A salvage certificate of title as defined in section 60-129 and a  
12 nontransferable certificate of title provided for in section 60-131  
13 shall not be valid for registration purposes.

14 (2) An application for registration of a motor vehicle  
15 shall be accompanied by proof of financial responsibility or  
16 evidence of insurance covering the motor vehicle. Proof of  
17 financial responsibility shall be evidenced by a copy of proof of  
18 financial responsibility filed pursuant to subdivision (2), (3), or  
19 (4) of section 60-528 bearing the seal of the Department of Motor  
20 Vehicles. Evidence of insurance shall give the effective dates of  
21 the automobile liability policy, which dates shall be evidence that  
22 the coverage is in effect on and following the date of  
23 registration, and shall designate, by explicit description or by  
24 appropriate reference, all motor vehicles covered. Evidence of  
25 insurance in the form of a certificate of insurance for fleet  
26 vehicles may include, as an appropriate reference, a designation  
27 that the insurance coverage is applicable to all vehicles owned by  
1 the named insured, or wording of similar effect, in lieu of an  
2 explicit description.

3 (3) Any nonresident owner who desires to register a  
4 vehicle or vehicles in this state shall register in the county  
5 where the vehicle is domiciled or where the owner conducts a bona  
6 fide business.

7 (4) Each new application shall contain, in addition to  
8 other information as may be required by the department, the name  
9 and post office address of the applicant and a description of the  
10 vehicle, including the color, the manufacturer, the identification  
11 number, and the weight of the vehicle required by Chapter 60,  
12 article 3. With the application the applicant shall pay the proper  
13 registration fee as provided in sections 60-305.08 to 60-339 and  
14 shall state whether the vehicle is propelled by alternative fuel as  
15 defined in section 66-686 and, if alternative fuel, the type of  
16 fuel. The form shall also contain a notice that bulk fuel  
17 purchasers may be subject to federal excise tax liability. The  
18 department shall prescribe a form, containing the notice, for  
19 supplying the information for vehicles to be registered. The  
20 county treasurer shall include the form in each mailing made  
21 pursuant to section 60-3003. The county treasurer or his or her  
22 agent shall notify the Motor Fuel Tax Enforcement and Collection  
23 Division of the Department of Revenue whenever a vehicle powered by  
24 an alternative fuel as defined in section 66-686 is registered.  
25 The notification shall include the name and address of the  
26 registrant, the date of registration, the type of motor vehicle  
27 registered, and the type of alternative fuel used to propel the  
1 vehicle as indicated on the registration application.

2 (5) The county treasurer or his or her agent shall  
3 collect, in addition to the registration fees, one dollar and fifty  
4 cents for each certificate issued and shall remit one dollar and  
5 fifty cents of each additional fee collected to the State Treasurer  
6 for credit to the Department of Motor Vehicles Cash Fund.

7 (6) The county treasurer or his or her agent shall  
8 collect, in addition to other registration fees, one dollar and  
9 fifty cents for each certificate issued and shall remit the fee to  
10 the State Treasurer for credit to the State Recreation Road Fund.

11 ~~(7) If a citation is issued to an owner or operator of a  
12 vehicle for a violation of this section and the owner properly  
13 registers and licenses the vehicle not in compliance and pays all  
14 taxes and fees due and the owner or operator provides proof of such  
15 registration to the prosecuting attorney within ten days after the  
16 issuance of the citation, no prosecution for the offense cited  
17 shall occur.~~

18 ~~(8) If a county board consolidates services under the  
19 office of a designated county official other than the county  
20 treasurer pursuant to section 23-186, the powers and duties of the  
21 county treasurer relating to registration under sections 60-301 to  
22 60-347 and section 1 of this act shall be performed by the  
23 designated county official.~~

24 ~~(9) (8) A county treasurer or county official or his or  
25 her agent may accept credit cards, charge cards, or debit cards as  
26 a means of payment for registration pursuant to section 13-609."~~

Standing Committee amendment to LB 293:  
AM0839

- 1 1. On page 5, strike beginning with "This" in line 13
- 2 through "(4)" in line 16.

**LEGISLATIVE BILL 345.** Placed on General File as amended.  
Standing Committee amendment to LB 345:  
AM0006

- 1 1. Strike original section 2 and insert the following
- 2 new section:
- 3 "Sec. 2. It is unlawful to use nitrous oxide in any
- 4 motor vehicle operated on any highway in this state.".

**LEGISLATIVE BILL 688.** Placed on General File as amended.  
Standing Committee amendment to LB 688:  
AM0808

- 1 1. Insert the following new section:
- 2 "Sec. 8. Nothing in sections 60-102 to 60-130 and
- 3 sections 4 to 8 of this act shall be construed to require the
- 4 actual repair of a wrecked, damaged, or destroyed vehicle to be
- 5 designated as salvage.".
- 6 2. On page 8, line 25; page 9, lines 1, 9, 15, 18, and
- 7 26; page 10, lines 2, 4, and 6; page 11, line 12; and page 14, line
- 8 23, strike "7" and insert "8".
- 9 3. On page 11, strike beginning with "in" in line 16
- 10 through "performed" in line 17 and insert "Retail cost of parts
- 11 and labor rates may be based upon collision estimating manuals or
- 12 electronic computer estimating systems customarily used in the
- 13 automobile insurance industry"; in lines 21 and 22 strike "seven
- 14 thousand five hundred" and insert "ten thousand"; and in line 23
- 15 strike "eight thousand" and insert "ten thousand five hundred".
- 16 4. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 65.** Indefinitely postponed.  
**LEGISLATIVE BILL 339.** Indefinitely postponed.  
**LEGISLATIVE BILL 656.** Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 9, 2001, at 11:10 a.m., were the following: LBs 34, 106e, 108, 186, 186A, 270, 270A, 308, 411, 477, 314e, 360, 419e, 484, 730, 346, and 346A.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**GENERAL FILE**

**LEGISLATIVE BILL 114.** Senator Chambers renewed his pending amendment, FA94, found on page 968, to the Standing Committee amendment.

**SENATOR CUDABACK PRESIDING**

Senators Kristensen, Byars, D. Pederson, Bromm, and Vrtiska 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 17 ayes, 0 nays, and 32 not voting.

The Chambers amendment was adopted with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Wickersham asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers renewed his pending amendment, FA95, found on page 970, to the Standing Committee amendment.

Senators Robak, Hudkins, and Beutler asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 17:

Aguilar	Baker	Bourne	Chambers	Connealy
Cudaback	Cunningham	Hartnett	Hilgert	Janssen
Preister	Price	Raikes	Schimek	Schrock
Thompson	Wehrbein			

Voting in the negative, 13:

Bruning	Burling	Engel	Erdman	Foley
Jensen	Kremer	Kruse	Quandahl	Smith
Stuhr	Suttle	Tyson		

Present and not voting, 5:

Brown                      Coordsen                      Dierks                      Maxwell                      Redfield

Excused and not voting, 14:

Beutler                      Brashear                      Bromm                      Byars                      Hudkins  
 Jones                      Kristensen                      Landis                      McDonald                      Pedersen, Dw.  
 Pederson, D.                      Robak                      Vrtiska                      Wickersham

The Chambers amendment lost with 17 ayes, 13 nays, 5 present and not voting, and 14 excused and not voting.

Pending.

The Chair declared the call raised.

**STANDING COMMITTEE REPORTS**  
**Business and Labor**

**LEGISLATIVE BILL 29.** Placed on General File as amended.  
 Standing Committee amendment to LB 29:  
 AM0917

- 1 1. On page 4, line 6, after "for" insert "his or her pro
- 2 rata share of the".

**LEGISLATIVE BILL 783.** Placed on General File as amended.  
 Standing Committee amendment to LB 783:  
 AM0819

- 1 1. On page 3, line 25, after "nature" insert ". For
- 2 purposes of this section, a violation is substantial if it involved
- 3 actual damage to the environment or actual injury to a worker, and
- 4 a penalty is substantial if the underlying allegation involved
- 5 actual damage to the environment or actual injury to a worker".

**LEGISLATIVE BILL 816.** Placed on General File as amended.  
 (Standing Committee amendment, AM0918, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Matt Connealy, Chairperson

**Urban Affairs**

**LEGISLATIVE BILL 481.** Placed on General File as amended.  
 Standing Committee amendment to LB 481:  
 AM0914

- 1 1. Strike section 1 and insert the following new
- 2 section:
- 3 "Section 1. Section 19-4801, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 ~~19-4801.~~ (1) The chief or head official of the fire

6 department, fire inspectors as may be designated by such chief or  
 7 head official, or inspectors charged with the enforcement of fire,  
 8 health, or safety codes and constructional technical codes of a  
 9 city of the first class, city of the primary class, or city of the  
 10 metropolitan class shall have the authority, after being trained by  
 11 a certified law enforcement officer in the policies and procedures  
 12 for issuance of citations, to issue citations for violations of  
 13 fire, health, and safety codes and constructional technical codes  
 14 ~~(1)~~ (a) that constitute infractions or violations of city  
 15 ordinances, ~~(2)~~ (b) that are violations of the fire, health, or  
 16 safety code or constructional technical code that the official or  
 17 inspector issuing the citation is charged with enforcing, and ~~(3)~~  
 18 (c) in which the circumstances do not pose a danger to the official  
 19 or inspector.

20 (2) If a city of the second class or village has adopted  
 21 and is enforcing a fire, health, safety, or constructional  
 22 technical code, the chief or head official of the fire department,  
 23 such fire inspectors as may be designated by such chief or head  
 24 official, or such inspectors as may be charged with the enforcement  
 1 of the fire, health, safety, or constructional technical code shall  
 2 have the authority, after being trained by a certified law  
 3 enforcement officer in the policies and procedures for issuance of  
 4 citations, to issue citations for violations of fire, health,  
 5 safety, or constructional technical codes (a) that constitute  
 6 infractions or violations of city or village ordinances, (b) that  
 7 are violations of the fire, health, safety, or constructional  
 8 technical code that the official or inspector issuing the citation  
 9 is charged with enforcing, and (c) in which the circumstances do  
 10 not pose a danger to the official or inspector.

11 (3) A citation issued under this section shall be  
 12 equivalent to and have the same legal effect as a citation issued  
 13 in lieu of arrest or continued custody by a peace officer if the  
 14 citation and procedures utilized meet the requirements of sections  
 15 29-422 to 29-429. The citation shall be on the same form  
 16 prescribed under section 29-423. Failure to appear or comply with  
 17 a citation issued under this section shall be punishable in the  
 18 same manner as provided in section 29-426. An official or  
 19 inspector issuing a citation under this section shall not have  
 20 authority to take a person into custody or detain a person under  
 21 this section or section 29-427."

(Signed) D. Paul Hartnett, Chairperson

#### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 114:  
 FA98

Amend AM0509

Add a new section:



Any person convicted of a violation of the Nebraska Liquor Control Act shall, in addition to any other penalty provided for such violation, be subject to the suspension of his or her motor vehicle operator's license for a period of six months.

Senator Chambers filed the following amendment to LB 114:  
FA99

Amend AM0509

P. 1, line 20, after the period, insert, "No presumption shall arise based on the observation of any person unless such person has successfully completed a certified course in Signs And Wonders at a recognized educational institution."

Senator Chambers filed the following amendment to LB 114:  
FA100

Amend AM0509

Add a new section:

"Notwithstanding any other provision of law, no minor shall carry, remove, handle, serve or sell any alcoholic liquor for the profit of any person."

Senators Bromm and Janssen filed the following amendment to LB 574:  
AM0926

- 1 1. In the Chambers amendment, FA91, strike "strike lines
- 2 11-14" and insert "lines 12 and 13, strike 'biometric metric
- 3 identifiers' and insert 'facial recognition maps'".
- 4 2. In the Bromm amendment, AM0692, on page 2, lines 4
- 5 and 10, strike "biometric identifier" and insert "facial
- 6 recognition map".

Senator Schimek filed the following amendment to LB 142:  
AM0924

(Amendments to Standing Committee amendments, AM0226)

- 1 1. On page 3, line 19, after the comma insert "strike
- 2 beginning with 'The' in line 2 through the period in line 6 and
- 3 insert 'For each county involved, the commission shall have nine
- 4 members representing the counties and municipalities involved,
- 5 selected by the governing bodies. At least three but not more than
- 6 six members shall be appointed by the county boards from areas
- 7 outside of incorporated municipalities representing each county
- 8 involved. Each of the following classes of municipalities involved
- 9 in the merger in each of the counties involved shall have at least
- 10 one member on the commission, appointed by the governing body of
- 11 the municipalities involved, if applicable: (a) cities of the
- 12 metropolitan class; (b) cities of the primary class; (c) cities of
- 13 the first class; (d) cities of the second class; and (e) villages.
- 14 Not more than forty percent of members shall be elected or
- 15 appointed officials or employees of the counties and municipalities
- 16 involved.; and"; and in line 26 after "findings" insert
- 17 "including, but not limited to, any recommendations regarding (a)

18 interlocal agreements, (b) agreements to provide for the joint  
 19 delivery of services, or (c) any other such recommendations".

Senator Bourne filed the following amendment to LB 664:  
 AM0854

- 1 1. On page 6, line 4, insert after "agencies" ", other
- 2 than school districts, educational service units, community
- 3 colleges, and the Nebraska state colleges,".

Senator Schimek filed the following amendment to LB 142:  
 (Amendment, AM0925, may be found in the Bill Books. The amendment  
 has been printed separately and is on file in the Bill Room - Room 1102.)

Senators Wickersham, Vrtiska, and Bourne filed the following amendment  
 to LB 711:  
 (Amendment, AM0913, 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 114:  
 AM0556

- 1 1. On page 2, line 11, after "possess" insert ",
- 2 consume,".

## RESOLUTION

### LEGISLATIVE RESOLUTION 41. Introduced by Engel, 17.

WHEREAS, the South Sioux City girls' basketball team is the champion  
 of the 2001 Class B Girls' State Basketball Tournament, repeating its  
 championship successes of 1995, 1996, 1997, 1998, and 2000; and

WHEREAS, the 60-44 win over a talented Beatrice team in the final game  
 capped the Lady Cardinals' Girls' Class B State Basketball Championship;  
 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' performance and coaching guidance, but also through  
 the support of teachers, administrators, and parents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE  
 NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

**ANNOUNCEMENT**

The Appropriations Committee designates LB 666 and LB 758 as its priority bills.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Smith asked unanimous consent to have his name added as cointroducer to LB 677. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 429. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were fifth and sixth grade students and teacher from Cheney Elementary School; Robb Dump, Peggy Year and family from Hartington; 50 eighth grade students and teachers from St. Thomas More, Omaha; seventh grade band and teacher from Overton; Nathan McKenzie, Nolan and Brady Unterseher, and Garrett Griess from Sutton; Randy and Scott Langmeier, and Cole Woodward from Alliance; and Teresa Miner and family from Wakefield.

The Doctor of the Day was Dr. Rusty Hilliard from Kearney.

**ADJOURNMENT**

At 12:12 p.m., on a motion by Senator Hartnett, the Legislature adjourned until 9:00 a.m., Monday, March 12, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-FOURTH DAY - MARCH 12, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 12, 2001

**PRAYER**

The prayer was offered by Reverend Tom Shaw, Church of the Nazarene, Fremont, 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 Bourne, Hartnett, and McDonald who were excused; and Senators Beutler, Brashear, Bromm, Brown, Connealy, Kristensen, Landis, Maxwell, Dw. Pedersen, Raikes, Vrtiska, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 957, after line 19, insert:  
"Senator Brashear withdrew his amendment.

Senator Chambers renewed his pending amendment, FA91, found on page 942."

The Journal for the forty-first day was approved as corrected.

The Journal for the forty-third day was approved.

**MESSAGE FROM THE GOVERNOR**

March 9, 2001

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 Juvenile Services Administrator/Protection & Safety Co-Administrator:

**APPOINTEE:**

Dawn Swanson, P O Box 95044, Lincoln NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 39 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 39.

**GENERAL FILE**

**LEGISLATIVE BILL 677A.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 3 present and not voting, and 15 excused and not voting.

**MOMENT OF SILENCE**

A moment of silence was observed in memory of former constitutional officer, Frank Marsh, who passed away Saturday, March 10, 2001.

**GENERAL FILE**

**LEGISLATIVE BILL 114.** Senator Chambers moved to bracket until January 10, 2002.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Senator Chambers requested a record vote on his motion to bracket.

Voting in the affirmative, 3:

Coordsen      Price              Thompson

Voting in the negative, 30:

Aguilar	Beutler	Brashear	Brown	Bruning
Burling	Byars	Connealy	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Kremer	Kruse	Landis	Pedersen, Dw.
Pederson, D.	Preister	Quandahl	Redfield	Schimek
Schrock	Smith	Stuhr	Tyson	Wehrbein

Present and not voting, 9:

Baker	Chambers	Cudaback	Jensen	Jones
Maxwell	Raikes	Robak	Suttle	

Excused and not voting, 7:

Bourne	Bromm	Hartnett	Kristensen	McDonald
Vrtiska	Wickersham			

The Chambers motion to bracket failed with 3 ayes, 30 nays, 9 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senators Landis and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved to reconsider the vote on his motion to bracket LB 114.

Senator Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 19:

Aguilar	Bruning	Burling	Dierks	Erdman
Foley	Hilgert	Hudkins	Janssen	Kruse
Pedersen, Dw.	Quandahl	Redfield	Schimek	Smith
Stuhr	Thompson	Tyson	Wehrbein	

Present and not voting, 19:

Baker	Beutler	Brashear	Brown	Connealy
Cudaback	Cunningham	Engel	Jensen	Jones
Kremer	Maxwell	Pederson, D.	Preister	Price
Raikes	Robak	Schrock	Suttle	

Excused and not voting, 10:

Bourne	Bromm	Byars	Coordsen	Hartnett
Kristensen	Landis	McDonald	Vrtiska	Wickersham

The Chambers motion to reconsider failed with 1 aye, 19 nays, 19 present and not voting, and 10 excused and not voting.

Pending.

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

#### **Correctly Reengrossed**

The following bill was correctly reengrossed: LB 177.

(Signed) Philip Erdman, Chairperson

### **STANDING COMMITTEE REPORTS Revenue**

**LEGISLATIVE BILL 702.** Placed on General File as amended.

Standing Committee amendment to LB 702:

AM0930

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 77-1315, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 77-1315. (1) The county assessor shall, after March 20
- 6 and on or before June 1, implement adjustments to the real property
- 7 assessment roll for actions of the agricultural and horticultural
- 8 land valuation board and the Tax Equalization and Review
- 9 Commission.
- 10 (2) On or before June 1, the county assessor shall notify
- 11 the record owner of every item of real property which has been
- 12 assessed at a value different than in the previous year. Such
- 13 notice shall be given by first-class mail addressed to such owner's
- 14 last-known address. It shall identify the item of real property
- 15 and state the old and new valuation, the date of convening of the
- 16 county board of equalization, the dates for filing a protest, and
- 17 the average level of value of all classes and subclasses of real
- 18 property in the county as determined by the Tax Equalization and



19 Review Commission.

20 (3) Immediately upon completion of the assessment roll,  
21 the county assessor or county clerk shall cause to be published in  
22 a newspaper of general circulation in the county a certification  
23 that the assessment roll is complete and notices of valuation  
24 changes have been mailed and provide the final date for filing  
1 valuation protests with the county board of equalization.

2 (4) The county assessor shall annually, on or before June  
3 6, post in his or her office and, as designated by the county  
4 board, mail to a newspaper of general circulation and to licensed  
5 broadcast media in the county the assessment ratios as found in his  
6 or her county as determined by the Tax Equalization and Review  
7 Commission and any other statistical measures, including, but not  
8 limited to, the assessment-to-sales ratio, the coefficient of  
9 dispersion, and the price-related differential.

10 Sec. 2. Section 77-1327, Revised Statutes Supplement,  
11 2000, is amended to read:

12 77-1327. (1) It is the intent of the Legislature that  
13 accurate and comprehensive information be developed by the Property  
14 Tax Administrator and made accessible to the taxpayer taxing  
15 officials and property owners in order to ensure the quality and  
16 uniformity of assessment practices on both intercounty and  
17 intracounty valuations uniformity and proportionality of the  
18 assessments of real property valuations in the state in accordance  
19 with law.

20 (2) All transactions of real property for which the  
21 statement required in section 76-214 is filed shall be available  
22 for development of a sales file by the Property Tax Administrator.  
23 All transactions with stated consideration of more than one hundred  
24 dollars or upon which more than one dollar and seventy-five cents  
25 in documentary stamp taxes are paid shall be considered sales. All  
26 sales shall be deemed to be arm's length transactions unless  
27 determined to be otherwise under professionally accepted mass  
1 appraisal techniques. The Department of Property Assessment and  
2 Taxation shall not overturn a determination made by a county  
3 assessor regarding the qualification of a sale unless the  
4 department reviews the sale and determines through the review that  
5 the determination made by the county assessor is incorrect.

6 (3) The Property Tax Administrator annually shall make  
7 and issue comprehensive assessment ratio studies of the average  
8 level of assessment, the degree of assessment uniformity, and the  
9 overall compliance with assessment requirements for each major  
10 class of real property subject to the property tax in each county.  
11 The comprehensive assessment ratio studies shall be developed in  
12 compliance with professionally accepted mass appraisal techniques  
13 and shall employ such statistical analysis as deemed appropriate by  
14 the Property Tax Administrator, including measures of central  
15 tendency and dispersion. The comprehensive assessment ratio  
16 studies shall be based upon the sales file as developed in

17 subsection (2) of this section and shall be used by the Property  
18 Tax Administrator for the analysis of the level of value and  
19 quality of assessment for purposes of section 77-5027 and by the  
20 Property Tax Administrator in establishing the adjusted valuations  
21 required by section 79-1016. Such studies may also be used by  
22 assessing officials in establishing assessed valuations, in the  
23 state. In order to determine the degree of assessment uniformity  
24 and compliance in the assessment of major classes of property  
25 within each county, the Property Tax Administrator shall compute  
26 measures of central tendency and dispersion and shall employ such  
27 standard statistical analysis as deemed appropriate by him or her.

1 (3) (4) The Property Tax Administrator may require  
2 assessors and other local officers taxing officials to report to  
3 him or her data on taxable valuations the assessed valuation and  
4 other features of the property tax assessment for such periods and  
5 in such form and content as the Property Tax Administrator shall  
6 require deem appropriate. The Property Tax Administrator shall so  
7 construct and maintain his or her the system for the collection and  
8 analysis of property tax facts as used to collect and analyze the  
9 data to enable him or her to make intracounty comparisons of  
10 assessed valuation, including school districts, as well as  
11 intercounty comparisons of assessed valuation, including school  
12 districts, based on property tax and assessment ratio data. The  
13 Property Tax Administrator shall include analysis of real estate  
14 property sales pursuant to land contracts and similar transfers at  
15 the time of execution of the contract or similar transfer. The  
16 Department of Property Assessment and Taxation shall assist those  
17 county officials who require supplemental information to perform  
18 the duties necessary to carry out this section. The information  
19 requested may include, but shall not be limited to, sample  
20 appraisals, statistical analyses, arm's-length sales transactions,  
21 or any other information necessary to complete such analysis.

22 (4) The Property Tax Administrator shall verify the  
23 accuracy of information, including the selection of form 521  
24 comparable sales, if any, that are not arm's-length transactions.

25 (5) The Property Tax Administrator shall annually publish  
26 a summary of the findings of the assessment ratio studies together  
27 with digests of property tax data.

1 (6) The county assessor shall annually, within five days  
2 after certifying the assessment rolls pursuant to section 77-1315,  
3 post in his or her office and, as designated by the county board,  
4 mail to a newspaper of general circulation and to licensed  
5 broadcast media in the county the assessment ratios as found in his  
6 or her county as determined by the Property Tax Administrator and  
7 any other statistical measures, including, but not limited to, the  
8 assessment-to-sales ratio, the coefficient of dispersion, and the  
9 price-related differential.

10 Sec. 3. Section 77-1371, Revised Statutes Supplement,  
11 2000, is amended to read:

12 77-1371. When using comparable sales in any method of  
13 determining actual value of an individual property under the sales  
14 comparison approach provided in section 77-112, the following  
15 guidelines shall be considered in determining what constitutes a  
16 comparable sale:

17 (1) Whether the sale was financed by the seller and  
18 included any special financing considerations or the value of  
19 improvements;

20 (2) Whether zoning affected the sale price of the  
21 property;

22 (3) For sales of agricultural land or horticultural land  
23 as defined in section 77-1359, whether a premium was paid to  
24 acquire nearby property. Land within one mile of currently owned  
25 property shall be considered nearby property;

26 (4) Whether sales or transfers made in connection with  
27 foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,  
1 or in consideration of other legal actions should be excluded from  
2 comparable sales analysis as not reflecting current market value;

3 (5) Whether sales between family members within the third  
4 degree of consanguinity include considerations that fail to reflect  
5 current market value;

6 (6) Whether sales to or from federal or state agencies or  
7 local political subdivisions reflect current market value;

8 (7) Whether sales of undivided interests in real property  
9 or parcels less than forty acres or sales conveying only a portion  
10 of the unit assessed reflect current market value;

11 (8) Whether sales or transfers of property in exchange  
12 for other real estate, stocks, bonds, or other personal property  
13 reflect current market value;

14 (9) Whether deeds recorded for transfers of convenience,  
15 transfers of title to cemetery lots, mineral rights, and rights of  
16 easement reflect current market value;

17 (10) Whether sales or transfers of property involving  
18 railroads or other public utility corporations reflect current  
19 market value;

20 (11) Whether sales of property substantially improved  
21 subsequent to assessment and prior to sale should be adjusted to  
22 reflect current market value or eliminated from such analysis; and

23 (12) For agricultural land or horticultural land as  
24 defined in section 77-1359 which is or has been receiving the  
25 special valuation pursuant to sections 77-1343 to 77-1348, whether  
26 the sale price reflects a value which the land has for purposes or  
27 uses other than as agricultural land or horticultural land and  
1 therefor does not reflect current market value of other  
2 agricultural land or horticultural land.

3 The Property Tax Administrator may issue guidelines for  
4 assessing officials for use in determining what constitutes a  
5 comparable sale. Guidelines shall take into account the factors  
6 listed in this section and other relevant factors as prescribed by

- 7 the Property Tax Administrator.  
 8 Sec. 4. Section 77-1377, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:  
 10 77-1377. The Property Tax Administrator shall create a  
 11 statewide file ~~on~~ of real estate property sales to ~~compile data and~~  
 12 provide information regarding hard-to-assess property, including  
 13 situations in which a local property may have few available  
 14 comparable sales. The Property Tax Administrator shall make the  
 15 file available to county assessors, ~~and county clerks performing~~  
 16 ~~the duties of county assessors.~~  
 17 Sec. 5. Original section 77-1377, Reissue Revised  
 18 Statutes of Nebraska, and sections 77-1315, 77-1327, and 77-1371,  
 19 Revised Statutes Supplement, 2000, are repealed.  
 20 Sec. 6. The following section is outright repealed:  
 21 Section 77-1372, Revised Statutes Supplement, 2000.".

**LEGISLATIVE BILL 115.** Indefinitely postponed.  
**LEGISLATIVE BILL 149.** Indefinitely postponed.  
**LEGISLATIVE BILL 223.** Indefinitely postponed.  
**LEGISLATIVE BILL 258.** Indefinitely postponed.  
**LEGISLATIVE BILL 266.** Indefinitely postponed.  
**LEGISLATIVE BILL 349.** Indefinitely postponed.  
**LEGISLATIVE BILL 443.** Indefinitely postponed.  
**LEGISLATIVE BILL 514.** Indefinitely postponed.  
**LEGISLATIVE BILL 515.** Indefinitely postponed.  
**LEGISLATIVE BILL 554.** Indefinitely postponed.  
**LEGISLATIVE BILL 624.** Indefinitely postponed.  
**LEGISLATIVE BILL 710.** Indefinitely postponed.  
**LEGISLATIVE BILL 829.** Indefinitely postponed.  
**LEGISLATIVE BILL 836.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 114.** Senator Chambers renewed his pending amendment, FA96, found on page 970, to the Standing Committee amendment.

### SENATOR CUDABACK PRESIDING

Senators Dierks and Schimek asked unanimous consent to be excused until their return. No objections. So ordered.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 13:

Baker

Beutler

Brown

Cudaback

Janssen

Kruse	Maxwell	Preister	Raikes	Redfield
Robak	Suttle	Thompson		

Voting in the negative, 8:

Bruning	Erdman	Kristensen	Pedersen, Dw.	Pederson, D.
Quandahl	Tyson	Wehrbein		

Present and not voting, 16:

Aguilar	Brashear	Burling	Chambers	Connealy
Cunningham	Engel	Foley	Hilgert	Hudkins
Jensen	Jones	Kremer	Schrock	Smith
Stuhr				

Excused and not voting, 12:

Bourne	Bromm	Byars	Coordsen	Dierks
Hartnett	Landis	McDonald	Price	Schimek
Vrtiska	Wickersham			

The Chambers amendment lost with 13 ayes, 8 nays, 16 present and not voting, and 12 excused and not voting.

Senator Chambers moved to reconsider the vote on his amendment, FA96.

Senators Robak and Brown 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 15 ayes, 1 nay, and 33 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 14:

Baker	Beutler	Chambers	Connealy	Cudaback
Janssen	Kruse	Landis	Maxwell	Preister
Redfield	Suttle	Thompson	Wehrbein	

Voting in the negative, 19:

Aguilar	Bruning	Burling	Byars	Cunningham
Erdman	Hudkins	Jensen	Jones	Kremer
Kristensen	Pedersen, Dw.	Pederson, D.	Quandahl	Schrock
Smith	Stuhr	Tyson	Vrtiska	

Present and not voting, 6:

Brashear	Coordsen	Engel	Foley	Hilgert
Raikes				

Excused and not voting, 10:

Bourne	Bromm	Brown	Dierks	Hartnett
McDonald	Price	Robak	Schimek	Wickersham

The Chambers motion to reconsider failed with 14 ayes, 19 nays, 6 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senators Brashear, Erdman, Aguilar, and Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers renewed his pending amendment, FA98, found on page 1008, to the Standing Committee amendment.

Senators Beutler and Connealy asked unanimous consent to be excused. No objections. So ordered.

Pending.

### **MOTION - Suspend Rules**

Senator Jensen moved to suspend the rules, Rule 3, Sec. 14, to cancel the public hearing on Mary Harbaugh, Sheila Stearns, and David Long.

The Jensen motion to suspend the rules prevailed with 30 ayes, 0 nays, 3 present and not voting, and 16 excused and not voting.

### **NOTICE OF COMMITTEE HEARING Health and Human Services**

Wednesday, March 14, 2001

1:30 PM

Health and Human Services System Partnership Council

Mary Harbaugh (cancel)

Sheila Stearns (cancel)

David Long (cancel)

(Signed) Jim Jensen, Chairperson

### **MESSAGES FROM THE GOVERNOR**

March 12, 2001

President, Speaker Kristensen

and Members of the Legislature  
State Capitol Building  
Lincoln NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

Please withdraw Sheila Stearns and Mary Harbaugh from consideration for the Health and Human Services System Partnership Council. These names were submitted in error.

Thank you.

Sincerely,  
(Signed) Mike Johanns  
Governor

February 15, 2001

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 Educational Telecommunications Commission:

**APPOINTEES:**

Sheila Stearns, 606 Pearl St, Wayne NE 68787  
Mary Harbaugh, 2609 Riverview Dr, Grand Island NE 68801

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

**RESOLUTION**

**LEGISLATIVE RESOLUTION 42.** Introduced by Janssen, 15.

WHEREAS, the North Bend Tigers girls' basketball team is the 2001 Class C-1 Girls' State Basketball Tournament champion; and

WHEREAS, the North Bend Tigers girls' basketball team defeated

Centura by a score of 55 to 45 in the state title game; and

WHEREAS, this 2001 championship is the North Bend Tigers girls' basketball team's second championship win in three years, as the team won the 1999 C-1 championship title as well; and

WHEREAS, the North Bend Tigers girls' basketball team showed all the characteristics that are important in a team which led to this state title, including teamwork, sportsmanship, and dedication; and

WHEREAS, the whole community of North Bend should be proud of their support for their state champion girls' basketball team.

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

1. That the Legislature recognizes and congratulates the North Bend Tigers girls' basketball team and the coaches, parents, and supporters of the team.

2. That a copy of this resolution be sent to the North Bend Tigers girls' basketball team head coach, Jim Dodge.

Laid over.

### SELECT COMMITTEE REPORT Enrollment and Review

**LEGISLATIVE BILL 677A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### AMENDMENTS - Print in Journal

Senators Brown, Dw. Pedersen, Thompson, and Jensen filed the following amendment to LB 142:

AM0949

(Amendments to Standing Committee amendments, AM0226)

- 1 1. Insert the following new sections:
- 2 "Sec. 30. (1) Sanitary and improvement districts located
- 3 within a municipal county created under sections 1 to 16 of this
- 4 act shall be deemed to be unconsolidated sanitary and improvement
- 5 districts and shall continue to exist after approval of the
- 6 formation of the municipal county, except as provided in this
- 7 section and unless, and to the extent, consolidated into a
- 8 municipal county in accordance with section 31 of this act.
- 9 (2) An unconsolidated sanitary and improvement district
- 10 shall not be considered to be part of the municipal county for any
- 11 purpose and shall have and retain the authority to levy property
- 12 taxes as if it were a sanitary and improvement district which did
- 13 not have any lands included in a municipal county, and the
- 14 municipal county shall have no authority to levy property taxes on
- 15 the lands within an unconsolidated sanitary and improvement
- 16 district.
- 17 (3) Parcels of land which are contiguous to each other



18 and are included within the municipal county, but not included in  
19 an unconsolidated municipality, may be included in a sanitary and  
20 improvement district with the approval of the council of the  
21 municipal county.

22 (4) An unconsolidated sanitary and improvement district  
23 shall pay the municipal county for services that were previously  
1 provided by the county and are not ordinarily provided by the  
2 unconsolidated sanitary and improvement district. The amount paid  
3 shall be equal to the total cost of such services budgeted by the  
4 municipal county or budgeted by the county for the prior year times  
5 a ratio, the numerator of which is the total valuation of the  
6 unconsolidated sanitary and improvement district and the  
7 denominator of which is the total valuation of the municipal county  
8 and all unconsolidated sanitary and improvement districts and  
9 municipalities that are within the boundaries of the municipal  
10 county that are not consolidated into the municipal county, except  
11 that the total of the amount paid plus the amount of any tax levied  
12 by the county upon lands located within the unconsolidated sanitary  
13 and improvement district for bonded indebtedness shall not exceed  
14 an amount equal to forty-five hundredths of one percent of the  
15 total taxable valuation of the unconsolidated sanitary and  
16 improvement district.

17 (5) Unless the unconsolidated sanitary and improvement  
18 district is located within the extraterritorial zoning jurisdiction  
19 of an unconsolidated municipality, an unconsolidated sanitary and  
20 improvement district shall be deemed to be within the zoning  
21 jurisdiction of the municipal county.

22 (6) A municipal county shall not impose a sales and use  
23 tax upon transactions within an unconsolidated sanitary and  
24 improvement district unless the county has previously imposed such  
25 a sales and use tax.

26 Sec. 31. A municipal county may by ordinance cause any  
27 unconsolidated sanitary and improvement district located (1) wholly  
1 within the extraterritorial zoning jurisdiction of an  
2 unconsolidated municipality with the consent of the governing body  
3 of the unconsolidated municipality or (2) within any portion of the  
4 municipal county to be consolidated, in whole or part, into the  
5 municipal county and thereafter the municipal county shall succeed  
6 to the property and property rights of every kind, contracts,  
7 obligations, and choses in action of every kind, held by or  
8 belonging to the sanitary and improvement district, and the  
9 municipal county shall be liable for and recognize, assume, and  
10 carry out the valid contracts and obligations of the district. Any  
11 such consolidation, in whole or in part, shall be accomplished by  
12 the municipal county and the sanitary and improvement district in  
13 accordance with sections 31-763 to 31-766, and other applicable  
14 law, as if the municipal county were a city and the consolidation  
15 were an annexation or partial annexation."

16 2. On page 4, lines 13 and 14; and page 6, lines 11 and

17 12, after "sanitary" insert "and".

18 3. On page 4, line 13; and page 6, line 12, after

19 "would" insert "continue to".

20 4. Renumber the remaining sections and correct internal  
21 references accordingly.

Senator Chambers filed the following amendment to LB 114:  
FA101

Amend AM0509

P. 1, line 13, strike the period and insert, "and such guidelines shall be submitted to the General Affairs Committee of the Legislature."

Senator Chambers filed the following amendment to LB 114:  
FA102

Amend AM0509

1. Page 1, strike lines 21 through 24, and on page 2, strike lines 1-15.

2. Insert, "Strike subsection 5"

Senator Beutler filed the following amendments to LB 585:  
AM0951

(Amendments to E & R amendments, AM7069)

1 1. On page 3, line 1, after "of" insert "not more than".

AM0952

(Amendments to E & R amendments, AM7069)

1 1. Insert the following new section:

2 "Sec. 13. Sections 1 to 13 of this act terminate on July

3 1, 2004."

4 2. On page 1, line 3; page 3, line 22; page 4, line 23;

5 page 5, line 1; page 6, line 4; page 7, lines 16 and 18; and page

6 8, lines 5 and 19, strike "12" and insert "13".

7 3. Renumber the remaining section accordingly.

AM0953

(Amendments to E & R amendments, AM7069)

1 1. On page 3, line 8, after the period insert "Each

2 wireless carrier shall report to the commission on a monthly basis

3 the amount of revenue collected by the surcharge."

AM0954

(Amendments to E & R amendments, AM7069)

1 1. On page 5, strike beginning with "The" in line 16

2 through the period in line 18.

AM0955

(Amendments to E & R amendments, AM7069)

1 1. Insert the following new section:

2 "Sec. 13. Any violation of sections 1 to 13 of this act

3 by a wireless carrier shall be a Class IV misdemeanor."

- 4 2. On page 1, line 3; page 3, line 22; page 4, line 23;
- 5 page 5, line 1; page 6, line 4; page 7, lines 16 and 18; and page
- 6 8, lines 5 and 19, strike "12" and insert "13".
- 7 3. Renumber the remaining section accordingly.

AM0956

(Amendments to E &amp; R amendments, AM7069)

- 1 1. On page 8, strike beginning with "In" in line 10
- 2 through line 16.

AM0957

(Amendments to E &amp; R amendments, AM7069)

- 1 1. On page 3, line 12, before "Each" insert "(1)"; in
- 2 line 15 after the period insert "At the time of the remittance, the
- 3 wireless carrier shall file a return for the remittance with the
- 4 commission in such form as the commission and the wireless carrier
- 5 agree upon."; and after line 22 insert the following new
- 6 subsections:
- 7 "Each wireless carrier shall report to the commission for
- 8 each of its exchanges (a) whether wireless 911 service or enhanced
- 9 wireless 911 service is provided in that exchange, (b) the level of
- 10 the surcharge, (c) the location of the public safety answering
- 11 point, and (d) the amount of revenue collected by the surcharge.
- 12 The initial report shall be due April 30, 2002, for
- 13 calendar year 2001 and subsequent reports shall be due no later
- 14 than April 30 of each year. The report period shall be the
- 15 preceding calendar year.
- 16 (3) The commission shall compile and place the
- 17 information from such reports required in subsection (2) of this
- 18 section into its annual telecommunications report to the
- 19 Legislature, including the availability and location of wireless
- 20 911 service and enhanced wireless 911 service in the State of
- 21 Nebraska.
- 22 (4) The commission shall adopt and promulgate rules and
- 23 regulations to carry out subsections (2) and (3) of this section."

AM0958

(Amendments to E &amp; R amendments, AM7069)

- 1 1. On page 2, line 26, before "Commencing" insert "(1)".
- 2 2. On page 3, strike beginning with "The" in line 3
- 3 through the period in line 5; and in line 8 after the period
- 4 insert:
- 5 "(2) Every subscriber shall be liable for the surcharge
- 6 billed to such subscriber until the surcharge has been paid to the
- 7 wireless carrier.
- 8 (3) The wireless carrier shall collect the surcharge as
- 9 far as practicable at the same time and along with the charges for
- 10 wireless services in accordance with the regular billing practice
- 11 of the wireless carrier. A wireless carrier shall have no

12 obligation to take any legal action to enforce the collection of  
13 the surcharge and shall not be liable for such uncollected amounts.  
14 A wireless carrier shall annually provide the commission a list of  
15 the amounts uncollected along with the names and addresses of those  
16 subscribers who carry a balance that can be determined by the  
17 wireless carrier to be for nonpayment of the surcharge.  
18 (4)".

AM0959

(Amendments to E & R amendments, AM7069)

1 1. On page 5, line 12, after the period insert "No money  
2 in the fund shall be distributed until a plan has been approved  
3 pursuant to subdivision (1)(e) of section 8 of this act."  
4 2. On page 6, line 8, strike "and"; in line 11 after  
5 "points" insert "; and  
6 (e) Approve a plan which establishes the fewest number of  
7 public safety answering points, as deemed necessary, to  
8 substantially cover the entire state. The approved plan shall  
9 specifically identify each public safety answering point in this  
10 state"; and in line 15 after the period insert "Any public safety  
11 answering point, which is not specifically identified in the  
12 approved plan pursuant to subdivision (1)(e) of this section, shall  
13 not be eligible to receive disbursements, directly or indirectly,  
14 from the Enhanced Wireless 911 Fund."

### ANNOUNCEMENT

Senator Coordsen announced the Redistricting Committee will meet Wednesday, March 14, 2001, at 7:30 a.m., in Room 1507.

### VISITORS

Visitors to the Chamber were 14 fourth grade students and teacher from St. Paul Lutheran School, Beatrice; Matt Parsley from Scottsbluff; and 2 students from Chadron State College and 2 students from Chadron High School.

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

### ADJOURNMENT

At 11:57 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, March 13, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**FORTY-FIFTH DAY - MARCH 13, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 13, 2001

**PRAAYER**

The prayer was offered by Father Nicholas Baker, Sacred Heart Church, Crete, 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 Hartnett, McDonald, and Wehrbein who were excused; and Senators Beutler, Brashear, Byars, Dierks, Landis, Price, Raikes, Robak, Schimek, Schrock, and Wickersham who were excused until they arrive.

**SPEAKER KRISTENSEN PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fourth day was approved.

**STANDING COMMITTEE REPORTS****Revenue**

**LEGISLATIVE BILL 309.** Indefinitely postponed.

**LEGISLATIVE BILL 699.** Indefinitely postponed.

**LEGISLATIVE BILL 790.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 43.** Introduced by McDonald, 41.

WHEREAS, the Greeley High School Bulldogs boys' basketball team

captured the 2001 Class D-2 Boys' State High School Basketball Championship; and

WHEREAS, the championship was the final victory in an outstanding 25-1 season; and

WHEREAS, this is the first state basketball championship ever won by Greeley High School; and

WHEREAS, the team and Coach Dennis Hurlburt deserve special recognition for the teamwork, discipline, and spirit which they displayed throughout the season.

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

1. That the Legislature recognizes and congratulates the Greeley High School boys' basketball team and Coach Dennis Hurlburt.

2. That a copy of this resolution be sent to the Greeley High School boys' basketball team and Coach Dennis Hurlburt.

Laid over.

## REPORTS

The following reports were received by the Legislature:

### **Education, Department of**

Status of Negotiations for 2001-2003 between the Nebraska Department of Education and the Nebraska Association of Public Employees

### **Health and Human Services System**

Nursing Facility Conversion Grant Program Annual Report

Nebraska Medicaid Managed Care Program - First, Second, Third, and Fourth Quarterly Management Reports

### **State Colleges, Nebraska**

Nebraska State College's Board of Trustee's Report of Agreement with the State College Education Association

## GENERAL FILE

**LEGISLATIVE BILL 114.** Senator Chambers moved to bracket until May 30, 2001.

Senator Jones 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 22 ayes, 1 nay, and 26 not voting.

The Chambers motion to bracket failed with 0 ayes, 28 nays, 13 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

## RESOLUTIONS

### **LEGISLATIVE RESOLUTION 44.** Introduced by Engel, 17.

WHEREAS, the Bancroft-Rosalie girls' basketball team won the 2001 Class D-1 State Basketball Tournament championship; and

WHEREAS, the Lady Panthers defeated Humphrey St. Francis 43-39 to win the 2001 state championship; and

WHEREAS, the Lady Panthers exemplified dedication, discipline, and perseverance through talent combined with hard work and courage; and

WHEREAS, the Lady Panthers and the team's coaches, families, and supporters should be commended for their well-earned victory.

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

1. That the Legislature recognizes and congratulates the Bancroft-Rosalie girls' basketball team for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Bancroft-Rosalie girls' basketball team.

Laid over.

### **LEGISLATIVE RESOLUTION 45.** Introduced by Cunningham, 18.

WHEREAS, the Laurel-Concord Bears boys' basketball team is the champion of the 2001 Class C-2 Boys' State High School Basketball Tournament; and

WHEREAS, the sixth-ranked Elmwood-Murdock Knights led for most of the first half of the game before the fifth-ranked Laurel-Concord Bears came back and won with an impressive 43-26 victory in the championship game; and

WHEREAS, the Laurel-Concord Bears boys' basketball team overcame injury and played as a team to claim the state championship; and

WHEREAS, Head Coach Clayton Steele and Assistant Coach Mike Halley guided their team through an impressive season; and

WHEREAS, throughout the year, the Laurel-Concord Bears have complemented their talents with sportsmanship, motivation, and hard work; and

WHEREAS, such team achievement is made possible not only by individual members' performances and coaching guidance, but also through the support of teachers, administrators, and parents.

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

1. That the Legislature recognizes and congratulates the Laurel-Concord Bears boys' basketball team and the coaches for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Laurel-Concord Bears boys' basketball team and Coach Steele.

Laid over.

**ANNOUNCEMENT**

Speaker Kristensen designates LBs 185, 215, 242, 281, 366, 384, 420, 435, 468, 474, 568, 584, 614, 641, 642, 668, 707, 750, 756, 768, 801, 804, 816, 848, and LR 8CA as priority bills and resolution.

**SPECIAL COMMITTEE REPORT**  
**Executive Board**

**LEGISLATIVE BILL 772.** Placed on General File as amended.  
Special Committee amendment to LB 772:

AM0968

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Legislature finds and declares that:
- 4 (1) The growing complexity and interdependence of the
- 5 world and the emergence of fundamental changes in the role of
- 6 government require that government decisionmakers consider the
- 7 long-term trends and factors affecting the welfare of the
- 8 Nebraskans and the long-term implications of their decisions;
- 9 (2) It is necessary to assist decisionmakers in
- 10 government to address emerging issues, take advantage of
- 11 opportunities for the state, avoid problems, and provide for
- 12 continuity in policy; and
- 13 (3) It is necessary to establish mechanisms to bring all
- 14 perspectives into a process for the systematic and comprehensive
- 15 development and evaluation of information for the identification of
- 16 long-term trends and alternative futures based upon the best
- 17 available information.
- 18 Sec. 2. The Nebraska Futures Center shall be established
- 19 within the Legislative Council. The purpose of the center is to
- 20 serve as a catalyst to enhance the way decisions are made in
- 21 government by providing decisionmakers a broader context in which
- 22 to make decisions, taking into consideration the long-term
- 23 implications of policy, critical trends, and emerging issues which
- 24 may have a significant impact on the state. The center shall not
- 1 be considered a primary research agency.
- 2 Sec. 3. (1)(a) The Nebraska Futures Center Board is
- 3 established. The board shall consist of twenty-one members,
- 4 including ten members selected from state government and eleven
- 5 at-large members selected from the private sector, postsecondary
- 6 education, and local government.
- 7 (b) State government members shall be appointed as
- 8 follows: (i) Six members of the Legislature shall be appointed by
- 9 the Executive Board of the Legislative Council; and (ii) four ex
- 10 officio members from the executive branch shall be appointed by the
- 11 Governor.
- 12 (c) At-large members shall be appointed as follows: (i)
- 13 Five members shall be appointed by the Executive Board of the



14 Legislative Council; and (ii) six members shall be appointed by the  
15 Executive Board of the Legislative Council with the advice of the  
16 Governor.

17 (2) Board members shall serve four-year terms, except  
18 initial appointments shall be for terms as follows: (a) The  
19 Executive Board of the Legislative Council shall initially appoint  
20 three members of the Legislature for terms of two years, three  
21 members of the Legislature for terms of four years, five at-large  
22 members for terms of two years, and six at-large members for terms  
23 of four years; and (b) the Governor shall initially appoint two ex  
24 officio members from the executive branch of state government for  
25 terms of two years and two ex officio members from the executive  
26 branch of state government for terms of four years. Members shall  
27 serve until appointment and qualification of their successors. The  
1 term of a member appointed from the Legislature under subdivision  
2 (1)(b)(i) of this section shall terminate when the member ceases to  
3 be a member of the Legislature.

4 (3) The chairperson shall be elected annually by the  
5 board and shall alternate between the members selected from state  
6 government and the at-large members. If the chairperson is a  
7 member selected from state government, the vice-chairperson shall  
8 be an at-large member, and if the chairperson is an at-large  
9 member, the vice-chairperson shall be a member selected from state  
10 government.

11 (4) Board members who miss three consecutive meetings may  
12 be removed from the board by a majority vote of the board at any  
13 regularly scheduled meeting at which a quorum is present. The  
14 position shall then be declared vacant and shall be filled in the  
15 same manner as it was originally appointed.

16 (5) If vacancies are not filled by the original  
17 appointing authority within thirty days of the occurrence of the  
18 vacancy, the board may fill the vacancy.

19 Sec. 4. (1) The Nebraska Futures Center Board may:

20 (a) Use studies, surveys, plans, data, and other  
21 materials in the possession of any state agency. Upon request by  
22 the board, a state agency or division shall make nonconfidential  
23 materials available to the board;

24 (b) Conduct public hearings in furtherance of its general  
25 purposes at places designated by the board, at which it may request  
26 the appearance of officials of any state agency or division and  
27 solicit the testimony of interested groups and the general public;

1 (c) Establish advisory committees to assist in  
2 implementing the requirements of this act;

3 (d) With the approval of the Executive Board of the  
4 Legislative Council, enter into contracts and agreements necessary  
5 for the administration of this act with any person as defined in  
6 section 49-801, postsecondary education institution, state or  
7 federal agency, or entity, including agreements to provide staff on  
8 a time-limited basis for specific projects;

9 (e) Solicit and accept grants, gifts, or other money from  
10 any unit of federal, state, or local government or any other  
11 person; and

12 (f) Exercise any other authority or powers as granted  
13 from time to time by the Executive Board of the Legislative  
14 Council.

15 (2) At the request of the Nebraska Futures Center Board,  
16 officials or personnel of any state agency or division, as well as  
17 any other individual, may serve on advisory committees created by  
18 the board.

19 (3) Members of the board shall receive no compensation as  
20 members of the board or for attendance at meetings. Members of the  
21 board shall be reimbursed for their actual and necessary expenses  
22 as provided in sections 81-1174 to 81-1177.

23 Sec. 5. (1) An executive director of the Nebraska  
24 Futures Center shall be hired by the Executive Board of the  
25 Legislative Council with the advice of the Nebraska Futures Center  
26 Board. The executive director shall serve at the pleasure of the  
27 executive board.

1 (2) The executive director with the approval of the  
2 executive board may employ staff.

3 (3) The executive director shall carry out projects as  
4 directed by the Nebraska Futures Center Board, including, but not  
5 limited to, those specified in section 4 of this act.

6 (4) The executive director shall supervise the allocation  
7 of the work and activities of all employees of the center.

8 Sec. 6. The Nebraska Futures Center with the direction  
9 of the Nebraska Futures Center Board shall:

10 (1) Establish a statewide scanning program to review  
11 information sources and identify emerging issues for the state and  
12 regularly provide the program's findings to the legislative and  
13 executive branches;

14 (2) Prepare biennially a report on trends in the state  
15 and the long-term implications of those trends. As part of the  
16 report, the center shall sponsor a public forum to review the  
17 findings of the trends report and obtain reactions from executive  
18 branch agencies, legislative committees, postsecondary educational  
19 institutions, private sector representatives, and the public. The  
20 center shall include in the report a record of the trends,  
21 long-term implications, and reactions, to be completed by July 15  
22 of even-numbered years, and presented to the Legislature, to the  
23 Governor, and to the public. The biennial trends report shall be  
24 given affirmative consideration by the agencies and divisions of  
25 state government when those agencies and divisions are determining  
26 budget priorities;

27 (3) Identify long-term issues significant to the state by  
1 using a methodology involving a broad spectrum of citizens and  
2 establish annual work plans focusing on the priority issues  
3 approved by the board. Studies shall include the potential

- 4 long-term effects of current trends and policies and shall identify  
 5 future policy options;  
 6 (4) Periodically prepare a report on alternative futures  
 7 facing the state for a five-year or ten-year period or for a period  
 8 deemed appropriate by the board;  
 9 (5) Advise the Legislature and the Governor of potential  
 10 long-term effects of government policies;  
 11 (6) Develop an information process to inform the public  
 12 continually on long-term issues, critical trends, and alternative  
 13 futures;  
 14 (7) Develop a database for trend identification;  
 15 (8) Serve as a mechanism for coordinating resources and  
 16 groups to focus on long-term planning;  
 17 (9) Solicit input from the Legislature, state agencies,  
 18 the Governor, postsecondary educational institutions, the private  
 19 sector, local government, and the public;  
 20 (10) Ensure that if institutions, divisions, departments,  
 21 or agencies of state government have responsibilities in an area of  
 22 policy under study, they are encouraged to comment on the potential  
 23 effects of government policies on critical trends and alternative  
 24 futures;  
 25 (11) Consider the comments of the institutions,  
 26 divisions, departments, and agencies in performing its duties under  
 27 this act; and  
 1 (12) Include the official comments of the departments and  
 2 agencies in any report provided to the Governor and the  
 3 Legislature.  
 4 Sec. 7. The Nebraska Futures Center and the Nebraska  
 5 Futures Center Board shall comply with the Records Management Act  
 6 and with sections 84-1408 to 84-1414.  
 7 Sec. 8. Findings and recommendations in the studies of  
 8 the Nebraska Futures Center shall be delivered to the Governor and  
 9 the Legislature for referral to the appropriate agency and  
 10 committee.  
 11 Sec. 9. This act terminates on July 1, 2006.  
 12 Sec. 10. This act become operative on January 1, 2003."

(Signed) George Coordsen, Chairperson

**AMENDMENTS - Print in Journal**

Senator Quandahl filed the following amendment to LB 114:  
 AM0971

(Amendments to Standing Committee amendments, AM0509)

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 53-103, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 53-103. For purposes of the Nebraska Liquor Control Act,
- 5 unless the context otherwise requires:

- 6 (1) Alcohol means the product of distillation of any  
7 fermented liquid, whether rectified or diluted, whatever the origin  
8 thereof, and includes synthetic ethyl alcohol. Alcohol does not  
9 include denatured alcohol or wood alcohol;
- 10 (2) Spirits means any beverage which contains alcohol  
11 obtained by distillation, mixed with water or other substance in  
12 solution, and includes brandy, rum, whiskey, gin, or other  
13 spirituous liquors and such liquors when rectified, blended, or  
14 otherwise mixed with alcohol or other substances;
- 15 (3) Wine means any alcoholic beverage obtained by the  
16 fermentation of the natural contents of fruits or vegetables,  
17 containing sugar, including such beverages when fortified by the  
18 addition of alcohol or spirits;
- 19 (4) Beer means a beverage obtained by alcoholic  
20 fermentation of an infusion or concoction of barley or other grain,  
21 malt, and hops in water and includes, but is not limited to, beer,  
22 ale, stout, lager beer, porter, and near beer;
- 23 (5) Alcoholic liquor includes alcohol, spirits, wine,  
1 beer, and any liquid or solid, patented or not, containing alcohol,  
2 spirits, wine, or beer and capable of being consumed as a beverage  
3 by a human being. Alcoholic liquor also includes confections or  
4 candy with alcohol content of more than one-half of one percent  
5 alcohol. The act does not apply to (a) alcohol used in the  
6 manufacture of denatured alcohol produced in accordance with acts  
7 of Congress and regulations adopted and promulgated pursuant to  
8 such acts, (b) flavoring extracts, syrups, medicinal, mechanical,  
9 scientific, culinary, or toilet preparations, or food products  
10 unfit for beverage purposes, but the act applies to alcoholic  
11 liquor used in the manufacture, preparation, or compounding of such  
12 products or confections or candy that contains more than one-half  
13 of one percent alcohol, or (c) wine intended for use and used by  
14 any church or religious organization for sacramental purposes;
- 15 (6) Near beer means beer containing less than one-half of  
16 one percent of alcohol by volume;
- 17 (7) Original package means any bottle, flask, jug, can,  
18 cask, barrel, keg, hogshead, or other receptacle or container used,  
19 corked or capped, sealed, and labeled by the manufacturer of  
20 alcoholic liquor to contain and to convey any alcoholic liquor;
- 21 (8) Manufacturer means every brewer, fermenter,  
22 distiller, rectifier, winemaker, blender, processor, bottler, or  
23 person who fills or refills an original package and others engaged  
24 in brewing, fermenting, distilling, rectifying, or bottling  
25 alcoholic liquor, including a wholly owned affiliate or duly  
26 authorized agent for a manufacturer;
- 27 (9) Nonbeverage user means every manufacturer of any of  
1 the products set forth and described in subsection (4) of section  
2 53-160, when such product contains alcoholic liquor, and all  
3 laboratories, hospitals, and sanatoria using alcoholic liquor for  
4 nonbeverage purposes;

- 5 (10) Manufacture means to distill, rectify, ferment,  
6 brew, make, mix, concoct, process, blend, bottle, or fill an  
7 original package with any alcoholic liquor and includes blending  
8 but does not include the mixing or other preparation of drinks for  
9 serving by those persons authorized and permitted in the act to  
10 serve drinks for consumption on the premises where sold;
- 11 (11) Wholesaler means a person importing or causing to be  
12 imported into the state or purchasing or causing to be purchased  
13 within the state alcoholic liquor for sale or resale to retailers  
14 licensed under the act, whether the business of the wholesaler is  
15 conducted under the terms of a franchise or any other form of an  
16 agreement with a manufacturer or manufacturers, or who has caused  
17 alcoholic liquor to be imported into the state or purchased in the  
18 state from a manufacturer or manufacturers and was licensed to  
19 conduct such a business by the commission on May 1, 1970, or has  
20 been so licensed since that date. Wholesaler does not include any  
21 retailer licensed to sell alcoholic liquor for consumption off the  
22 premises who sells alcoholic liquor other than beer or wine to  
23 another retailer pursuant to section 53-175, except that any such  
24 retailer shall obtain the required federal wholesaler's basic  
25 permit and federal wholesale liquor dealer's special tax stamp.  
26 Wholesaler includes a distributor, distributorship, and jobber;
- 27 (12) Person means any natural person, trustee,  
1 corporation, partnership, or limited liability company;
- 2 (13) Retailer means a person who sells or offers for sale  
3 alcoholic liquor for use or consumption and not for resale in any  
4 form except as provided in section 53-175;
- 5 (14) Sell at retail and sale at retail means sale for use  
6 or consumption and not for resale in any form except as provided in  
7 section 53-175;
- 8 (15) Commission means the Nebraska Liquor Control  
9 Commission;
- 10 (16) Sale means any transfer, exchange, or barter in any  
11 manner or by any means for a consideration and includes any sale  
12 made by any person, whether principal, proprietor, agent, servant,  
13 or employee;
- 14 (17) To sell means to solicit or receive an order for, to  
15 keep or expose for sale, or to keep with intent to sell;
- 16 (18) Restaurant means any public place (a) which is kept,  
17 used, maintained, advertised, and held out to the public as a place  
18 where meals are served and where meals are actually and regularly  
19 served, (b) which has no sleeping accommodations, and (c) which has  
20 adequate and sanitary kitchen and dining room equipment and  
21 capacity and a sufficient number and kind of employees to prepare,  
22 cook, and serve suitable food for its guests;
- 23 (19) Club means a corporation (a) which is organized  
24 under the laws of this state, not for pecuniary profit, solely for  
25 the promotion of some common object other than the sale or  
26 consumption of alcoholic liquor, (b) which is kept, used, and

27 maintained by its members through the payment of annual dues, (c)  
1 which owns, hires, or leases a building or space in a building  
2 suitable and adequate for the reasonable and comfortable use and  
3 accommodation of its members and their guests, and (d) which has  
4 suitable and adequate kitchen and dining room space and equipment  
5 and a sufficient number of servants and employees for cooking,  
6 preparing, and serving food and meals for its members and their  
7 guests. The affairs and management of such club shall be conducted  
8 by a board of directors, executive committee, or similar body  
9 chosen by the members at their annual meeting, and no member,  
10 officer, agent, or employee of the club shall be paid or shall  
11 directly or indirectly receive, in the form of salary or other  
12 compensation, any profits from the distribution or sale of  
13 alcoholic liquor to the club or the members of the club or its  
14 guests introduced by members other than any salary fixed and voted  
15 at any annual meeting by the members or by the governing body of  
16 the club out of the general revenue of the club;

17 (20) Hotel means any building or other structure (a)  
18 which is kept, used, maintained, advertised, and held out to the  
19 public to be a place where food is actually served and consumed and  
20 sleeping accommodations are offered for adequate pay to travelers  
21 and guests, whether transient, permanent, or residential, (b) in  
22 which twenty-five or more rooms are used for the sleeping  
23 accommodations of such guests, and (c) which has one or more public  
24 dining rooms where meals are served to such guests, such sleeping  
25 accommodations and dining rooms being conducted in the same  
26 buildings in connection therewith and such building or buildings or  
27 structure or structures being provided with adequate and sanitary  
1 kitchen and dining room equipment and capacity;

2 (21) Nonprofit corporation means any corporation  
3 organized under the laws of this state, not for profit, which has  
4 been exempted from the payment of federal income taxes;

5 (22) Bottle club means an operation, whether formally  
6 organized as a club having a regular membership list, dues,  
7 officers, and meetings or not, keeping and maintaining premises  
8 where persons who have made their own purchases of alcoholic liquor  
9 congregate for the express purpose of consuming such alcoholic  
10 liquor upon the payment of a fee or other consideration, including  
11 among other services the sale of food, ice, mixes, or other fluids  
12 for alcoholic drinks and the maintenance of space for the storage  
13 of alcoholic liquor belonging to such persons and facilities for  
14 the dispensing of such liquor through a locker system, card system,  
15 or pool system, which shall not be deemed or considered a sale of  
16 alcoholic liquor. Such operation may be conducted by a club, an  
17 individual, a partnership, a limited liability company, or a  
18 corporation. An accurate and current membership list shall be  
19 maintained upon the premises which contains the names and  
20 residences of its members. This section does not prohibit the sale  
21 of alcoholic liquor for consumption on the premises to any person

- 22 who is not a current member of such bottle club;
- 23 (23) Minor means any person, male or female, under
- 24 twenty-one years of age, regardless of marital status;
- 25 (24) Brand means alcoholic liquor identified as the
- 26 product of a specific manufacturer;
- 27 (25) Franchise or agreement, with reference to the
- 1 relationship between a manufacturer and wholesaler, includes one or
- 2 more of the following: (a) A commercial relationship of a definite
- 3 duration or continuing indefinite duration which is not required to
- 4 be in writing; (b) a relationship by which the wholesaler is
- 5 granted the right to offer and sell the manufacturer's brands by
- 6 the manufacturer; (c) a relationship by which the franchise, as an
- 7 independent business, constitutes a component of the manufacturer's
- 8 distribution system; (d) a relationship by which the operation of
- 9 the wholesaler's business is substantially associated with the
- 10 manufacturer's brand, advertising, or other commercial symbol
- 11 designating the manufacturer; and (e) a relationship by which the
- 12 operation of the wholesaler's business is substantially reliant on
- 13 the manufacturer for the continued supply of beer;
- 14 (26) Territory or sales territory means the wholesaler's
- 15 area of sales responsibility for the brand or brands of the
- 16 manufacturer;
- 17 (27) Suspend means to cause a temporary interruption of
- 18 all rights and privileges of a license;
- 19 (28) Cancel means to discontinue all rights and
- 20 privileges of a license;
- 21 (29) Revoke means to permanently void and recall all
- 22 rights and privileges of a license;
- 23 (30) Generic label means a label which is not protected
- 24 by a registered trademark, either in whole or in part, or to which
- 25 no person has acquired a right pursuant to state or federal
- 26 statutory or common law;
- 27 (31) Private label means a label which the purchasing
- 1 wholesaler, retailer, or bottle club licensee has protected, in
- 2 whole or in part, by a trademark registration or which the
- 3 purchasing wholesaler, retailer, or bottle club licensee has
- 4 otherwise protected pursuant to state or federal statutory or
- 5 common law;
- 6 (32) Farm winery means any enterprise which produces and
- 7 sells wines produced from grapes, other fruit, or other suitable
- 8 agricultural products of which at least seventy-five percent is
- 9 grown in this state;
- 10 (33) Campus, as it pertains to the southern boundary of
- 11 the main campus of the University of Nebraska-Lincoln, means the
- 12 south right-of-way line of R Street and abandoned R Street from
- 13 10th to 17th streets;
- 14 (34) Brewpub means any restaurant or hotel which produces
- 15 on its premises a maximum of ten thousand barrels of beer per year;
- 16 (35) Manager means a person appointed by a corporation to

17 oversee the daily operation of the business licensed in Nebraska.

18 A manager shall meet all the requirements of the act as though he

19 or she were the applicant, except for residency and citizenship;

20 (36) Shipping license means a license granted pursuant to

21 section 53-123.15;

22 (37) Sampling means consumption on the premises of a

23 retail licensee of not more than five samples of one fluid ounce or

24 less of alcoholic liquor by the same person in a twenty-four-hour

25 period;

26 (38) Microbrewery means any small brewery producing a

27 maximum of ten thousand barrels of beer per year;

1 (39) Craft brewery means a brewpub or a microbrewery; and

2 (40) Local governing body means the city council or

3 village board of trustees of a city or village within which the

4 licensed premises are located or, if such premises are not within

5 the corporate limits of a city or village, the county board of the

6 county within which the licensed premises are located; and

7 (41) Consume means to drink or otherwise ingest."

8 2. Strike amendment 2 and all amendments thereto and

9 insert the following new amendment:

10 "2. On page 2, line 11, after 'possess' insert ',

11 consume,'; line 13, after 'residence' insert ', the premises of a

12 church or other religious organization on which premises wine is

13 used for sacramental purposes, or a licensed premises licensed

14 under the Nebraska Liquor Control Act'; and strike the new matter

15 in lines 13 through 16."

16 3. On page 1, line 3, strike "5" and insert "6".

17 4. On page 2, line 14, strike "section 53-101" and

18 insert "sections 53-101 and 53-103".

19 5. Renumber the remaining sections accordingly.

Senator Schrock filed the following amendment to LB 329:

(Amendment, AM0849, 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 114.** Senator Chambers moved to reconsider the vote on his motion, found in this day's Journal, to bracket until May 30, 2001.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.



**STANDING COMMITTEE REPORTS**  
**Natural Resources**

**LEGISLATIVE BILL 404.** Placed on General File.

**LEGISLATIVE BILL 778.** Placed on General File.

**LEGISLATIVE BILL 787.** Placed on General File.

**LEGISLATIVE BILL 373.** Placed on General File as amended.

Standing Committee amendment to LB 373:

AM0893

1 1. On page 2, line 10, strike "or", show as stricken,  
 2 and insert ", including the retail distribution or sale of  
 3 electricity and any related incidental services, or is to engage or  
 4 is engaged in"; strike beginning with "except" in lines 11 through  
 5 "directors" in line 13 and insert ", except as otherwise provided  
 6 in this subdivision. A district engaged in the retail distribution  
 7 or sale of electricity which develops another business that does  
 8 not involve the delivery or sale of electricity at retail may, by  
 9 resolution of its board of directors, adopt and use a trade name  
 10 for such business and the trade name need not include the words  
 11 public power district".

12 2. On page 5, line 9, strike "change the name of a  
 13 district" and insert "utilize a trade name for certain businesses".

**LEGISLATIVE BILL 777.** Placed on General File as amended.

Standing Committee amendment to LB 777:

AM0742

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 "Section 1. Section 37-806, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 37-806. (1) Any species of wildlife or wild plants  
 6 determined to be an endangered species pursuant to the Endangered  
 7 Species Act shall be an endangered species under the Nongame and  
 8 Endangered Species Conservation Act, and any species of wildlife or  
 9 wild plants determined to be a threatened species pursuant to the  
 10 Endangered Species Act shall be a threatened species under the  
 11 Nongame and Endangered Species Conservation Act. The commission  
 12 may determine that any such threatened species is an endangered  
 13 species throughout all or any portion of the range of such species  
 14 within this state.

15 (2) In addition to the species determined to be  
 16 endangered or threatened pursuant to the Endangered Species Act,  
 17 the commission shall by regulation determine whether any species of  
 18 wildlife or wild plants normally occurring within this state is an  
 19 endangered or threatened species as a result of any of the  
 20 following factors:

21 (a) The present or threatened destruction, modification,  
 22 or curtailment of its habitat or range;

- 23 (b) Overutilization for commercial, sporting, scientific,  
24 educational, or other purposes;
- 1 (c) Disease or predation;
- 2 (d) The inadequacy of existing regulatory mechanisms; or
- 3 (e) Other natural or manmade factors affecting its  
4 continued existence within this state.
- 5 (3)(a) The commission shall make determinations required  
6 by subsection (2) of this section on the basis of the best  
7 scientific, commercial, and other data available to the commission.
- 8 (b) Except with respect to species of wildlife or wild  
9 plants determined to be endangered or threatened species under  
10 subsection (1) of this section, the commission may not add a  
11 species to nor remove a species from any list published pursuant to  
12 subsection (5) of this section unless the commission has first:
- 13 (a) (i) Published a public notice of such proposed action  
14 in each region of the subject species' range in which it is  
15 endangered or threatened;
- 16 (ii) Provided notice of such proposed action to and  
17 allowed comment from the Governor and state agencies;
- 18 (iii) Provided notice of such proposed action to and  
19 allowed comment from each county and natural resources district  
20 located in that portion of the subject species' range in which it  
21 is endangered or threatened;
- 22 (b) (iv) Notified the Governor of any state sharing a  
23 common border with this state, in which the subject species is  
24 known to occur, that such action is being proposed; and
- 25 (e) (v) Allowed at least thirty days following  
26 publication for comment from the public and other interested  
27 parties;
- 1 (vi) Held at least one public hearing on such proposed  
2 action in each region of the subject species' range in which it is  
3 endangered or threatened;
- 4 (vii) Submitted the scientific, commercial, and other  
5 data which is the basis of the proposed action to scientists or  
6 experts outside and independent of the commission for peer review  
7 of the data and conclusions; and
- 8 (viii) For species proposed to be added under this  
9 subsection but not for species proposed to be removed under this  
10 subsection, developed an outline of the potential requirements or  
11 regulations that may be placed on private landowners, or other  
12 persons who hold state-recognized property rights, as a result of  
13 the listing of the species or the development of a proposed program  
14 for the conservation of the species as required in subsection (1)  
15 of section 37-807.
- 16 (c) When the commission is proposing to add or remove a  
17 species under this subsection, public notice under subdivision  
18 (3)(b)(i) of this section shall include, but not be limited to, (i)  
19 the species proposed to be listed and a description of that portion  
20 of its range in which the species is endangered or threatened, (ii)

21 a declaration that the commission submitted the data which is the  
 22 basis for the listing for peer review and developed an outline if  
 23 required under subdivision (b)(viii) of this subsection, and (iii)  
 24 a declaration of the availability of the peer review and outline,  
 25 if applicable, for public examination.

26 (d) In cases when the commission determines that an  
 27 emergency situation exists involving the continued existence of  
 1 such species as a viable component of the wild fauna or flora of  
 2 the state, the commission may add species to such lists after  
 3 having first published a public notice that such an emergency  
 4 situation exists together with a summary of facts which support  
 5 such determination.

6 (4) In determining whether any species of wildlife or  
 7 wild plants is an endangered or threatened species, the commission  
 8 shall take into consideration those actions being carried out by  
 9 the federal government, by other states, by other agencies of this  
 10 state or political subdivisions thereof, or by any other person  
 11 which may affect the species under consideration.

12 (5) The commission shall issue regulations containing a  
 13 list of all species of wildlife and wild plants normally occurring  
 14 within this state which it determines, in accordance with  
 15 subsections (1) through (4) of this section, to be endangered or  
 16 threatened species and a list of all such species. Each list shall  
 17 refer to the species contained therein by scientific and common  
 18 name or names, if any, and shall specify with respect to each such  
 19 species over what portion of its range it is endangered or  
 20 threatened.

21 (6) Except with respect to species of wildlife or wild  
 22 plants determined to be endangered or threatened pursuant to the  
 23 Endangered Species Act, the commission shall, upon the petition of  
 24 an interested person, conduct a review of any listed or unlisted  
 25 species proposed to be removed from or added to the lists published  
 26 pursuant to subsection (5) of this section, but only if the  
 27 commission publishes a public notice that such person has presented  
 1 substantial evidence which warrants such a review.

2 (7) Whenever any species of wildlife or wild plants is  
 3 listed as a threatened species pursuant to subsection (5) of this  
 4 section, the commission shall issue such regulations as are  
 5 necessary to provide for the conservation of such species. The  
 6 commission may prohibit, with respect to any threatened species of  
 7 wildlife or wild plants, any act prohibited under subsection (8) or  
 8 (9) of this section.

9 (8) With respect to any endangered species of wildlife,  
 10 it shall be unlawful, except as provided in subsection (7) of this  
 11 section, for any person subject to the jurisdiction of this state  
 12 to:

- 13 (a) Export any such species from this state;
- 14 (b) Take any such species within this state;
- 15 (c) Possess, process, sell or offer for sale, deliver,

16 carry, transport, or ship, by any means whatsoever except as a  
17 common or contract motor carrier under the jurisdiction of the  
18 Public Service Commission or the Interstate Commerce Commission,  
19 any such species; or

20 (d) Violate any regulation pertaining to the conservation  
21 of such species or to any threatened species of wildlife listed  
22 pursuant to this section and promulgated by the commission pursuant  
23 to the Nongame and Endangered Species Conservation Act.

24 (9) With respect to any endangered species of wild  
25 plants, it shall be unlawful, except as provided in subsection (7)  
26 of this section, for any person subject to the jurisdiction of this  
27 state to:

1 (a) Export any such species from this state;

2 (b) Possess, process, sell or offer for sale, deliver,  
3 carry, transport, or ship, by any means whatsoever, any such  
4 species; or

5 (c) Violate any regulation pertaining to such species or  
6 to any threatened species of wild plants listed pursuant to this  
7 section and promulgated by the commission pursuant to the act.

8 (10) Any endangered species of wildlife or wild plants  
9 which enters this state from another state or from a point outside  
10 the territorial limits of the United States and which is being  
11 transported to a point within or beyond this state may be so  
12 entered and transported without restriction in accordance with the  
13 terms of any federal permit or permit issued under the laws or  
14 regulations of another state.

15 (11) The commission may permit any act otherwise  
16 prohibited by subsection (8) of this section for scientific  
17 purposes or to enhance the propagation or survival of the affected  
18 species.

19 (12) Any law, regulation, or ordinance of any political  
20 subdivision of this state which applies with respect to the taking,  
21 importation, exportation, possession, sale or offer for sale,  
22 processing, delivery, carrying, transportation other than under the  
23 jurisdiction of the Public Service Commission, or shipment of  
24 species determined to be endangered or threatened species pursuant  
25 to the Nongame and Endangered Species Conservation Act shall be  
26 void to the extent that it may effectively (a) permit that which is  
27 prohibited by the act or by any regulation which implements the act

1 or (b) prohibit that which is authorized pursuant to an exemption

2 or permit provided for in the act or in any regulation which  
3 implements the act. The Nongame and Endangered Species

4 Conservation Act shall not otherwise be construed to void any law,  
5 regulation, or ordinance of any political subdivision of this state  
6 which is intended to conserve wildlife or wild plants.

7 Sec. 2. Original section 37-806, Reissue Revised

8 Statutes of Nebraska, is repealed."

**LEGISLATIVE BILL 98.** Indefinitely postponed.  
**LEGISLATIVE BILL 218.** Indefinitely postponed.  
**LEGISLATIVE BILL 760.** Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

**AMENDMENT - Print in Journal**

Senator Byars filed the following amendment to LB 692:  
AM0946

(Amendments to Standing Committee amendments, AM0781)

1. On page 14, line 5, after "hundred" insert "fifty";
- 2 and in line 15 after "hundred" insert "ten".

**RESOLUTION**

**LEGISLATIVE RESOLUTION 46.** Introduced by Vrtiska, 1.

WHEREAS, the Falls City Sacred Heart Irish boys' basketball team won the 2001 Class D-1 Boys' State High School Basketball Championship; and

WHEREAS, this is the team's sixth championship, having won in 1988, 1989, 1990, 1991, and 1999; and

WHEREAS, the team, coaches, and families deserve special recognition for their teamwork, discipline, and dedication throughout the season.

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

1. That the Legislature recognizes and congratulates the Falls City Sacred Heart Irish boys' basketball team, its coaches, and its fans for this outstanding season.

2. That a copy of this resolution be sent to Falls City Sacred Heart and its head boys' basketball coach, Doug Goltz.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 114.** The Chambers pending motion, found in this day's Journal, to reconsider the vote on his motion to bracket until May 30, 2001, was renewed.

**SENATOR CUDABACK PRESIDING**

Senators Dierks and Landis 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 16 ayes, 0 nays, and 33 not voting.

The Chambers motion to reconsider failed with 6 ayes, 25 nays, 11 present

and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA98, found on page 1008 and considered on page 1022, to the Standing Committee amendment.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Chambers amendment was adopted with 27 ayes, 8 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA99, found on page 1009, to the Standing Committee amendment.

Senators Jensen and Wickersham asked unanimous consent to be excused. No objections. So ordered.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 47.** Introduced by Wickersham, 49.

WHEREAS, the Alliance Bulldogs boys' basketball team won the 2001 Class B Boys' State High School Basketball Championship on March 10, 2001; and

WHEREAS, the 53-50 hard-fought win over a talented Beatrice team demonstrated the team's character and perseverance; and

WHEREAS, this was Alliance High School's first boys' state basketball championship after twenty-four times at the state tournament; and

WHEREAS, the players, coaches, families, and friends should be commended for their well-earned victory.

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

1. That the Legislature recognizes and congratulates the Alliance High School boys' basketball team, its coaches, and its fans for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Alliance High School boys' basketball team and their head coach, Rocky Almond.

Laid over.

**REFERENCE COMMITTEE REPORT**

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

Harbaugh, Mary - Nebraska Educational Telecommunications Commission - Education

Stearns, Sheila - Nebraska Educational Telecommunications Commission - Education

Swanson, Dawn - Juvenile Services Administrator/Protection and Safety Co-Administrator - Health and Human Services

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

**AMENDMENTS - Print in Journal**

Senator Schrock filed the following amendment to LB 457:

AM0974

(Amendments to Standing Committee amendments, AM0360)

- 1 1. On page 1, line 11; and page 2, lines 1 and 8, after
- 2 "a" insert "driven".

Senator Bromm filed the following amendment to LB 574:

AM0977

- 1 1. In the Chambers amendment, FA91, strike "strike lines
- 2 11-14" and insert "lines 12 and 13, strike 'biometric identifiers'
- 3 and insert 'facial recognition maps'".
- 4 2. In the Bromm amendment, AM0692, on page 2, lines 4
- 5 and 10, strike "biometric identifier" and insert "facial
- 6 recognition map".

Senator Chambers filed the following amendment to LB 114:

FA103

Amend AM0509

Page 1, line 14, after "2." insert, "Sacramental means the Roman Catholic ceremony known as the Eucharist or the Protestant ceremony known as the Lord's Supper. Wine means the consecrated wine used in the Christian ceremony known as the Lord's Supper or the Eucharist."

Senator Wickersham filed the following amendment to LB 170:

(Amendment, AM0970, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

**MOTION - Print in Journal**

Senator Bruning filed the following motion to LB 114:

Reconsider the vote on the Chambers amendment, FA98.

**AMENDMENT - Print in Journal**

Senator Beutler filed the following amendment to LB 243:  
AM0987

(Amendments to Final Reading copy)

- 1 1. On page 3, line 3, after "for" insert "commercial or
- 2 industrial"; in line 6 strike "negotiated" and insert "different";
- 3 in line 7 after "customer" insert "established pursuant to
- 4 authority granted in this section"; in line 8 strike "and" and
- 5 insert an underscored comma; in line 9 after "service" insert "
- 6 and shall only be approved"; in line 10 strike "or any political
- 7 subdivision"; in lines 10 and 12 before "economic" insert
- 8 "eligible"; and in line 11 strike "or local".
- 9 2. On page 4, after line 11 insert the following
- 10 subsection:
- 11 "(4) For purposes of this section, eligible economic
- 12 development project means a project in which all employees receive
- 13 a minimum wage of (a) at least eight dollars and nineteen cents per
- 14 hour for employees who have the opportunity to participate in a
- 15 health care plan through the employee benefit program which has
- 16 benefits comparable to or greater than the Nebraska State Insurance
- 17 Program, sections 84-1601 to 84-1615, and (b) at least nine dollars
- 18 and one cent per hour for employees who do not have the opportunity
- 19 to participate in such a health care plan. The Department of
- 20 Revenue shall adjust the minimum wages required under this section
- 21 on July 1 of each year beginning in 2002. The minimum wage for
- 22 employees described in subdivision (a) of this subsection shall be
- 23 one hundred percent of the federal poverty guidelines for a family
- 1 of four, based on a forty-hour work week at fifty-two weeks per
- 2 year. The minimum wage for employees described in subdivision (b)
- 3 of this subsection shall be one hundred ten percent of such
- 4 guidelines. This subsection only applies to employees of the
- 5 project and does not apply to other employees of the district not
- 6 otherwise affected by the economic development project."

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Engel asked unanimous consent to have his name added as cointroducer to LB 664. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 5 twelfth grade students and teacher from Clarkson; 13 members of the WIFE Organization from across the state; Nanci Lingenfelter from Plainview; 35 fifth grade students and teachers from Clarkson School, Fremont; and students from Avery Elementary School, Bellevue.

The Doctor of the Day was Dr. Bruce Gfeller from Lincoln.



**ADJOURNMENT**

At 11:55 a.m., on a motion by Senator Quandahl, the Legislature adjourned until 9:00 a.m., Wednesday, March 14, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SIXTH DAY - MARCH 14, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 14, 2001

**PRAYER**

The prayer was offered by Pastor Todd Karges, First United Methodist Church, Lexington, 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 McDonald who was excused; and Senators Brashear, Bromm, Coordsen, Foley, Hartnett, Raikes, Robak, Schimek, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-fifth day was approved.

**STANDING COMMITTEE REPORT  
Education**

**LEGISLATIVE BILL 646.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

**NOTICE OF COMMITTEE HEARING  
Education**

Thursday, March 22, 2001  
Nebraska Educational Telecommunications Commission  
Mary Harbaugh  
Sheila Stearns

1:15 PM

(Signed) Ron Raikes, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 114.** Senator Bruning renewed his pending motion, found on page 1047, to reconsider the vote on the Chambers amendment, FA98.

Senator Bruning withdrew his motion to reconsider.

Senator Chambers withdrew his pending amendment, FA99, found on page 1009 and considered on page 1046.

Senator Chambers withdrew his pending amendment, FA100, found on page 1009.

Senator Beutler withdrew his pending amendment, AM0556, found on page 1010.

Senator Chambers withdrew his pending amendments, FA101, FA102, and FA103, found on pages 1026 and 1047.

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

AM0999

(Amendments to Standing Committee amendments, AM0509)

- 1 1. Strike the original amendments and all amendments
- 2 thereto and insert the following new amendment:
- 3 "1. Strike the original sections and insert the
- 4 following new sections:
- 5 'Section 1. Section 53-101, Revised Statutes Supplement,
- 6 2000, is amended to read:
- 7 53-101. Sections 53-101 to 53-1,121 and section 6 of
- 8 this act shall be known and may be cited as the Nebraska Liquor
- 9 Control Act.
- 10 Sec. 2. Section 53-103, Revised Statutes Supplement,
- 11 2000, is amended to read:
- 12 53-103. For purposes of the Nebraska Liquor Control Act,
- 13 unless the context otherwise requires:
- 14 (1) Alcohol means the product of distillation of any
- 15 fermented liquid, whether rectified or diluted, whatever the origin
- 16 thereof, and includes synthetic ethyl alcohol. Alcohol does not
- 17 include denatured alcohol or wood alcohol;
- 18 (2) Spirits means any beverage which contains alcohol
- 19 obtained by distillation, mixed with water or other substance in
- 20 solution, and includes brandy, rum, whiskey, gin, or other
- 21 spirituous liquors and such liquors when rectified, blended, or
- 22 otherwise mixed with alcohol or other substances;
- 23 (3) Wine means any alcoholic beverage obtained by the
- 1 fermentation of the natural contents of fruits or vegetables,
- 2 containing sugar, including such beverages when fortified by the

- 3 addition of alcohol or spirits;
- 4 (4) Beer means a beverage obtained by alcoholic  
5 fermentation of an infusion or concoction of barley or other grain,  
6 malt, and hops in water and includes, but is not limited to, beer,  
7 ale, stout, lager beer, porter, and near beer;
- 8 (5) Alcoholic liquor includes alcohol, spirits, wine,  
9 beer, and any liquid or solid, patented or not, containing alcohol,  
10 spirits, wine, or beer and capable of being consumed as a beverage  
11 by a human being. Alcoholic liquor also includes confections or  
12 candy with alcohol content of more than one-half of one percent  
13 alcohol. The act does not apply to (a) alcohol used in the  
14 manufacture of denatured alcohol produced in accordance with acts  
15 of Congress and regulations adopted and promulgated pursuant to  
16 such acts, (b) flavoring extracts, syrups, medicinal, mechanical,  
17 scientific, culinary, or toilet preparations, or food products  
18 unfit for beverage purposes, but the act applies to alcoholic  
19 liquor used in the manufacture, preparation, or compounding of such  
20 products or confections or candy that contains more than one-half  
21 of one percent alcohol, or (c) wine intended for use and used by  
22 any church or religious organization for sacramental purposes;
- 23 (6) Near beer means beer containing less than one-half of  
24 one percent of alcohol by volume;
- 25 (7) Original package means any bottle, flask, jug, can,  
26 cask, barrel, keg, hogshead, or other receptacle or container used,  
27 corked or capped, sealed, and labeled by the manufacturer of  
1 alcoholic liquor to contain and to convey any alcoholic liquor;
- 2 (8) Manufacturer means every brewer, fermenter,  
3 distiller, rectifier, winemaker, blender, processor, bottler, or  
4 person who fills or refills an original package and others engaged  
5 in brewing, fermenting, distilling, rectifying, or bottling  
6 alcoholic liquor, including a wholly owned affiliate or duly  
7 authorized agent for a manufacturer;
- 8 (9) Nonbeverage user means every manufacturer of any of  
9 the products set forth and described in subsection (4) of section  
10 53-160, when such product contains alcoholic liquor, and all  
11 laboratories, hospitals, and sanatoria using alcoholic liquor for  
12 nonbeverage purposes;
- 13 (10) Manufacture means to distill, rectify, ferment,  
14 brew, make, mix, concoct, process, blend, bottle, or fill an  
15 original package with any alcoholic liquor and includes blending  
16 but does not include the mixing or other preparation of drinks for  
17 serving by those persons authorized and permitted in the act to  
18 serve drinks for consumption on the premises where sold;
- 19 (11) Wholesaler means a person importing or causing to be  
20 imported into the state or purchasing or causing to be purchased  
21 within the state alcoholic liquor for sale or resale to retailers  
22 licensed under the act, whether the business of the wholesaler is  
23 conducted under the terms of a franchise or any other form of an  
24 agreement with a manufacturer or manufacturers, or who has caused

25 alcoholic liquor to be imported into the state or purchased in the  
26 state from a manufacturer or manufacturers and was licensed to  
27 conduct such a business by the commission on May 1, 1970, or has  
1 been so licensed since that date. Wholesaler does not include any  
2 retailer licensed to sell alcoholic liquor for consumption off the  
3 premises who sells alcoholic liquor other than beer or wine to  
4 another retailer pursuant to section 53-175, except that any such  
5 retailer shall obtain the required federal wholesaler's basic  
6 permit and federal wholesale liquor dealer's special tax stamp.  
7 Wholesaler includes a distributor, distributorship, and jobber;  
8 (12) Person means any natural person, trustee,  
9 corporation, partnership, or limited liability company;  
10 (13) Retailer means a person who sells or offers for sale  
11 alcoholic liquor for use or consumption and not for resale in any  
12 form except as provided in section 53-175;  
13 (14) Sell at retail and sale at retail means sale for use  
14 or consumption and not for resale in any form except as provided in  
15 section 53-175;  
16 (15) Commission means the Nebraska Liquor Control  
17 Commission;  
18 (16) Sale means any transfer, exchange, or barter in any  
19 manner or by any means for a consideration and includes any sale  
20 made by any person, whether principal, proprietor, agent, servant,  
21 or employee;  
22 (17) To sell means to solicit or receive an order for, to  
23 keep or expose for sale, or to keep with intent to sell;  
24 (18) Restaurant means any public place (a) which is kept,  
25 used, maintained, advertised, and held out to the public as a place  
26 where meals are served and where meals are actually and regularly  
27 served, (b) which has no sleeping accommodations, and (c) which has  
1 adequate and sanitary kitchen and dining room equipment and  
2 capacity and a sufficient number and kind of employees to prepare,  
3 cook, and serve suitable food for its guests;  
4 (19) Club means a corporation (a) which is organized  
5 under the laws of this state, not for pecuniary profit, solely for  
6 the promotion of some common object other than the sale or  
7 consumption of alcoholic liquor, (b) which is kept, used, and  
8 maintained by its members through the payment of annual dues, (c)  
9 which owns, hires, or leases a building or space in a building  
10 suitable and adequate for the reasonable and comfortable use and  
11 accommodation of its members and their guests, and (d) which has  
12 suitable and adequate kitchen and dining room space and equipment  
13 and a sufficient number of servants and employees for cooking,  
14 preparing, and serving food and meals for its members and their  
15 guests. The affairs and management of such club shall be conducted  
16 by a board of directors, executive committee, or similar body  
17 chosen by the members at their annual meeting, and no member,  
18 officer, agent, or employee of the club shall be paid or shall  
19 directly or indirectly receive, in the form of salary or other

20 compensation, any profits from the distribution or sale of  
 21 alcoholic liquor to the club or the members of the club or its  
 22 guests introduced by members other than any salary fixed and voted  
 23 at any annual meeting by the members or by the governing body of  
 24 the club out of the general revenue of the club;

25 (20) Hotel means any building or other structure (a)  
 26 which is kept, used, maintained, advertised, and held out to the  
 27 public to be a place where food is actually served and consumed and  
 1 sleeping accommodations are offered for adequate pay to travelers  
 2 and guests, whether transient, permanent, or residential, (b) in  
 3 which twenty-five or more rooms are used for the sleeping  
 4 accommodations of such guests, and (c) which has one or more public  
 5 dining rooms where meals are served to such guests, such sleeping  
 6 accommodations and dining rooms being conducted in the same  
 7 buildings in connection therewith and such building or buildings or  
 8 structure or structures being provided with adequate and sanitary  
 9 kitchen and dining room equipment and capacity;

10 (21) Nonprofit corporation means any corporation  
 11 organized under the laws of this state, not for profit, which has  
 12 been exempted from the payment of federal income taxes;

13 (22) Bottle club means an operation, whether formally  
 14 organized as a club having a regular membership list, dues,  
 15 officers, and meetings or not, keeping and maintaining premises  
 16 where persons who have made their own purchases of alcoholic liquor  
 17 congregate for the express purpose of consuming such alcoholic  
 18 liquor upon the payment of a fee or other consideration, including  
 19 among other services the sale of food, ice, mixes, or other fluids  
 20 for alcoholic drinks and the maintenance of space for the storage  
 21 of alcoholic liquor belonging to such persons and facilities for  
 22 the dispensing of such liquor through a locker system, card system,  
 23 or pool system, which shall not be deemed or considered a sale of  
 24 alcoholic liquor. Such operation may be conducted by a club, an  
 25 individual, a partnership, a limited liability company, or a  
 26 corporation. An accurate and current membership list shall be  
 27 maintained upon the premises which contains the names and  
 1 residences of its members. This section does not prohibit the sale  
 2 of alcoholic liquor for consumption on the premises to any person  
 3 who is not a current member of such bottle club;

4 (23) Minor means any person, male or female, under  
 5 twenty-one years of age, regardless of marital status;

6 (24) Brand means alcoholic liquor identified as the  
 7 product of a specific manufacturer;

8 (25) Franchise or agreement, with reference to the  
 9 relationship between a manufacturer and wholesaler, includes one or  
 10 more of the following: (a) A commercial relationship of a definite  
 11 duration or continuing indefinite duration which is not required to  
 12 be in writing; (b) a relationship by which the wholesaler is  
 13 granted the right to offer and sell the manufacturer's brands by  
 14 the manufacturer; (c) a relationship by which the franchise, as an

- 15 independent business, constitutes a component of the manufacturer's  
16 distribution system; (d) a relationship by which the operation of  
17 the wholesaler's business is substantially associated with the  
18 manufacturer's brand, advertising, or other commercial symbol  
19 designating the manufacturer; and (e) a relationship by which the  
20 operation of the wholesaler's business is substantially reliant on  
21 the manufacturer for the continued supply of beer;
- 22 (26) Territory or sales territory means the wholesaler's  
23 area of sales responsibility for the brand or brands of the  
24 manufacturer;
- 25 (27) Suspend means to cause a temporary interruption of  
26 all rights and privileges of a license;
- 27 (28) Cancel means to discontinue all rights and  
1 privileges of a license;
- 2 (29) Revoke means to permanently void and recall all  
3 rights and privileges of a license;
- 4 (30) Generic label means a label which is not protected  
5 by a registered trademark, either in whole or in part, or to which  
6 no person has acquired a right pursuant to state or federal  
7 statutory or common law;
- 8 (31) Private label means a label which the purchasing  
9 wholesaler, retailer, or bottle club licensee has protected, in  
10 whole or in part, by a trademark registration or which the  
11 purchasing wholesaler, retailer, or bottle club licensee has  
12 otherwise protected pursuant to state or federal statutory or  
13 common law;
- 14 (32) Farm winery means any enterprise which produces and  
15 sells wines produced from grapes, other fruit, or other suitable  
16 agricultural products of which at least seventy-five percent is  
17 grown in this state;
- 18 (33) Campus, as it pertains to the southern boundary of  
19 the main campus of the University of Nebraska-Lincoln, means the  
20 south right-of-way line of R Street and abandoned R Street from  
21 10th to 17th streets;
- 22 (34) Brewpub means any restaurant or hotel which produces  
23 on its premises a maximum of ten thousand barrels of beer per year;
- 24 (35) Manager means a person appointed by a corporation to  
25 oversee the daily operation of the business licensed in Nebraska.  
26 A manager shall meet all the requirements of the act as though he  
27 or she were the applicant, except for residency and citizenship;
- 1 (36) Shipping license means a license granted pursuant to  
2 section 53-123.15;
- 3 (37) Sampling means consumption on the premises of a  
4 retail licensee of not more than five samples of one fluid ounce or  
5 less of alcoholic liquor by the same person in a twenty-four-hour  
6 period;
- 7 (38) Microbrewery means any small brewery producing a  
8 maximum of ten thousand barrels of beer per year;
- 9 (39) Craft brewery means a brewpub or a microbrewery; and



10 (40) Local governing body means the city council or  
 11 village board of trustees of a city or village within which the  
 12 licensed premises are located or, if such premises are not within  
 13 the corporate limits of a city or village, the county board of the  
 14 county within which the licensed premises are located; and

15 (41) Consume means knowingly and intentionally drinking  
 16 or otherwise ingesting alcoholic liquor.

17 Sec. 3. Section 53-180.02, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:

19 53-180.02. Except as provided in section 53-168.06, no  
 20 minor may sell, consume, ~~or~~ dispense, or have in his or her  
 21 possession or physical control any alcoholic liquor in any tavern  
 22 or in any other place, including public streets, alleys, roads,  
 23 highways, upon property owned by the State of Nebraska or any  
 24 subdivision thereof, or inside any vehicle while in or on any other  
 25 place, including, but not limited to, the public streets, alleys,  
 26 roads, highways, or upon property owned by the State of Nebraska or  
 27 any subdivision thereof, except that a minor may possess, consume,

1 or have physical control of alcoholic liquor in his or her  
 2 permanent place of residence or the premises of a religious  
 3 organization on which premises alcoholic liquor is used for  
 4 religious purposes.

5 The governing bodies of counties, cities, and villages  
 6 shall have the power to, and may by applicable resolution or  
 7 ordinance, regulate, suppress, and control the ~~transporting,~~  
 8 ~~knowingly possessing, or having under his or her control,~~  
 9 ~~transportation, knowing possession, or consumption of or having~~  
 10 ~~under his or her control~~ beer or other alcoholic liquor in or  
 11 transported by any motor vehicle, by ~~persons~~ any person under  
 12 twenty-one years of age, and may provide penalties for violations  
 13 of such resolution or ordinance.

14 Sec. 4. Section 53-180.04, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:

16 53-180.04. Every licensee of a place where alcoholic  
 17 liquor is sold at retail shall display at all times in a prominent  
 18 place a printed card with a minimum height of twenty inches and a  
 19 width of fourteen inches, with each letter to be a minimum of  
 20 one-fourth inch in height, which shall read as follows:

21 WARNING TO PERSONS UNDER 21  
 22 YOU ARE SUBJECT TO A PENALTY OF UP TO  
 23 \$500 FINE

24 AND

25 NOTIFICATION OF PARENTS OR GUARDIAN

26 AND

27 YOU ARE SUBJECT TO A PENALTY OF UP TO

1 YOU ARE SUBJECT TO A PENALTY UP TO

2 \$500 FINE

3 3 MONTHS IN JAIL

4 OR BOTH

5 IF YOU ARE UNDER 21 AND YOU PURCHASE  
6 ~~OR ATTEMPT TO PURCHASE~~  
7 OR ATTEMPT TO PURCHASE, CONSUME,  
8 OR HAVE IN YOUR POSSESSION  
9 ALCOHOLIC LIQUOR IN THIS ESTABLISHMENT  
10 AND  
11 WARNING TO ADULTS  
12 ~~YOU ARE SUBJECT TO A PENALTY UP TO~~  
13 YOU ARE SUBJECT TO A PENALTY OF UP TO  
14 \$1000 FINE  
15 1 YEAR IN JAIL  
16 OR BOTH  
17 IF YOU ARE 21 OR OVER AND YOU PURCHASE  
18 ALCOHOLIC LIQUOR  
19 FOR A PERSON UNDER 21  
20 AND  
21 WARNING TO PURCHASERS OF BEER KEGS  
22 PROPER IDENTIFICATION AND PURCHASER'S SIGNATURE  
23 ARE REQUIRED  
24 LAWS OF THE STATE OF NEBRASKA  
25 Sec. 5. Section 53-180.05, Reissue Revised Statutes of  
26 Nebraska, is amended to read:  
27 53-180.05. (1) Any person violating section 53-180 shall  
1 be guilty of a Class I misdemeanor. Any person violating any of  
2 the provisions of sections 53-180.01 to 53-180.03 shall be guilty  
3 of a Class III misdemeanor. ~~Any person violating section~~  
4 ~~53-180.02, in lieu of the other penalties set out in this~~  
5 ~~subsection, may be sentenced to work on public streets, in parks,~~  
6 ~~or on other public property for a period not exceeding ten working~~  
7 ~~days. Such work shall be under the supervision of the county~~  
8 ~~sheriff. Upon the written certification by the county sheriff of~~  
9 ~~the performance of such work, the sentence shall be satisfied.~~  
10 (2) Any person who knowingly manufactures, creates, or  
11 alters any form of identification for the purpose of sale or  
12 delivery of such form of identification to a person under the age  
13 of twenty-one years shall be guilty of a Class I misdemeanor. For  
14 purposes of this subsection, form of identification ~~shall mean~~  
15 means any card, paper, or legal document that may be used to  
16 establish the age of the person named thereon for the purpose of  
17 purchasing alcoholic liquor.  
18 (3) When a minor is arrested for a violation of sections  
19 53-180 to 53-180.02 or subsection (2) of this section, the law  
20 enforcement agency employing the arresting peace officer shall make  
21 a reasonable attempt to notify such minor's parent or guardian of  
22 the arrest.  
23 Sec. 6. In order to further the public policy of  
24 detering minors from illegally obtaining or consuming alcoholic  
25 liquor, persons under twenty-one years of age may be authorized to  
26 assist duly authorized law enforcement officers to determine

27 compliance with sections 53-180 and 53-180.02. Such compliance  
1 checks shall be conducted pursuant to guidelines adopted and  
2 promulgated by the Nebraska State Patrol with input from the  
3 commission. Unless a person is an emancipated minor at least  
4 eighteen years of age, no person under twenty-one years of age  
5 shall be authorized to participate or assist law enforcement  
6 officers in such compliance checks without the written consent of  
7 his or her parents or legal guardian.  
8 Sec. 7. Original sections 53-180.02, 53-180.04, and  
9 53-180.05, Reissue Revised Statutes of Nebraska, and sections  
10 53-101 and 53-103, Revised Statutes Supplement, 2000, are  
11 repealed.'".

Senators Redfield, Erdman, and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

The Quandahl amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Quandahl withdrew his pending amendment, AM0971, found on page 1035.

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

FA104

Amend AM0999

P. 10, lines 2-4, strike new language and insert, "or on the premises of a place of religious worship on which premises, alcoholic liquor is consumed as part of a religious rite, ritual or ceremony.

The Chambers amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Engel asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 563.** Title read. Considered.

The Standing Committee amendment, AM0769, found on page 952, 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 34 ayes, 0 nays, 11 present and not

voting, and 4 excused and not voting.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

### AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 634:

AM0801

(Amendments to Standing Committee amendments, AM0795)

- 1 1. On page 6, lines 26 and 27; page 7, line 1; page 9,
- 2 lines 13 and 14; and page 11, lines 21 through 23, reinstate the
- 3 stricken matter.

Senator Kristensen filed the following amendment to LB 170:

AM0845

(Amendments to Standing Committee amendments, AM0245)

- 1 1. Strike section 6 and any amendments thereto and
- 2 insert the following new sections:
- 3 "Sec. 6. Section 77-1315, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 77-1315. (1) The county assessor shall, after March 20
- 6 and on or before June 1, implement adjustments to the real property
- 7 assessment roll for actions of the agricultural and horticultural
- 8 land valuation board and the Tax Equalization and Review
- 9 Commission.
- 10 (2) On or before June 1, the county assessor shall notify
- 11 the record owner of every item of real property which has been
- 12 assessed at a value different than in the previous year. Such
- 13 notice shall be given by first-class mail addressed to such owner's
- 14 last-known address. It shall identify the item of real property
- 15 and state the old and new valuation, the date of convening of the
- 16 county board of equalization, the dates for filing a protest, and
- 17 the average level of value of all classes and subclasses of real
- 18 property in the county as determined by the Tax Equalization and
- 19 Review Commission.
- 20 (3) Immediately upon completion of the assessment roll,
- 21 the county assessor or county clerk shall cause to be published in
- 22 a newspaper of general circulation in the county a certification
- 23 that the assessment roll is complete and notices of valuation
- 1 changes have been mailed and provide the final date for filing
- 2 valuation protests with the county board of equalization.
- 3 (4) The county assessor shall annually, on or before June
- 4 6, post in his or her office and, as designated by the county
- 5 board, mail to a newspaper of general circulation and to licensed

6 broadcast media in the county the assessment ratios as found in his  
7 or her county as determined by the Tax Equalization and Review  
8 Commission and any other statistical measures, including, but not  
9 limited to, the assessment-to-sales ratio, the coefficient of  
10 dispersion, and the price-related differential.

11 Sec. 7. Section 77-1327, Revised Statutes Supplement,  
12 2000, is amended to read:

13 77-1327. (1) It is the intent of the Legislature that  
14 accurate and comprehensive information be developed by the Property  
15 Tax Administrator and made accessible to the taxpayer taxing  
16 officials and property owners in order to ensure the quality and  
17 uniformity of assessment practices on both intercounty and  
18 intra-county valuations uniformity and proportionality of the  
19 assessments of real property valuations in the state in accordance  
20 with law.

21 (2) All transactions of real property for which the  
22 statement required in section 76-214 is filed shall be available  
23 for development of a sales file by the Property Tax Administrator.  
24 All transactions with stated consideration of more than one hundred  
25 dollars or upon which more than one dollar and seventy-five cents  
26 in documentary stamp taxes are paid shall be considered sales. All  
27 sales shall be deemed to be arm's length transactions unless

1 determined to be otherwise under professionally accepted mass  
2 appraisal techniques. The Department of Property Assessment and  
3 Taxation shall not overturn a determination made by a county  
4 assessor regarding the qualification of a sale unless the  
5 department reviews the sale and determines through the review that  
6 the determination made by the county assessor is incorrect.

7 (3) The Property Tax Administrator annually shall make  
8 and issue comprehensive assessment ratio studies of the average  
9 level of assessment, the degree of assessment uniformity, and the  
10 overall compliance with assessment requirements for each major  
11 class of real property subject to the property tax in each county.  
12 The comprehensive assessment ratio studies shall be developed in  
13 compliance with professionally accepted mass appraisal techniques  
14 and shall employ such statistical analysis as deemed appropriate by  
15 the Property Tax Administrator, including measures of central  
16 tendency and dispersion. The comprehensive assessment ratio  
17 studies shall be based upon the sales file as developed in  
18 subsection (2) of this section and shall be used by the Property  
19 Tax Administrator for the analysis of the level of value and  
20 quality of assessment for purposes of section 77-5027 and by the  
21 Property Tax Administrator in establishing the adjusted valuations  
22 required by section 79-1016. Such studies may also be used by  
23 assessing officials in establishing assessed valuations, in the  
24 state. In order to determine the degree of assessment uniformity  
25 and compliance in the assessment of major classes of property  
26 within each county, the Property Tax Administrator shall compute  
27 measures of central tendency and dispersion and shall employ such

1 standard statistical analysis as deemed appropriate by him or her.  
2 (3) (4) The Property Tax Administrator may require  
3 assessors and other local officers taxing officials to report to  
4 him or her data on taxable valuations the assessed valuation and  
5 other features of the property tax assessment for such periods and  
6 in such form and content as the Property Tax Administrator shall  
7 require deem appropriate. The Property Tax Administrator shall so  
8 construct and maintain his or her the system for the collection and  
9 analysis of property tax facts as used to collect and analyze the  
10 data to enable him or her to make intracounty comparisons of  
11 assessed valuation, including school districts, as well as  
12 intercounty comparisons of assessed valuation, including school  
13 districts, based on property tax and assessment ratio data. The  
14 Property Tax Administrator shall include analysis of real estate  
15 property sales pursuant to land contracts and similar transfers at  
16 the time of execution of the contract or similar transfer. The  
17 Department of Property Assessment and Taxation shall assist those  
18 county officials who require supplemental information to perform  
19 the duties necessary to carry out this section. The information  
20 requested may include, but shall not be limited to, sample  
21 appraisals, statistical analyses, arm's-length sales transactions,  
22 or any other information necessary to complete such analysis.  
23 (4) The Property Tax Administrator shall verify the  
24 accuracy of information, including the selection of form 521  
25 comparable sales, if any, that are not arm's-length transactions.  
26 (5) The Property Tax Administrator shall annually publish  
27 a summary of the findings of the assessment ratio studies together  
1 with digests of property tax data.  
2 (6) The county assessor shall annually, within five days  
3 after certifying the assessment rolls pursuant to section 77-1315,  
4 post in his or her office and, as designated by the county board,  
5 mail to a newspaper of general circulation and to licensed  
6 broadcast media in the county the assessment ratios as found in his  
7 or her county as determined by the Property Tax Administrator and  
8 any other statistical measures, including, but not limited to, the  
9 assessment-to-sales ratio, the coefficient of dispersion, and the  
10 price-related differential.  
11 Sec. 13. Section 77-1371, Revised Statutes Supplement,  
12 2000, is amended to read:  
13 77-1371. When using comparable sales in any method of  
14 determining actual value of an individual property under the sales  
15 comparison approach provided in section 77-112, the following  
16 guidelines shall be considered in determining what constitutes a  
17 comparable sale:  
18 (1) Whether the sale was financed by the seller and  
19 included any special financing considerations or the value of  
20 improvements;  
21 (2) Whether zoning affected the sale price of the  
22 property;

23 (3) For sales of agricultural land or horticultural land  
24 as defined in section 77-1359, whether a premium was paid to  
25 acquire nearby property. Land within one mile of currently owned  
26 property shall be considered nearby property;

27 (4) Whether sales or transfers made in connection with  
1 foreclosure, bankruptcy, or condemnations, in lieu of foreclosure,  
2 or in consideration of other legal actions should be excluded from  
3 comparable sales analysis as not reflecting current market value;

4 (5) Whether sales between family members within the third  
5 degree of consanguinity include considerations that fail to reflect  
6 current market value;

7 (6) Whether sales to or from federal or state agencies or  
8 local political subdivisions reflect current market value;

9 (7) Whether sales of undivided interests in real property  
10 or parcels less than forty acres or sales conveying only a portion  
11 of the unit assessed reflect current market value;

12 (8) Whether sales or transfers of property in exchange  
13 for other real estate, stocks, bonds, or other personal property  
14 reflect current market value;

15 (9) Whether deeds recorded for transfers of convenience,  
16 transfers of title to cemetery lots, mineral rights, and rights of  
17 easement reflect current market value;

18 (10) Whether sales or transfers of property involving  
19 railroads or other public utility corporations reflect current  
20 market value;

21 (11) Whether sales of property substantially improved  
22 subsequent to assessment and prior to sale should be adjusted to  
23 reflect current market value or eliminated from such analysis; and

24 (12) For agricultural land or horticultural land as  
25 defined in section 77-1359 which is or has been receiving the  
26 special valuation pursuant to sections 77-1343 to 77-1348, whether  
27 the sale price reflects a value which the land has for purposes or  
1 uses other than as agricultural land or horticultural land and  
2 therefor does not reflect current market value of other  
3 agricultural land or horticultural land.

4 The Property Tax Administrator may issue guidelines for  
5 assessing officials for use in determining what constitutes a  
6 comparable sale. Guidelines shall take into account the factors  
7 listed in this section and other relevant factors as prescribed by  
8 the Property Tax Administrator.

9 Sec. 14. Section 77-1377, Reissue Revised Statutes of  
10 Nebraska, is amended to read:  
11 77-1377. The Property Tax Administrator shall create a  
12 statewide file on of real estate property sales to compile data and  
13 provide information regarding hard-to-assess property, including  
14 situations in which a local property may have few available  
15 comparable sales. The Property Tax Administrator shall make the  
16 file available to county assessors, and county clerks performing  
17 the duties of county assessors."

- 18 2. On page 22, line 21, strike "section 49-1201" and  
 19 insert "sections 49-1201 and 77-1377"; in line 22 after "77-1311,"  
 20 insert "77-1315,"; in line 23 after "77-1363," insert "77-1371";  
 21 and in line 27 strike "; and section" and insert ", and sections  
 22 77-1372 and".  
 23 3. Renumber the remaining sections accordingly.

**STANDING COMMITTEE REPORTS**  
**Natural Resources**

**LEGISLATIVE BILL 461.** Placed on General File as amended.  
 Standing Committee amendment to LB 461:  
 AM0998

- 1 1. Strike original section 2 and insert the following  
 2 new sections:  
 3 "Sec. 2. Section 81-1532, Revised Statutes Supplement,  
 4 2000, is amended to read:  
 5 81-1532. Sections 81-1501 to 81-1532 and section 3 of  
 6 this act shall be known and may be cited as the Environmental  
 7 Protection Act.  
 8 Sec. 3. No disbursements from grants or loans  
 9 administered pursuant to the Environmental Protection Act shall be  
 10 made for projects related to tire-derived fuel.  
 11 Sec. 4. Section 81-15,160, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:  
 13 81-15,160. (1) The Waste Reduction and Recycling  
 14 Incentive Fund is created. The department shall deduct from the  
 15 fund amounts sufficient to reimburse itself for its costs of  
 16 administration of the fund. The fund shall be administered by the  
 17 Department of Environmental Quality. The fund shall consist of  
 18 proceeds from the fees imposed pursuant to the Waste Reduction and  
 19 Recycling Incentive Act.  
 20 (2) The fund may be used for purposes which include, but  
 21 are not limited to:  
 22 (a) Technical and financial assistance to political  
 23 subdivisions for creation of recycling systems and for modification  
 24 of present recycling systems;  
 1 (b) Recycling and waste reduction projects, including  
 2 public education, planning, and technical assistance;  
 3 (c) Market development for recyclable materials separated  
 4 by generators, including public education, planning, and technical  
 5 assistance;  
 6 (d) Capital assistance for establishing private and  
 7 public intermediate processing facilities for recyclable materials  
 8 and facilities using recyclable materials in new products;  
 9 (e) Programs which develop and implement composting of  
 10 yard waste and composting with sewage sludge;  
 11 (f) Technical assistance for waste reduction and waste  
 12 exchange for waste generators;



13 (g) Programs to assist communities and counties to  
14 develop and implement household hazardous waste management  
15 programs;

16 (h) Incentive grants to political subdivisions to assist  
17 and encourage the closure of landfills operating without a permit,  
18 the regional consolidation of solid waste disposal facilities  
19 operating with a permit, and the use of transfer stations. Grants  
20 awarded for programs involving land disposal shall include  
21 provisions for waste reduction and recycling; and

22 (i) Capital assistance for establishing private and  
23 public facilities to manufacture combustible waste products and to  
24 incinerate waste to generate and recover energy resources, except  
25 that no disbursements shall be made under this section for scrap  
26 tire processing related to tire-derived fuel.

27 (3) No grant shall be made under section 81-15,161 to a  
1 political subdivision which operates a landfill operating without a  
2 permit unless the grant will be used to meet permit standards and  
3 the landfill is issued a permit within two years after the award of  
4 the grant.

5 (4) Priority for grants made under section 81-15,161  
6 shall be given to grant proposals that will be used for the  
7 recycling of tires or tire waste reduction, except that on or  
8 before June 1, 2002, up to one million dollars will be available  
9 for scrap tire projects only; if acceptable scrap tire project  
10 applications are received Grants up to one million dollars annually  
11 shall be available until June 1, 2004, for new scrap tire projects  
12 only, if acceptable scrap tire project applications are received.

13 Eligible categories of disbursement under section 81-15,161 may  
14 include, but are not limited to:

15 (a) ~~Studies to determine economic and technical~~  
16 ~~feasibility of uses of scrap tires or tire-derived product, with~~  
17 ~~disbursements of up to one hundred percent of the cost of the~~  
18 ~~study;~~

19 ~~(b)~~ Reimbursement for the purchase of crumb rubber  
20 generated and used in Nebraska, with disbursements not to exceed  
21 fifty percent of the cost of the crumb rubber;

22 ~~(c)~~ (b) Reimbursement for the purchase of tire-derived  
23 product which utilizes a minimum of twenty-five percent recycled  
24 tire content, with disbursements not to exceed twenty-five percent  
25 of the product's retail cost, except that persons who applied for a  
26 grant between June 1, 1999, and the effective date of this act for  
27 the purchase of tire-derived product which utilizes a minimum of  
1 twenty-five percent recycled tire content may apply for  
2 reimbursement on or before July 1, 2002. Reimbursement shall not  
3 exceed twenty-five percent of the product's retail cost and may be  
4 funded in fiscal years 2001-02 and 2002-03;

5 ~~(d)~~ (c) Participation in the capital costs of building,  
6 equipment, and other capital improvement needs or startup costs for  
7 scrap tire processing or manufacturing of tire-derived product,

- 8 with disbursements not to exceed fifty percent of such costs or  
9 five hundred thousand dollars, whichever is less;
- 10 ~~(e)~~ (d) Participation in the capital costs of building,  
11 equipment, or other startup costs needed to establish collection  
12 sites or to collect and transport scrap tires, with disbursements  
13 not to exceed fifty percent of such costs;
- 14 ~~(f)~~ (e) Cost-sharing for the manufacturing of  
15 tire-derived product, with disbursements not to exceed twenty  
16 dollars per ton or two hundred fifty thousand dollars, whichever is  
17 less, to any person annually;
- 18 ~~(g)~~ (f) Cost-sharing for the processing of scrap tires,  
19 with disbursements not to exceed twenty dollars per ton or two  
20 hundred fifty thousand dollars, whichever is less, to any person  
21 annually; ~~and~~
- 22 ~~(h)~~ (g) Cost-sharing for the use of scrap tires for civil  
23 engineering applications for specified projects, with disbursements  
24 not to exceed twenty dollars per ton or two hundred fifty thousand  
25 dollars, whichever is less, to any person annually; ~~and~~
- 26 (h) Disbursement to a political subdivision up to one  
27 hundred percent of costs incurred in cleaning up scrap tire  
1 collection sites.  
2 The director shall give preference to projects which  
3 utilize scrap tires generated and used in Nebraska.
- 4 ~~(5)~~ The department may disburse ~~(a)~~ to any person up to  
5 one hundred percent of the costs incurred in cleaning up scrap tire  
6 collection sites existing on June 11, 1997, if application for such  
7 cleanup is submitted prior to June 1, 1999, and the cleanup is  
8 completed by September 1, 2000; or ~~(b)~~ to a political subdivision  
9 up to one hundred percent of costs incurred in cleaning up  
10 collection sites if application for such cleanup is submitted prior  
11 to June 1, 1999, and the cleanup is completed by September 1, 2000.
- 12 ~~(6)~~ Priority for grants made under section 81-15,161  
13 shall be given to grant proposals demonstrating a formal  
14 public/private partnership except for grants awarded from fees  
15 collected under subsection (6) of section 13-2042.
- 16 ~~(7)~~ (6) Grants awarded from fees collected under  
17 subsection (6) of section 13-2042 may be renewed for up to a  
18 five-year grant period. Such applications shall include an updated  
19 integrated solid waste management plan pursuant to section 13-2032.  
20 Annual disbursements are subject to available funds and the grantee  
21 meeting established grant conditions. Priority for such grants  
22 shall be given to grant proposals showing regional participation  
23 and programs which address the first integrated solid waste  
24 management hierarchy as stated in section 13-2018 which shall  
25 include toxicity reduction. Disbursements for any one year shall  
26 not exceed fifty percent of the total fees collected after rebates  
27 under subsection (6) of section 13-2042 during that year.
- 1 ~~(8)~~ (7) Any person who operates a scrap tire collection  
2 site in violation of state law which is the subject of abatement or

3 cleanup as provided in section ~~81-15,161.01~~ shall be liable to the  
 4 State of Nebraska for the reimbursement of expenses of such  
 5 abatement or cleanup paid ~~out of the fund~~ by the Department of  
 6 Environmental Quality.

7 ~~(9)~~ (8) The Department of Environmental Quality may  
 8 receive gifts, bequests, and any other contributions for deposit in  
 9 the fund. Any money in the fund available for investment shall be  
 10 invested by the state investment officer pursuant to the Nebraska  
 11 Capital Expansion Act and the Nebraska State Funds Investment Act.

12 Sec. 5. Original sections 81-1505.04 and 81-15,160,  
 13 Reissue Revised Statutes of Nebraska, and section 81-1532, Revised  
 14 Statutes Supplement, 2000, are repealed.

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

17 2. On page 2, line 11, strike "In the case of", show as  
 18 stricken, and insert "Beginning with calendar year 2001  
 19 emissions."

**LEGISLATIVE BILL 614.** Placed on General File as amended.  
 Standing Committee amendment to LB 614:

AM0942

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

3 "Section 1. Section 81-1532, Revised Statutes  
 4 Supplement, 2000, is amended to read:

5 81-1532. Sections 81-1501 to 81-1532 and section 2 of  
 6 this act shall be known and may be cited as the Environmental  
 7 Protection Act.

8 Sec. 2. No disbursements from grants or loans  
 9 administered pursuant to the Environmental Protection Act shall be  
 10 made for projects related to tire-derived fuel.

11 Sec. 3. Section 81-15,160, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:

13 81-15,160. (1) The Waste Reduction and Recycling  
 14 Incentive Fund is created. The department shall deduct from the  
 15 fund amounts sufficient to reimburse itself for its costs of  
 16 administration of the fund. The fund shall be administered by the  
 17 Department of Environmental Quality. The fund shall consist of  
 18 proceeds from the fees imposed pursuant to the Waste Reduction and  
 19 Recycling Incentive Act.

20 (2) The fund may be used for purposes which include, but  
 21 are not limited to:

22 (a) Technical and financial assistance to political  
 23 subdivisions for creation of recycling systems and for modification  
 24 of present recycling systems;

1 (b) Recycling and waste reduction projects, including  
 2 public education, planning, and technical assistance;

3 (c) Market development for recyclable materials separated  
 4 by generators, including public education, planning, and technical

- 5 assistance;
- 6 (d) Capital assistance for establishing private and  
7 public intermediate processing facilities for recyclable materials  
8 and facilities using recyclable materials in new products;
- 9 (e) Programs which develop and implement composting of  
10 yard waste and composting with sewage sludge;
- 11 (f) Technical assistance for waste reduction and waste  
12 exchange for waste generators;
- 13 (g) Programs to assist communities and counties to  
14 develop and implement household hazardous waste management  
15 programs;
- 16 (h) Incentive grants to political subdivisions to assist  
17 and encourage the closure of landfills operating without a permit,  
18 the regional consolidation of solid waste disposal facilities  
19 operating with a permit, and the use of transfer stations. Grants  
20 awarded for programs involving land disposal shall include  
21 provisions for waste reduction and recycling; and
- 22 (i) Capital assistance for establishing private and  
23 public facilities to manufacture combustible waste products and to  
24 incinerate waste to generate and recover energy resources, except  
25 that no disbursements shall be made under this section for scrap  
26 tire processing related to tire-derived fuel.
- 27 (3) No grant shall be made under section 81-15,161 to a  
1 political subdivision which operates a landfill operating without a  
2 permit unless the grant will be used to meet permit standards and  
3 the landfill is issued a permit within two years after the award of  
4 the grant.
- 5 (4) ~~Priority for grants made under section 81-15,161~~  
6 ~~shall be given to grant proposals that will be used for the~~  
7 ~~recycling of tires or tire waste reduction, except that on or~~  
8 ~~before June 1, 2002, up to one million dollars will be available~~  
9 ~~for scrap tire projects only, if acceptable scrap tire project~~  
10 ~~applications are received. Grants up to one million dollars annually~~  
11 ~~shall be available until June 1, 2004, for new scrap tire projects~~  
12 ~~only, if acceptable scrap tire project applications are received.~~  
13 Eligible categories of disbursement under section 81-15,161 may  
14 include, but are not limited to:
- 15 (a) ~~Studies to determine economic and technical~~  
16 ~~feasibility of uses of scrap tires or tire-derived product, with~~  
17 ~~disbursements of up to one hundred percent of the cost of the~~  
18 ~~study;~~
- 19 (b) Reimbursement for the purchase of crumb rubber  
20 generated and used in Nebraska, with disbursements not to exceed  
21 fifty percent of the cost of the crumb rubber;
- 22 (c) Reimbursement for the purchase of tire-derived  
23 product which utilizes a minimum of twenty-five percent recycled  
24 tire content, with disbursements not to exceed twenty-five percent  
25 of the product's retail cost, except that persons who applied for a  
26 grant between June 1, 1999, and the effective date of this act for

- 27 the purchase of tire-derived product which utilizes a minimum of  
1 twenty-five percent recycled tire content may apply for  
2 reimbursement on or before July 1, 2002. Reimbursement shall not  
3 exceed twenty-five percent of the product's retail cost and may be  
4 funded in fiscal years 2001-02 and 2002-03;  
5 ~~(d)~~ (c) Participation in the capital costs of building,  
6 equipment, and other capital improvement needs or startup costs for  
7 scrap tire processing or manufacturing of tire-derived product,  
8 with disbursements not to exceed fifty percent of such costs or  
9 five hundred thousand dollars, whichever is less;
- 10 ~~(e)~~ (d) Participation in the capital costs of building,  
11 equipment, or other startup costs needed to establish collection  
12 sites or to collect and transport scrap tires, with disbursements  
13 not to exceed fifty percent of such costs;
- 14 ~~(f)~~ (e) Cost-sharing for the manufacturing of  
15 tire-derived product, with disbursements not to exceed twenty  
16 dollars per ton or two hundred fifty thousand dollars, whichever is  
17 less, to any person annually;
- 18 ~~(g)~~ (f) Cost-sharing for the processing of scrap tires,  
19 with disbursements not to exceed twenty dollars per ton or two  
20 hundred fifty thousand dollars, whichever is less, to any person  
21 annually; ~~and~~
- 22 ~~(h)~~ (g) Cost-sharing for the use of scrap tires for civil  
23 engineering applications for specified projects, with disbursements  
24 not to exceed twenty dollars per ton or two hundred fifty thousand  
25 dollars, whichever is less, to any person annually; ~~and~~
- 26 (h) Disbursement to a political subdivision up to one  
27 hundred percent of costs incurred in cleaning up scrap tire  
1 collection sites.  
2 The director shall give preference to projects which  
3 utilize scrap tires generated and used in Nebraska.
- 4 (5) The department may disburse (a) to any person up to  
5 one hundred percent of the costs incurred in cleaning up scrap tire  
6 collection sites existing on June 1, 1997, if application for such  
7 cleanup is submitted prior to June 1, 1999, and the cleanup is  
8 completed by September 1, 2000, or (b) to a political subdivision  
9 up to one hundred percent of costs incurred in cleaning up  
10 collection sites if application for such cleanup is submitted prior  
11 to June 1, 1999, and the cleanup is completed by September 1, 2000.
- 12 ~~(6)~~ Priority for grants made under section 81-15,161  
13 shall be given to grant proposals demonstrating a formal  
14 public/private partnership except for grants awarded from fees  
15 collected under subsection (6) of section 13-2042.
- 16 ~~(7)~~ (6) Grants awarded from fees collected under  
17 subsection (6) of section 13-2042 may be renewed for up to a  
18 five-year grant period. Such applications shall include an updated  
19 integrated solid waste management plan pursuant to section 13-2032.  
20 Annual disbursements are subject to available funds and the grantee  
21 meeting established grant conditions. Priority for such grants

22 shall be given to grant proposals showing regional participation  
 23 and programs which address the first integrated solid waste  
 24 management hierarchy as stated in section 13-2018 which shall  
 25 include toxicity reduction. Disbursements for any one year shall  
 26 not exceed fifty percent of the total fees collected after rebates  
 27 under subsection (6) of section 13-2042 during that year.

1 ~~(8)~~ (7) Any person who operates a scrap tire collection  
 2 site in violation of state law which is the subject of abatement or  
 3 cleanup as ~~provided in section 81-15,161.01~~ shall be liable to the  
 4 State of Nebraska for the reimbursement of expenses of such  
 5 abatement or cleanup paid ~~out of the fund~~ by the Department of  
 6 Environmental Quality.

7 ~~(9)~~ (8) The Department of Environmental Quality may  
 8 receive gifts, bequests, and any other contributions for deposit in  
 9 the fund. Any money in the fund available for investment shall be  
 10 invested by the state investment officer pursuant to the Nebraska  
 11 Capital Expansion Act and the Nebraska State Funds Investment Act.

12 Sec. 4. Original section 81-15,160, Reissue Revised  
 13 Statutes of Nebraska, and section 81-1532, Revised Statutes  
 14 Supplement, 2000, are repealed.

15 Sec. 5. Since an emergency exists, this act takes effect  
 16 when passed and approved according to law.".

(Signed) Ed Schrock, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 692.** Title read. Considered.

The Standing Committee amendment, AM0781, printed separately and referred to on page 895, was considered.

Senators Wickersham, D. Pederson, Dierks, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 432A.** 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 432, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 470A.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, Ninety-seventh

Legislature, First Session, 2001.

## RESOLUTION

### LEGISLATIVE RESOLUTION 48. Introduced by Kremer, 34.

WHEREAS, the Sandy Creek Lady Cougars girls' basketball team, coached by Russ Ninemire, is the 2001 Class C-2 Girls' State Basketball Champion; and

WHEREAS, Sandy Creek Lady Cougars claimed a state record with their sixth straight Class C-2 title; and

WHEREAS, The Sandy Creek Lady Cougars girls' basketball team exemplified dedication, discipline, and perseverance through talent and hard work; and

WHEREAS, it was the Sandy Creek Lady Cougars girls' basketball team's eleventh consecutive trip to the Girls' State Basketball Tournament.

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

1. That the Legislature recognizes and congratulates the Sandy Creek Lady Cougars girls' basketball team and their coaches, parents, and supporters.

2. That a copy of this resolution be sent to the Sandy Creek Lady Cougars girls' basketball Head Coach, Russ Ninemire.

Laid over.

## STANDING COMMITTEE REPORTS

### Agriculture

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

#### Dry Bean Commission

Rodney Loose

Jack Revelle

Stephen Snyder

VOTE: Aye: Senators Burling, Cunningham, Dierks, Schimek, Schrock, and Vrtiska. Nay: None. Absent: Senators Chambers and McDonald.

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

#### Climate Assessment Response Committee

John Erickson

Roger Lempke

Donald Wilhite

VOTE: Aye: Senators Burling, Cunningham, Dierks, Schimek, Schrock, and Vrtiska. Nay: None. Absent: Senators Chambers and McDonald.

(Signed) Merton L. Dierks, Chairperson

### **Transportation and Telecommunications**

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

Motor Vehicle Industry Licensing Board  
Jess Hull

VOTE: Aye: Senators Jones, Baker, Robak, Dw. Pedersen, Byars, Hudkins, Brown, and Bromm. Nay: None. Absent: None.

**LEGISLATIVE BILL 584.** Placed on General File as amended.

Standing Committee amendment to LB 584:

AM0961

1 1. On page 7, line 17, after "(3)" insert "On and after  
2 the effective date of this act, a person twenty-one years of age or  
3 over shall not operate or be a passenger on a motorcycle or moped  
4 on any highway in this state unless such person is wearing a  
5 protective helmet of the type and design manufactured for use by  
6 operators of such vehicles and unless such helmet is secured  
7 properly on his or her head with a chin strap while the vehicle is  
8 in motion. All such protective helmets shall be designed to reduce  
9 injuries to the user resulting from head impacts and shall be  
10 designed to protect the user by remaining on the user's head,  
11 deflecting blows, resisting penetration, and spreading the force of  
12 impact. Each such helmet shall consist of lining, padding, and  
13 chin strap and shall meet or exceed the standards established in  
14 the United States Department of Transportation's Federal Motor  
15 Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle  
16 helmets. Persons carrying proof of health insurance coverage  
17 equivalent to or exceeding the standards of the Comprehensive  
18 Health Insurance Pool Act shall be exempt from the requirements of  
19 this subsection. Such proof of insurance shall be available for  
20 inspection upon demand of any law enforcement officer.  
21 (4)".

**LEGISLATIVE BILL 260.** Indefinitely postponed.

**LEGISLATIVE BILL 310.** Indefinitely postponed.

(Signed) Curt Bromm, Chairperson



**AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendments to LB 827:

AM0902

(Amendments to Standing Committee amendments, AM0499)

- 1 1. Strike section 5 and all amendments thereto and
- 2 insert the following new section:
- 3 "Sec. 5. Any final decisions of the Public Service
- 4 Commission made pursuant to sections 1 to 4 of this act may be
- 5 appealed pursuant to the Administrative Procedure Act.".

AM0903

(Amendments to Standing Committee amendments, AM0499)

- 1 1. On page 3, line 1, strike "complete".

AM0904

(Amendments to Standing Committee amendments, AM0499)

- 1 1. Insert the following new sections:
- 2 "Sec. 8. The Local Community Assistance Fund is created,
- 3 The fund shall be used to provide telecommunications, video,
- 4 internet, or other related services to local communities or service
- 5 areas and shall emphasize services to individuals who demonstrate
- 6 financial need and services which provide educational opportunities
- 7 and resources to children. Money in the fund shall be distributed
- 8 by the lessor pursuant to section 9 of this act. Any money in the
- 9 fund available for investment shall be invested by the state
- 10 investment officer pursuant to the Nebraska Capital Expansion Act
- 11 and the Nebraska State Funds Investment Act.
- 12 Sec. 9. If the lessor decides to remit money to the
- 13 Local Community Assistance Fund, such lessor shall establish an
- 14 application process through which any public or private agency may
- 15 apply for financial assistance. The lessor shall determine which
- 16 applicants receive funds. Funds shall be awarded by the lessor
- 17 based upon availability and shall be used to provide
- 18 telecommunications, video, internet, or other related services to
- 19 local communities or service areas of the lessor.".
- 20 2. On page 1, lines 3 and 18; page 5, line 2; page 11,
- 21 line 8; page 13, line 10; and page 17, line 19, strike "7" and
- 22 insert "9".
- 23 3. On page 2, line 22, after "to" insert "the Local
- 1 Community Assistance Fund or" and after the period insert "The
- 2 lessor shall determine to which fund such profits are remitted.".
- 3 4. On page 5, line 5; and page 6, line 10, strike "12"
- 4 and insert "14".
- 5 5. On page 19, line 12, strike "8" and insert "10".
- 6 6. Renumber the remaining sections accordingly.

AM0905

(Amendments to Standing Committee amendments, AM0499)

- 1 1. On page 1, line 17, after "carrier" insert ", unless  
 2 the Public Service Commission determines that primary or other  
 3 ancillary backup telecommunications services are not available in  
 4 the service area or political subdivision"; and in line 19 after  
 5 "fee" insert ", except if such agency or political subdivision has  
 6 been issued a certificate of convenience and necessity as a  
 7 telecommunications common carrier or a permit as a  
 8 telecommunications contract carrier".
- 9 2. On page 19, line 8, strike "The" and insert "Except  
 10 as otherwise provided in subsection (2) of section 2 of this act,  
 11 the".

Senator Landis filed the following amendment to LB 827:  
 AM0980

(Amendments to Standing Committee amendments, AM0499)

- 1 1. Strike sections 4 and 5 and all amendments thereto  
 2 and insert the following new sections:  
 3 "Sec. 4. Any agency or political subdivision of the  
 4 state may lease its dark fiber upon terms, conditions, and rates  
 5 that are fair, reasonable, and nondiscriminatory. The governing  
 6 body of such agency or political subdivision shall hold a public  
 7 hearing on such dark fiber lease rates and any subsequent changes  
 8 to such rate prior to adopting the rate. The agency or political  
 9 subdivision shall provide reasonable public notice of such public  
 10 hearing.
- 11 Sec. 5. Beginning January 1, 2002, any public or private  
 12 entity that leases its dark fiber shall by April 1 of each year  
 13 remit to the Public Service Commission an amount equal to fifteen  
 14 percent of the gross revenue derived from all leases of dark fiber  
 15 in the previous calendar year. The commission shall remit such  
 16 money to the State Treasurer for credit to the Nebraska Internet  
 17 Enhancement Fund."

Senators Bromm and Wickersham filed the following amendment to  
LB 827:  
 AM0894

(Amendments to Standing Committee amendments, AM0499)

- 1 1. Insert the following new section:  
 2 "Sec. 19. Section 86-1405, Revised Statutes Supplement,  
 3 2000, is amended to read:  
 4 86-1405. (1) The Nebraska Telecommunications Universal  
 5 Service Fund is hereby created. The fund shall provide the  
 6 assistance necessary to make universal access to telecommunications  
 7 services available to all persons in the state consistent with the  
 8 policies set forth in the Nebraska Telecommunications Universal  
 9 Service Fund Act. Only eligible telecommunications companies  
 10 designated by the commission shall be eligible to receive support  
 11 to serve high-cost areas from the fund. A telecommunications  
 12 company that receives such support shall use that support only for

- 13 the provision, maintenance, and upgrading of facilities and  
 14 services for which the support is intended. Any such support  
 15 should be explicit and sufficient to achieve the purpose of the  
 16 Nebraska Telecommunications Universal Service Fund Act. The  
 17 commission shall have authority and power to issue orders carrying  
 18 out its responsibilities and to review the compliance of any  
 19 eligible telecommunications company receiving support for continued  
 20 compliance with any such orders and may withhold all or a portion  
 21 of the funds to be distributed from any telecommunications company  
 22 failing to continue compliance with its orders. Any money in the  
 23 fund available for investment shall be invested by the state  
 1 investment officer pursuant to the Nebraska Capital Expansion Act  
 2 and the Nebraska State Funds Investment Act.  
 3 (2) The commission may administratively fine pursuant to  
 4 section 75-156 any person who violates the Nebraska  
 5 Telecommunications Universal Service Fund Act.  
 6 (3) On July 1, 2001, or as soon as possible thereafter,  
 7 the State Treasurer shall transfer two hundred fifty thousand  
 8 dollars from the Nebraska Telecommunications Universal Service Fund  
 9 to the Nebraska Internet Enhancement Fund."  
 10 2. On page 3, line 17, after the period insert "It is  
 11 the intent of the Legislature that money transferred to the fund  
 12 pursuant to section 86-1405 shall be used for startup costs and  
 13 seed money for FY2001-02."  
 14 3. On page 19, line 16, strike "and 75-604" and insert  
 15 ", 75-604, and 86-1405".  
 16 4. Renumber the remaining sections accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 692.** The Standing Committee amendment, AM0781, printed separately and referred to on page 895 and considered in this day's Journal, was renewed.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

Senator Beutler renewed his pending amendment, AM0901, found on page 968.

Senator Wickersham asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler withdrew his amendment.

Advanced to E & R for review with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 49.** Introduced by Raikes, 25.

WHEREAS, the Lincoln East High School Spartans boys' basketball team won the 2001 Class A Boys' Basketball Tournament on March 10, 2001, at the Bob Devaney Sports Center in Lincoln; and

WHEREAS, with their 36-35 win over the talented Columbus High School Discoverers, the 2001 Spartans join the 1971 and 1978 Lincoln East High School boys' basketball teams in the annals of Nebraska state champions; and

WHEREAS, this victory is the result of individual accomplishment, team perseverance, guidance from Head Coach Ed McPherren and Assistant Coaches Jeff Campbell and Joe Schlegelmilch, and encouragement from teachers, administrators, and parents.

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

1. That the Legislature recognizes and congratulates the Lincoln East High School Spartans boys' basketball team and its coaches, parents, teachers, and administrators.

2. That a copy of this resolution be sent to the Lincoln East High School Spartans boys' basketball team Head Coach, Ed McPherren.

Laid over.

**LEGISLATIVE RESOLUTION 50.** Introduced by Robak, 22.

WHEREAS, the Lakeview High School Vikings boys' basketball team won their first-ever Class C-1 Boys' State Basketball Championship by defeating Wahoo-Bishop Neumann, 55 to 53; and

WHEREAS, the championship capped a successful 23-2, 2000-01 basketball 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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Lakeview High School Vikings boys' basketball team be congratulated for their exemplary effort this season.

2. That a copy of this resolution be sent to Coach Jake Shadley and the Lakeview High School Vikings boys' basketball team.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Erdman and Kremer asked unanimous consent to have their names added as cointroducers to LB 664. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were students from Central Christian High School, Omaha; Freida Lange from Ogallala; 33 fourth grade students and teachers from Shell Creek Elementary and 14 fourth grade students and teachers from Sunrise Elementary, Columbus; and 41 tenth through twelfth grade FBLA students from St. Mary's High School, O'Neill.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Jones, the Legislature adjourned until 9:00 a.m., Thursday, March 15, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FORTY-SEVENTH DAY - MARCH 15, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 15, 2001

**PRAYER**

The prayer was offered by Reverend Charles Larsen, Country Bible Church, Blair, 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 Landis, McDonald, D. Pederson, and Robak who were excused; and Senators Hilgert, Kristensen, and Stuhr who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-sixth day was approved.

**STANDING COMMITTEE REPORTS****Judiciary**

**LEGISLATIVE BILL 14.** Placed on General File.

**LEGISLATIVE BILL 19.** Placed on General File.

**LEGISLATIVE BILL 564.** Placed on General File.

**LEGISLATIVE BILL 565.** Placed on General File.

**LEGISLATIVE BILL 272.** Placed on General File as amended.

Standing Committee amendment to LB 272:

AM0527

- 1 1. On page 2, line 21, strike "that" and insert "who";
- 2 and in line 23 strike "whose" and insert ", if a director is
- 3 employed, the director's".
- 4 2. On page 3, line 6, strike "shall" and insert "may".

**LEGISLATIVE BILL 751.** Placed on General File as amended.

Standing Committee amendment to LB 751:  
AM0910

- 1 1. Strike original sections 5 and 6 and insert the
- 2 following new section:
- 3 "Sec. 5. A private prison contractor shall not accept or
- 4 house federal inmates or inmates from another state.".
- 5 2. On page 2, lines 10, 12, 20, and 21; and page 10,
- 6 line 3, strike "standards" and insert "practices".
- 7 3. On page 2, lines 17 and 24, after the period insert
- 8 "All inmates incarcerated in a correctional institution operated
- 9 under this subsection shall be treated in a reasonable and humane
- 10 manner to the same extent as inmates incarcerated in a correctional
- 11 institution operated by the department.".
- 12 4. On page 10, line 14, strike "qualifications,".
- 13 5. On page 15, line 24, strike "be" and insert "the".
- 14 6. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 754.** Placed on General File as amended.  
Standing Committee amendment to LB 754:  
AM0833

- 1 1. On page 3, line 28, after "concurrently" insert "or
- 2 consecutively".

**LEGISLATIVE BILL 229.** Indefinitely postponed.  
**LEGISLATIVE BILL 733.** Indefinitely postponed.  
**LEGISLATIVE BILL 734.** Indefinitely postponed.  
**LEGISLATIVE BILL 735.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

### MESSAGE FROM THE GOVERNOR

March 14, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 34, 106e, 108, 186, 186A, 270, 270A, 308, 314e, 346, 346A, 360, 411, 419e, 477, 484, 730 were received in my office on March 9, 2001.

These bills were signed by me on March 14, 2001 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**

Drinking Water State Revolving Fund Revenue Bonds Series 2000 A

Clean Water State Revolving Fund Revenue Bonds Series 2000 B

**University of Nebraska**

Collective Bargaining Negotiations - Status Report

**SELECT FILE**

**LEGISLATIVE BILL 574.** Senator Chambers renewed his pending amendment, FA91, found on page 942 and considered on page 957.

Senators Bromm and Janssen withdrew their pending amendment, AM0926, found on page 1009.

Senator Bromm renewed his pending amendment, AM0977, found on page 1047, to the Chambers pending amendment.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Bromm withdrew his amendment.

Senator Chambers offered the following amendment to his pending amendment:

FA105

Amend FA91

Strike all references to "biometric identifiers"

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

The Chambers amendment, FA91, as amended, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senator Bromm withdrew his pending amendment, FA92, found on page 960.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 40 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 40.

**SELECT FILE**

**LEGISLATIVE BILL 574A.** Advanced to E & R for engrossment.

Senators Jones and Maxwell asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 254.** Senator Beutler withdrew his pending amendment, FA41, found on page 792.

Senator Hudkins renewed her pending amendment, AM0567, found on page 792.

The Hudkins amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 483.** Senator Hartnett withdrew his pending amendment, FA88, found on page 897.

Senators Beutler and Hartnett renewed their pending amendment, AM0815, found on page 937.

The Beutler-Hartnett amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 31.** E & R amendment, AM7054, found on page 828, was adopted.

Senator Chambers renewed his pending amendment, AM0717, found on page 833.

The Chambers 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 96.** Senator Beutler renewed his pending amendment, AM0804, found on page 896.

The 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 286.** Senator Chambers renewed his pending amendment, AM0727, found on page 833.

The Chambers 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 368.** E & R amendment, AM7057, found on page 828, was adopted.

Senator Beutler renewed his pending amendment, AM0803, found on page 896.

The Beutler amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 10.** E & R amendment, AM7056, found on page 828, was adopted.

Senator Beutler withdrew his pending amendment, AM0817, found on page 899.

Senator Beutler renewed his pending amendment, AM0830, found on page 935.

The Beutler 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 191.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 191A.** Senator Byars renewed his pending amendment, AM0822, found on page 898.

The Byars amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 15.** E & R amendment, AM7061, found on page 853, was adopted.

Advanced to E & R for engrossment.

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

**LEGISLATIVE BILL 23.** Senator Suttle withdrew her pending amendments, AM0653 and AM0882, found on pages 769 and 959.

Senator Suttle offered the following amendment:

AM1029

- 1 1. Strike original section 2 and insert the following
- 2 new sections:
- 3 "Section 1. Section 43-247, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 43-247. The juvenile court shall have exclusive original
- 6 jurisdiction as to any juvenile defined in subdivision (1) of this
- 7 section who is under the age of sixteen, as to any juvenile defined
- 8 in subdivision (3) of this section, and as to the parties and
- 9 proceedings provided in subdivisions (5), (6), and (8) of this
- 10 section. As used in this section, all references to the juvenile's
- 11 age shall be the age at the time the act which occasioned the
- 12 juvenile court action occurred. The juvenile court shall have
- 13 concurrent original jurisdiction with the district court as to any
- 14 juvenile defined in subdivision (2) of this section. The juvenile
- 15 court shall have concurrent original jurisdiction with the district
- 16 court and county court as to any juvenile defined in subdivision
- 17 (1) of this section who is age sixteen or seventeen, any juvenile
- 18 defined in subdivision (4) of this section, and any proceeding
- 19 under subdivision (7) or ~~(10)~~ (11) of this section. The juvenile
- 20 court shall have concurrent original jurisdiction with the county
- 21 court as to any proceeding under subdivision (9) or (10) of this
- 22 section. Notwithstanding any disposition entered by the juvenile
- 23 court under the Nebraska Juvenile Code, the juvenile court's
- 24 jurisdiction over any individual adjudged to be within the
- 1 provisions of this section shall continue until the individual
- 2 reaches the age of majority or the court otherwise discharges the
- 3 individual from its jurisdiction.
- 4 The juvenile court in each county as herein provided
- 5 shall have jurisdiction of:
- 6 (1) Any juvenile who has committed an act other than a
- 7 traffic offense which would constitute a misdemeanor or an
- 8 infraction under the laws of this state, or violation of a city or
- 9 village ordinance;
- 10 (2) Any juvenile who has committed an act which would
- 11 constitute a felony under the laws of this state;
- 12 (3) Any juvenile (a) who is homeless or destitute, or
- 13 without proper support through no fault of his or her parent,
- 14 guardian, or custodian; who is abandoned by his or her parent,
- 15 guardian, or custodian; who lacks proper parental care by reason of
- 16 the fault or habits of his or her parent, guardian, or custodian;
- 17 whose parent, guardian, or custodian neglects or refuses to provide
- 18 proper or necessary subsistence, education, or other care necessary
- 19 for the health, morals, or well-being of such juvenile; whose
- 20 parent, guardian, or custodian is unable to provide or neglects or

21 refuses to provide special care made necessary by the mental  
 22 condition of the juvenile; or who is in a situation or engages in  
 23 an occupation dangerous to life or limb or injurious to the health  
 24 or morals of such juvenile, (b) who, by reason of being wayward or  
 25 habitually disobedient, is uncontrolled by his or her parent,  
 26 guardian, or custodian; who departs himself or herself so as to  
 27 injure or endanger seriously the morals or health of himself,  
 1 herself, or others; or who is habitually truant from home or  
 2 school, or (c) who is mentally ill and dangerous as defined in  
 3 section 83-1009;

4 (4) Any juvenile who has committed an act which would  
 5 constitute a traffic offense as defined in section 43-245;

6 (5) The parent, guardian, or custodian who has custody of  
 7 any juvenile described in this section;

8 (6) The proceedings for termination of parental rights as  
 9 provided in the Nebraska Juvenile Code;

10 (7) The proceedings for termination of parental rights as  
 11 provided in section 42-364;

12 (8) Any juvenile who has been voluntarily relinquished,  
 13 pursuant to section 43-106.01, to the Department of Health and  
 14 Human Services or any child placement agency licensed by the  
 15 Department of Health and Human Services;

16 (9) Any juvenile who was a ward of the juvenile court at  
 17 the inception of his or her guardianship and whose guardianship has  
 18 been disrupted or terminated;

19 (10) The adoption or guardianship proceedings for a child  
 20 over which the juvenile court already has jurisdiction under  
 21 another provision of the Nebraska Juvenile Code; and

22 ~~(10)~~ (11) The paternity determination for a child over  
 23 which the juvenile court already has jurisdiction.

24 Notwithstanding the provisions of the Nebraska Juvenile  
 25 Code, the determination of jurisdiction over any Indian child as  
 26 defined in section 43-1503 shall be subject to the Nebraska Indian  
 27 Child Welfare Act.

1 Sec. 2. Section 43-284, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:

3 43-284. When any juvenile is adjudged to be under  
 4 subdivision (3), ~~or (4)~~, or (9) of section 43-247, the court may  
 5 permit such juvenile to remain in his or her own home subject to  
 6 supervision or may make an order committing the juvenile to (1) the  
 7 care of some suitable institution, (2) inpatient or outpatient  
 8 treatment at a mental health facility or mental health program, (3)  
 9 the care of some reputable citizen of good moral character, (4) the  
 10 care of some association willing to receive the juvenile embracing  
 11 in its objects the purpose of caring for or obtaining homes for  
 12 such juveniles, which association shall have been accredited as  
 13 provided in section 43-296, (5) the care of a suitable family, or  
 14 (6) the care and custody of the Department of Health and Human  
 15 Services.

16 Under subdivision (1), (2), (3), (4), or (5) of this  
 17 section, upon a determination by the court that there are no  
 18 parental, private, or other public funds available for the care,  
 19 custody, education, and maintenance of a juvenile, the court may  
 20 order a reasonable sum for the care, custody, education, and  
 21 maintenance of the juvenile to be paid out of a fund which shall be  
 22 appropriated annually by the county where the petition is filed  
 23 until suitable provisions may be made for the juvenile without such  
 24 payment.

25 The amount to be paid by a county for education pursuant  
 26 to this section shall not exceed the average cost for education of  
 27 a public school student in the county in which the juvenile is  
 1 placed and shall be paid only for education in kindergarten through  
 2 grade twelve.

3 The court may enter a dispositional order removing a  
 4 juvenile from his or her home upon a written determination that  
 5 continuation in the home would be contrary to the health, safety,  
 6 or welfare of such juvenile and that reasonable efforts to preserve  
 7 and reunify the family have been made if required under section  
 8 43-283.01.

9 Sec. 4. Section 43-2,125, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 43-2,125. Whenever any judge of a separate juvenile  
 12 court is disabled or disqualified to act in any cause before him or  
 13 her or is temporarily absent from the county or whenever it would  
 14 be beneficial to the administration of justice, a judge of the  
 15 district court may agree to serve as judge of the separate juvenile  
 16 court during such period or the Chief Justice of the Supreme Court  
 17 may designate and appoint a judge of the district court, a judge of  
 18 another separate juvenile court, or a judge of the county court to  
 19 serve as judge of the separate juvenile court during such period.  
 20 The Chief Justice may also appoint a judge of a separate juvenile  
 21 court to hear juvenile matters in a county court.

22 Sec. 5. Original sections 43-247, 43-284, 43-2,119, and  
 23 43-2,125, Reissue Revised Statutes of Nebraska, are repealed.".

24 2. Renumber the remaining sections accordingly.

The Suttle 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.

**LEGISLATIVE BILL 23A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 451.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 451A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 83.** Senator Brashear renewed his pending amendment, AM0468, found on page 935.

The Brashear amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 154.** E & R amendment, AM7063, found on page 854, was adopted.

Senator Chambers renewed his pending amendment, AM0734, found on page 833.

The Chambers amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Chambers renewed his pending amendment, AM0662, found on page 844.

The Chambers amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator Dw. Pedersen asked unanimous consent to replace his pending amendment, AM0634, found on page 935, with a substitute amendment. No objections. So ordered.

Senator Dw. Pedersen withdrew his pending amendment, AM0634, found on page 935.

Senator Dw. Pedersen offered the following substitute amendment:  
AM1020

(Amendments to AM0662)

- 1 1. Insert the following new section:
- 2 "Sec. 12. All facilities of the department shall become
- 3 accredited by the National Commission on Correctional Health Care
- 4 within four years after the effective date of this act."
- 5 2. On page 1, line 3, strike "11" and insert "12".

Senator Chambers offered the following amendment to the Dw. Pedersen pending amendment:

FA107

Amend AM1020

Strike lines 2-5 and insert, "The department shall seek accreditation of its medical program by the American Correctional Association Commission on Accreditation for Corrections."

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

The Dw. Pedersen amendment, AM1020, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Senator Dw. Pedersen asked unanimous consent to replace his pending amendment, AM0730, found on page 935, with a substitute amendment. No objections. So ordered.

Senator Dw. Pedersen withdrew his pending amendment, AM0730, found on page 935.

Senator Dw. Pedersen offered the following substitute amendment:  
AM1021

(Amendments to AM0662)

- 1 1. Insert the following new sections:
- 2 "Sec. 12. Section 83-181, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 83-181. (1) Each person committed to the Department of
- 5 Correctional Services shall have regular medical and dental care.
- 6 Each person shall be adequately fed and clothed in accordance with
- 7 the regulations of the Department of Correctional Services. No
- 8 offender shall be required to wear stripes or other degrading
- 9 apparel.
- 10 (2) Persons dispensing medications in a facility operated
- 11 by the department who are not physicians, nurses, or physician
- 12 assistants licensed by the Department of Health and Human Services
- 13 Regulation and Licensure shall meet, at a minimum, the standards in
- 14 subsection (4) of section 71-6725 for medication aides.
- 15 Sec. 13. Original section 83-181, Reissue Revised
- 16 Statutes of Nebraska, is repealed."
- 17 2. Insert underscoring in sections 1 to 11.

Senators Byars and Kristensen asked unanimous consent to be excused. No objections. So ordered.

Senator Dw. Pedersen moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Brashear requested a roll call vote on the Dw. Pedersen amendment.

Voting in the affirmative, 20:

Aguilar	Bourne	Brashear	Bruning	Chambers
Connealy	Dierks	Engel	Hartnett	Hilgert
Janssen	Jensen	Maxwell	Price	Raikes
Schimek	Smith	Suttle	Thompson	Wickersham

Voting in the negative, 10:

Baker	Beutler	Burling	Cunningham	Erdman
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Foley            Quandahl            Redfield            Tyson            Wehrbein

Present and not voting, 11:

Bromm            Brown            Coordsen            Cudaback            Hudkins  
 Kremer            Pedersen, Dw.    Preister            Schrock            Stuhr  
 Vrtiska

Absent and not voting, 1:

Kruse

Excused and not voting, 7:

Byars            Jones            Kristensen            Landis            McDonald  
 Pederson, D.    Robak

The Dw. Pedersen amendment lost with 20 ayes, 10 nays, 11 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA89, found on page 936.

The Chambers amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

Senator Bromm asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 154A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 213.** E & R amendment, AM7062, found on page 855, was adopted.

Senator Beutler renewed his pending amendment, AM0800, found on page 937.

The Beutler 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.

**LEGISLATIVE BILL 505.** E & R amendment, AM7066, found on page 921, was adopted.

Advanced to E & R for engrossment.

### AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 170:

AM1023

(Amendments to Standing Committee amendments, AM0245)

- 1 1. On page 13, line 14, after the semicolon insert
- 2 "and"; and strike beginning with "Any" in line 15 through "(f)" in
- 3 line 17 and all amendments thereto and show the old matter as
- 4 stricken.

Senators Schimek and Wickersham filed the following amendment to LB 692:

AM1007

(Amendments to Standing Committee amendments, AM0781)

- 1 1. On page 14, strike lines 26 and 27.
- 2 2. On page 15 strike beginning with line 1 through
- 3 "percent" in line 3 and insert "The funds shall be distributed
- 4 annually".

Senator Landis filed the following amendment to LB 563:

(Amendment, AM1025, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Smith filed the following amendment to LB 394:

AM1008

- 1 1. On page 2, line 13, after "withheld" insert ". For
- 2 purposes of this subdivision, routine directory information means a
- 3 student's name, his or her parent's or guardian's name, and his or
- 4 her enrollment status".

Senator Wickersham filed the following amendment to LB 170:

FA106

Amend AM0245

1. On page 13, line 16, before the semicolon insert "If a commissioner has not received such certification or training prior to his or her appointment, such certification or training shall be completed within one year after the appointment".

Senator Schrock filed the following amendment to LB 763:

AM1026

(Amendments to Standing Committee amendments, AM1016)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 54-2401, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 54-2401. Sections 54-2401 to 54-2414 and section 6 of
- 5 this act shall be known and may be cited as the Livestock Waste
- 6 Management Act."
- 7 2. On page 11, line 19, after the last comma insert

8 "54-2401,".

9 3. Renumber the remaining sections accordingly.

### **STANDING COMMITTEE REPORTS**

#### **Natural Resources**

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

Nebraska Power Review Board

Ken Kunze

Rick Sanders

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Kremer, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

#### **Health and Human Services**

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

Commission for the Deaf and Hard of Hearing

Stephen Stout

Kevin Williams

Health and Human Services System Partnership Council

Kimberly Buser

Patrick Connell

Bradley Sher

VOTE: Aye: Senators Byars, Suttle, Price, Cunningham, Maxwell, and Erdman. Nay: None. Absent: Senator Jensen.

(Signed) Jim Jensen, Chairperson

#### **Education**

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

Coordinating Commission for PostSecondary Education

Marshall Borchert

Mary Lauritzen

Roy Smith

VOTE: Aye: Senators Brashear, Price, Wickersham, Suttle, Stuhr, Raikes, Maxwell, and Coordsen. Nay: None. Absent: None.

(Signed) Ron Raikes, Chairperson

**Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 454.** Placed on General File.

**LEGISLATIVE BILL 805.** Placed on General File as amended.

Standing Committee amendment to LB 805:

AM0661

1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. Section 32-628, Revised Statutes Supplement,  
4 2000, is amended to read:  
5 32-628. (1) All petitions prepared or filed pursuant to  
6 the Election Act or any petition which requires the election  
7 commissioner or county clerk to verify signatures by utilizing the  
8 voter registration register shall provide a space at least two and  
9 one-half inches long for written signatures, a space at least two  
10 inches long for printed names, and sufficient space for date of  
11 birth and street name and number, city or village, and zip code.  
12 Lines on each petition shall not be less than one-fourth inch  
13 apart. Petitions may be designed in such a manner that lines for  
14 signatures and other information run the length of the page rather  
15 than the width. Petitions shall provide for no more than twenty  
16 signatures per page.

17 (2) For the purpose of preventing fraud, deception, and  
18 misrepresentation, every sheet of every petition containing  
19 signatures shall have upon it, above the signatures, statements  
20 printed in boldface type in substantially the following form:  
21 **WARNING TO PETITION SIGNERS--VIOLATION OF ANY OF THE**  
22 **FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL**  
23 **CHARGES: Any person who signs any name other than his or her own**  
24 **to any petition or who is not, at the time of signing or**

**1 circulating the petition, a registered voter and qualified to sign**  
**2 or circulate the petition except as provided for initiative and**  
**3 referendum petitions shall be guilty of a Class I misdemeanor. Any**  
**4 person who falsely swears to a circulator's affidavit on a**  
**5 petition, who accepts money or other things of value for signing a**  
**6 petition, or who offers money or other things of value in exchange**  
**7 for a signature upon any petition shall be guilty of a Class IV**  
**8 felony.**

9 (3) Every sheet of a petition which contains signatures  
10 shall have upon it, below the signatures, an affidavit in  
11 substantially the following form:

12 STATE OF NEBRASKA )

13 ) ss.

14 COUNTY OF ..... )

15 ....., (name of circulator) being first duly  
16 sworn, deposes and says that he or she is the circulator of this  
17 petition containing ..... signatures, ~~that he or she is a~~  
18 ~~registered voter of the State of Nebraska~~, that each person whose  
19 name appears on the petition personally signed the petition in the  
20 presence of the affiant, that the date to the left of each  
21 signature is the correct date on which the signature was affixed to  
22 the petition and that the date was personally affixed by the person  
23 signing such petition, that the affiant believes that each signer  
24 has written his or her name, street and number or voting precinct,  
25 and city, village, or post office address correctly, that the  
26 affiant believes that each signer was qualified to sign the  
1 the petition as printed on the petition before he or she affixed  
2 his or her signature to the petition.

3 .....

4 Circulator

5 .....

6 Address

7 Subscribed and sworn to before me, a notary public, this  
8 ..... day of ..... 20.... at ....., Nebraska.

9 .....

10 Notary Public

11 (4) Each sheet of a petition shall have upon its face and  
12 in plain view of persons who sign the petition a statement in  
13 letters not smaller than sixteen-point type in red print on the  
14 petition. If the petition is circulated by a paid circulator, the  
15 statement shall be as follows: This petition is circulated by a  
16 paid circulator. If the petition is circulated by a circulator who  
17 is not being paid, the statement shall be as follows: This petition  
18 is circulated by a volunteer circulator.

19 Sec. 2. Section 32-629, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 32-629. Only Except as otherwise provided in section  
22 32-1404 for initiative and referendum petitions, only a registered  
23 voter of the State of Nebraska shall qualify as a valid signer or  
24 circulator of a petition and may sign or circulate petitions under  
25 the Election Act, ~~except that any person who is or will be a~~  
26 ~~registered voter in the State of Nebraska on or before the date on~~  
27 ~~which the petition is required to be filed with the Secretary of~~  
1 ~~State may sign an initiative or referendum petition.~~

2 Sec. 3. Section 32-630, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 32-630. (1) Each person who signs a petition shall, at  
5 the time of and in addition to signing, personally affix the date,  
6 print his or her last name and first name in full, and affix his or  
7 her date of birth and address, including the street and number or a  
8 designation of a rural route or voting precinct and the city or

9 village or a post office address. A person signing a petition may  
10 use his or her initials in place of his or her first name if such  
11 person is registered to vote under such initials. No signer shall  
12 use ditto marks as a means of personally affixing the date or  
13 address to any petition. A wife shall not use her husband's first  
14 name when she signs a petition but shall personally affix her first  
15 name and her last name by marriage or her surname. Any signature  
16 using ditto marks as a means of personally affixing the date or  
17 address of any petition or any signature using a spouse's first  
18 name instead of his or her own shall be invalid.

19 (2) Each circulator of a petition shall personally  
20 witness the signatures on the petition and shall sign the  
21 circulator's affidavit.

22 (3) No person shall:

23 (a) Sign any name other than his or her own to any  
24 petition;

25 (b) Knowingly sign his or her name more than once for the  
26 same petition effort or measure;

27 (c) Sign or circulate a petition if he or she is not a  
1 registered voter and qualified to sign or circulate the same except  
2 as provided in section ~~32-629~~ 32-1404;

3 (d) Falsely swear to any signature upon any such  
4 petition;

5 (e) Accept money or other thing of value for signing any  
6 petition; or

7 (f) Offer money or other thing of value in exchange for a  
8 signature upon any petition.

9 Sec. 4. Section 32-1404, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 ~~32-1404. Signers and circulators of~~ A signer of an  
12 initiative and referendum petitions shall be a registered  
13 voter of the State of Nebraska on or before the date on which the  
14 petition is required to be filed with the Secretary of State and  
15 shall meet the requirements of sections ~~32-629~~ and section 32-630.

16 A registered voter person who intends to circulate circulates  
17 initiative and referendum petitions outside of his or her county of  
18 residence shall register with the Secretary of State on forms  
19 provided by the Secretary of State prior to circulating initiative  
20 and referendum petitions outside of his or her county of residence.  
21 The Secretary of State shall make available to the counties a list  
22 of registered circulators for each petition drive need not be a  
23 registered voter but shall comply with requirements of subsection  
24 (2) of section 32-630 and with the prohibitions contained in  
25 subdivisions (3)(a), (d), and (f) of section 32-630.

26 Sec. 5. Section 32-1409, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 32-1409. (1) Upon the receipt of the petitions, the  
2 Secretary of State, with the aid and assistance of the election  
3 commissioner or county clerk, shall determine the validity and

4 sufficiency of signatures on the pages of the filed petition. The  
5 Secretary of State shall deliver the various pages of the filed  
6 petition to the election commissioner or county clerk by hand  
7 carrier, by use of law enforcement officials, or by certified mail,  
8 return receipt requested. Upon receipt of the pages of the  
9 petition, the election commissioner or county clerk shall issue to  
10 the Secretary of State a written receipt that the pages of the  
11 petition are in the custody of the election commissioner or county  
12 clerk. The election commissioner or county clerk shall compare the  
13 signature of each person signing upon each of the pages of the  
14 petition with the voter registration records to determine if each  
15 signer was a registered voter on or before the date on which the  
16 petition was required to be filed with the Secretary of State. The  
17 election commissioner or county clerk shall also compare the  
18 signer's printed name, date of birth, street and number or voting  
19 precinct, and city, village, or post office address with the voter  
20 registration records to determine whether the signer was a  
21 registered voter. The signature, date of birth, and address shall  
22 be presumed to be valid only if the election commissioner or county  
23 clerk finds the printed name, date of birth, street and number or  
24 voting precinct, and city, village, or post office address to match  
25 the registration records and that the registration was received on  
26 or before the date on which the petition was required to be filed  
27 with the Secretary of State. Any signature which is not  
1 accompanied by the information required by section 32-630 shall be  
2 invalid. All signatures submitted to the Secretary of State shall  
3 be presumed valid. The election commissioner or county clerk shall  
4 compare the information contained on each line of the petition with  
5 the voter registration records. If there is sufficient information  
6 based on the comparison to indicate that the person who signed the  
7 petition is not a registered voter, the signature shall be invalid.  
8 The finding of the election commissioner or county clerk may be  
9 rebutted by any credible evidence which the Secretary of State  
10 election commissioner or county clerk finds sufficient. The  
11 express purpose of the comparison of information contained on each  
12 line of the petition names and addresses with the voter  
13 registration records, in addition to helping to determine the  
14 validity of such petition, the sufficiency of such petition, and  
15 the qualifications of the signer, shall be to prevent fraud,  
16 deception, and misrepresentation in the petition process.  
17 (2) Upon completion of the comparison of names and  
18 addresses information contained on each line of the petition with  
19 the voter registration records, the election commissioner or county  
20 clerk shall prepare in writing a certification under seal setting  
21 forth the name and address of each signer found not to be a  
22 registered voter and the petition page number and line number where  
23 the name is found, and if the reason for the invalidity of the  
24 signature or address is other than the nonregistration of the  
25 signer, the election commissioner or county clerk shall set forth

26 the reason for the invalidity of the signature. If the election  
27 commissioner or county clerk determines that a signer has affixed  
1 his or her signature more than once to any page or pages of the  
2 petition and that only one person is registered by that name, the  
3 election commissioner or county clerk shall prepare in writing a  
4 certification under seal setting forth the name of the duplicate  
5 signature and shall count only the earliest dated signature. The  
6 election commissioner or county clerk shall deliver all pages of  
7 the petition and the certifications to the Secretary of State  
8 within forty days after the receipt of such pages from the  
9 Secretary of State. The delivery shall be by hand carrier, by use  
10 of law enforcement officials, or by certified mail, return receipt  
11 requested. The Secretary of State may grant to the election  
12 commissioner or county clerk an additional ten days to return all  
13 pages of the petition in extraordinary circumstances.

14 (3) Upon receipt of the pages of the petition, the  
15 Secretary of State shall issue a written receipt indicating the  
16 number of pages of the petition that are in his or her custody.  
17 When all the petitions and certifications have been received by the  
18 Secretary of State, he or she shall strike from the pages of the  
19 petition all but the earliest dated signature of any duplicate  
20 signatures and such stricken signatures shall not be added to the  
21 total number of valid signatures. Not more than twenty signatures  
22 on one sheet shall be counted. All signatures secured in a manner  
23 contrary to sections 32-1401 to 32-1416 shall not be counted.  
24 Clerical and technical errors in a petition shall be disregarded if  
25 the forms prescribed in sections 32-1401 to 32-1403 are  
26 substantially followed. The Secretary of State shall total the  
27 valid signatures and determine if constitutional and statutory  
1 requirements have been met. The Secretary of State shall  
2 immediately serve a copy of such determination by certified or  
3 registered mail upon the person filing the initiative or referendum  
4 petition. If the petition is found to be valid and sufficient, the  
5 Secretary of State shall proceed to place the measure on the  
6 general election ballot.

7 (4) The Secretary of State may adopt and promulgate rules  
8 and regulations for the issuance of all necessary forms and  
9 procedural instructions to carry out this section.

10 Sec. 6. Section 32-1546, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 32-1546. (1) Any person who is not, at the time of  
13 signing or circulating a petition, a registered voter and qualified  
14 to sign or circulate the petition except as provided for initiative  
15 and referendum petitions, in section 32-1404 or who signs any name  
16 other than his or her own to any petition, ~~or who willfully and~~  
17 ~~knowingly circulates an initiative or referendum petition outside~~  
18 ~~of his or her county of residence without registering with the~~  
19 ~~Secretary of State~~ shall be guilty of a Class I misdemeanor.

20 (2) Any person who falsely swears to a circulator's



21 affidavit on a petition, who accepts money or other things of value  
 22 for signing a petition, or who offers money or other things of  
 23 value in exchange for a signature upon any petition shall be guilty  
 24 of a Class IV felony.

25 Sec. 7. Original sections 32-629, 32-630, 32-1404,  
 26 32-1409, and 32-1546, Reissue Revised Statutes of Nebraska, and  
 27 section 32-628, Revised Statutes Supplement, 2000, are repealed.".

(Signed) DiAnna R. Schimek, Chairperson

**Natural Resources**

**LEGISLATIVE RESOLUTION 32.** Reported to the Legislature for further consideration.

(Signed) Ed Schrock, Chairperson

**Health and Human Services**

**LEGISLATIVE BILL 530.** Placed on General File.

**LEGISLATIVE BILL 682.** Placed on General File.

(Signed) Jim Jensen, Chairperson

**Judiciary**

**LEGISLATIVE BILL 756.** Placed on General File as amended.

Standing Committee amendment to LB 756:

AM1031

- 1 1. Strike original section 4.
- 2 2. On page 2, line 10, strike "4" and insert "3".
- 3 3. On page 3, line 2, after "other" insert "known".

(Signed) Kermit A. Brashear, Chairperson

**Natural Resources**

**LEGISLATIVE BILL 763.** Placed on General File as amended.

Standing Committee amendment to LB 763:

AM1016

- 1 1. On page 2, line 28, after "be" insert "(a)".
- 2 2. On page 3, line 1, strike "or" and insert "and (b)
- 3 no"; and in lines 1 and 2 strike "to permit a" and insert "for the
- 4 purpose of downstream".
- 5 3. On page 6, line 24, after "approval" insert "by the
- 6 Department of Natural Resources".
- 7 4. On page 7, line 3, after "dam" insert ", holding
- 8 pond".
- 9 5. On page 11, strike beginning with "The" in line 9

10 through line 18, and insert:

11 "The Department of Natural Resources shall permit a  
 12 requested increase in the twenty-five-acre limitation for a new  
 13 livestock waste control facility for a livestock operation for  
 14 which an inspection was requested prior to January 1, 2000, in  
 15 accordance with section 54-2406 unless the department determines  
 16 that the detriment to existing water users that would result from  
 17 permitting the acreage increase would outweigh the detriment to the  
 18 operator of the livestock operation if the increase were not  
 19 permitted. For other new livestock waste control facilities, the  
 20 department may permit an increase in the twenty-five-acre  
 21 limitation if it determines that (1) the applicant has no  
 22 reasonable way to limit the amount of the additional runoff acreage  
 23 to twenty-five acres or less at the proposed location of the  
 24 livestock waste control facility, (2) the applicant has no  
 1 reasonable alternative for relocating the livestock waste control  
 2 facility so that the additional runoff acreage would not exceed  
 3 twenty-five acres, and (3) either (a) an increase in the permitted  
 4 runoff acreage would not reduce water supplies to the detriment of  
 5 existing water users or (b)(i) the requested facility is for a  
 6 proposed expansion of a livestock operation in existence and in  
 7 compliance with the Livestock Waste Management Act as of January 1,  
 8 2000, (ii) the amount of the runoff acreage permitted in excess of  
 9 the twenty-five-acre limitation is not more than fifteen percent of  
 10 total permitted feedlot area, and (iii) any detriment to existing  
 11 water users that would result from permitting the acreage increase  
 12 would be outweighed by the detriment to the operator of the  
 13 livestock operation if the increase were not permitted."

(Signed) Ed Schrock, Chairperson

### Revenue

**LEGISLATIVE BILL 205.** Placed on General File as amended.  
 Standing Committee amendment to LB 205:  
 AM1028

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 "Section 1. Section 77-2704.12, Revised Statutes  
 4 Supplement, 2000, is amended to read:  
 5 77-2704.12. (1) Sales and use taxes shall not be imposed  
 6 on the gross receipts from the sale, lease, or rental of and the  
 7 storage, use, or other consumption in this state of purchases by  
 8 any organization created exclusively for religious purposes, any  
 9 nonprofit organization providing services exclusively to the blind,  
 10 any private educational institution established under sections  
 11 79-1601 to 79-1607, any private college or university established  
 12 under sections 85-1101 to 85-1111, any hospital, health clinic when  
 13 two or more hospitals or the parent corporations of the hospitals

14 own or control the health clinic for the purpose of reducing the  
 15 cost of health services or when the health clinic receives funds  
 16 under the Urban Health Initiative Program or the Rural Health  
 17 Initiative Program of the United States Public Health Service  
 18 federal funds for the purpose of serving populations that are  
 19 medically underserved, skilled nursing facility, intermediate care  
 20 facility, or nursing facility licensed under the Health Care  
 21 Facility Licensure Act and organized not for profit, any nonprofit  
 22 organization providing services primarily for home health care  
 23 purposes, any licensed child-caring agency, or any licensed child  
 24 placement agency:

1 (2) Any organization listed in subsection (1) of this  
 2 section shall apply for an exemption on forms provided by the Tax  
 3 Commissioner. The application shall be approved and a numbered  
 4 certificate of exemption received by the applicant organization in  
 5 order to be exempt from the sales and use tax.

6 (3) The appointment of purchasing agents shall be  
 7 recognized for the purpose of altering the status of the  
 8 construction contractor as the ultimate consumer of property which  
 9 is physically annexed to the structure and which subsequently  
 10 belongs to the owner of the organization or institution. The  
 11 appointment of purchasing agents shall be in writing and occur  
 12 prior to having any property annexed to real estate in the  
 13 construction, improvement, or repair. The contractor who has been  
 14 appointed as a purchasing agent may apply for a refund of or use as  
 15 a credit against a future use tax liability the tax paid on  
 16 inventory items annexed to real estate in the construction,  
 17 improvement, or repair of a project for a licensed not-for-profit  
 18 institution.

19 (4) Any organization listed in subsection (1) of this  
 20 section which enters into a contract of construction, improvement,  
 21 or repair upon property annexed to real estate without first  
 22 issuing a purchasing agent authorization to a contractor or  
 23 repairperson prior to property being annexed to real estate in the  
 24 project may apply to the Tax Commissioner for a refund of any sales  
 25 and use tax paid by the contractor or repairperson on the property  
 26 physically annexed to real estate in the construction, improvement,  
 27 or repair.

1 (5) Any person purchasing, storing, using, or otherwise  
 2 consuming property in the performance of any construction,  
 3 improvement, or repair by or for any institution enumerated in  
 4 subsection (1) of this section which is licensed upon completion  
 5 although not licensed at the time of construction or improvement,  
 6 which property is annexed to real estate and which subsequently  
 7 belongs to the owner of the institution, shall pay any applicable  
 8 sales or use tax thereon. Upon becoming licensed and receiving a  
 9 numbered certificate of exemption, the institution organized not  
 10 for profit shall be entitled to a refund of the amount of taxes so  
 11 paid in the performance of such construction, improvement, or

- 12 repair and shall submit whatever evidence is required by the Tax  
 13 Commissioner sufficient to establish the total sales and use tax  
 14 paid upon the property physically annexed to real estate in the  
 15 construction, improvement, or repair.  
 16 Sec. 2. Original section 77-2704.12, Revised Statutes  
 17 Supplement, 2000, is repealed.  
 18 Sec. 3. Since an emergency exists, this act takes effect  
 19 when passed and approved according to law."

**LEGISLATIVE BILL 200.** Indefinitely postponed.

**LEGISLATIVE BILL 203.** Indefinitely postponed.

**LEGISLATIVE BILL 204.** Indefinitely postponed.

**LEGISLATIVE BILL 792.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

### Business and Labor

**LEGISLATIVE BILL 849.** Placed on General File as amended.

Standing Committee amendment to LB 849:

AM0972

- 1 1. On page 5, after line 18 insert:  
 2 "Claim No. 01-255, against the Office of the  
 3 Attorney General, pay to Lincoln County Attorney,  
 4 c/o Jeff Meyer, 301 N. Jeffers, Suite 101A,  
 5 North Platte, NE 69101, out of the General Fund. 500.00  
 6 Claim No. 01-283, against the Office of the Attorney  
 7 General, pay to Lincoln County Attorney, c/o Jeff  
 8 Meyer, 301 N. Jeffers, Suite 101A, North Platte,  
 9 NE 69101, out of the General Fund. 500.00  
 10 Claim No. 01-284, against the Office of the Attorney  
 11 General, pay to Lincoln County Attorney, c/o Jeff  
 12 Meyer, 301 N. Jeffers, Suite 101A, North Platte,  
 13 NE 69101, out of the General Fund. 500.00  
 14 Claim No. 01-285, against the Office of the Attorney  
 15 General, pay to Lincoln County Attorney, c/o Jeff  
 16 Meyer, 301 N. Jeffers, Suite 101A, North Platte,  
 17 NE 69101, out of the General Fund. 500.00  
 18 Claim No. 01-286, against the Office of the Attorney  
 19 General, pay to Lincoln County Attorney, c/o Jeff  
 20 Meyer, 301 N. Jeffers, Suite 101A, North Platte,  
 21 NE 69101, out of the General Fund. 500.00  
 22 Claim No. 01-340, against the Secretary of State,  
 23 pay to Nebraska Press Advertising Service, c/o Allen  
 24 Beerman, 845 S Street, Lincoln, NE 68508, out of  
 1 the General Fund. 214,985.21";  
 2 in line 23 strike "41,447.12" and insert "258,932.33"; and in line  
 3 25 strike "50,268.21" and insert "267,753.42".  
 4 2. On page 6, line 19, strike "80,531.25" and insert

- 5 "80,075.25"; and in line 23 strike "214,750.00" and insert  
 6 "213,537.35".  
 7 3. On page 7, line 10, strike "390,433.02" and insert  
 8 "388,764.37"; and in line 12 strike "446,819.51" and insert  
 9 "445,150.86".  
 10 4. On page 10, after line 5 insert  
 11 "Request No. 01-056, made by the State Department  
 12 of Education 45,407.64";  
 13 and after line 6 insert  
 14 "Request No. 01-181, made by the Military Department 10,471.07".

**LEGISLATIVE BILL 850.** Indefinitely postponed.

(Signed) Matt Connealy, Chairperson

**Education**

**LEGISLATIVE BILL 750.** Placed on General File.

(Signed) Ron Raikes, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 15, 2001, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Kissel, Gordon - Friends of School Safety  
 O'Hara & Associates, Inc. - Citizens for a Healthy Nebraska

**VISITORS**

Visitors to the Chamber were Jake Rowland from Westside High School, Omaha; Jim Currie from Omaha; 100 fourth grade students and teachers from Crete; and 21 adults from Columbus.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Wickersham, the Legislature adjourned until 9:00 a.m., Tuesday, March 20, 2001.

Patrick J. O'Donnell  
 Clerk of the Legislature



**FORTY-EIGHTH DAY - MARCH 20, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 20, 2001

**PRAYER**

The prayer was offered by Senator Dierks.

**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 McDonald who was excused; and Senators Brown, Coordsen, Hartnett, Jensen, Kristensen, Landis, D. Pederson, Price, Robak, Schrock, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 114.** Placed on Select File as amended.  
(E & R amendment, AM7070, 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 563.** Placed on Select File.

**LEGISLATIVE BILL 692.** Placed on Select File as amended.  
E & R amendment to LB 692:  
AM7071

- 1 1. In the Standing Committee amendments, Am0781, on page 2 13, line 21, after "in" insert "fiscal year".
- 3 2. On page 1, strike lines 2 through 7 and insert "amend
- 4 sections 71-6050, 71-7605, 71-7606, 71-7607 to 71-7609, 76-7611,

5 and 71-7614, Revised Statutes Supplement, 2000; to restate intent;  
6 to change and eliminate provisions relating to use of funds,  
7 grants, loan guarantees, and reports; to harmonize provisions; to  
8 repeal the original sections; to outright repeal sections  
9 71-7606.01 and 71-7613, Revised Statutes Supplement, 2000; and to  
10 declare an emergency."

### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 10, 15, 23, 23A, 31, 83, 96, 154, 154A, 191, 191A, 213, 254, 286, 368, 451, 451A, 483, 505, 574, and 574A.

### **Enrollment and Review Change to LB 23**

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

ER9033

1. On page 1, the matter beginning with "courts" in line 1 through line 3 has been struck and "the Nebraska Juvenile Code; to amend sections 43-247, 43-284, 43-2,119, and 43-2,125, Reissue Revised Statutes of Nebraska; to change provisions relating to the number and powers of judges and the jurisdiction of the juvenile court; to harmonize provisions; to repeal the original sections;" inserted.

### **Enrollment and Review Change to LB 83**

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

ER9036

1. On page 1, the matter beginning with "section" in line 1 through line 4 has been struck and "sections 29-2704 and 29-2709, Reissue Revised Statutes of Nebraska; to change provisions relating to the collection and assessment of certain county court costs; to harmonize provisions; and to repeal the original sections." inserted.

### **Enrollment and Review Change to LB 154**

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

ER9034

1. The Chambers amendment, FA107, has been incorporated into the Chambers amendment, AM0662, as section 13 and internal references have been changed accordingly.

2. In the Chambers amendment, AM0662:

a. On page 4, lines 2 and 9, "each" has been struck and "the" inserted; and

b. On page 8, line 27, ": (1) All" has been struck and "(1) all" inserted.



**Enrollment and Review Change to LB 483**

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

ER9035

1. In the Beutler-Hartnett amendment, AM0815:

a. On page 4, line 15, an underscored comma has been inserted after "avenue";

b. On page 6, line 15, an underscored comma has been inserted after "lane"; and

c. On page 8, lines 3, 10, and 20, "said" has been struck and shown as stricken; and in line 19 "said" has been struck, shown as stricken, and "the" inserted.

2. On page 1, the matter beginning with "cities" in line 1 through line 4 has been struck and "public property; to amend sections 14-375, 14-3,107, 15-701, 16-609, 16-611, 17-558, 39-1725, and 39-1726, Reissue Revised Statutes of Nebraska; to change provisions relating to the vacation of roads, streets, and alleys by counties, cities, and villages; to harmonize provisions; and to repeal the original sections." inserted.

**Enrollment and Review Change to LB 574**

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

ER9032

1. In lieu of the Chambers amendment, FA105, in the Bromm amendment, AM0692:

a. On page 1, lines 15, 17, and 21, "(4)" has been struck and "(3)" inserted; and the matter beginning with "strike" in line 17 through the semicolon in line 19 has been struck; and

b. On page 2, the matter beginning with "The" in line 4 through line 6 has been struck; and the matter beginning with the first comma in line 9 through "description" in line 10 has been struck and "or digital signature" inserted.

2. On page 48, line 11, "(a)" has been struck and shown as stricken.

(Signed) Philip Erdman, Chairperson

**STANDING COMMITTEE REPORT  
Transportation and Telecommunications**

**LEGISLATIVE BILL 773.** Placed on General File as amended.

Standing Committee amendment to LB 773:

AM0990

1 1. Strike original section 3 and insert the following

2 new sections:

3 "Section 1. Section 28-1465, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 28-1465. It shall be unlawful for any person to operate

6 or be in the actual physical control of any aircraft while under  
7 the influence of alcoholic liquor or of any drug or when that  
8 person has five-hundredths of one percent or more by weight of  
9 alcohol in his or her body fluid as shown by chemical analysis of  
10 his or her blood, breath, or urine at the time the sample is  
11 obtained and such sample is obtained for chemical analysis within  
12 three hours after the time the person was operating or in the  
13 actual physical control of the aircraft.

14 Sec. 2. Section 28-1466, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 28-1466. Any person who shall operate or be in the  
17 actual physical control of any aircraft while under the influence  
18 of alcoholic liquor or of any drug or while having five-hundredths  
19 of one percent by weight of alcohol in his or her body fluid as  
20 shown by chemical analysis of his or her blood, breath, or urine at  
21 the time the sample is obtained and such sample is obtained for  
22 chemical analysis within three hours after the time the person was  
23 operating or in the actual physical control of the aircraft shall  
24 be deemed guilty of a crime and, upon conviction thereof, shall be

1 punished as provided in sections 28-1467 to 28-1469.

2 Sec. 3. Section 37-1254.01, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 37-1254.01. (1) No person shall be in the actual  
5 physical control of any motorboat under propulsion upon the waters  
6 of this state:

7 (a) While under the influence of alcohol or of any  
8 controlled substance as defined in section 28-401;

9 (b) When such person has a concentration of  
10 ten-hundredths of one gram or more by weight of alcohol per one  
11 hundred milliliters of his or her blood at the time the blood is  
12 drawn and such blood is drawn for chemical analysis within three  
13 hours after the time the person was in the actual physical control  
14 of the motor boat;

15 (c) When such person has a concentration of  
16 ten-hundredths of one gram or more by weight of alcohol per two  
17 hundred ten liters of his or her breath at the time the breath  
18 sample is obtained and such breath sample is obtained for testing  
19 within three hours after the time the person was in the actual  
20 physical control of the motorboat; or

21 (d) When such person has a concentration of  
22 ten-hundredths of one gram or more by weight of alcohol per one  
23 hundred milliliters of his or her urine.

24 (2) Any person who is in the actual physical control of  
25 any motorboat under propulsion upon the waters of this state while  
26 in a condition described in subsection (1) of this section shall be  
27 guilty of a Class II misdemeanor. Upon conviction the court shall,  
1 as part of the judgment of conviction, order such person not to be  
2 in the physical control of a motorboat under propulsion upon the  
3 waters of this state for any purpose for a period of six months

4 from the date of such conviction, except that if the court places  
5 such person on probation or suspends the sentence for any reason,  
6 the court shall, as one of the conditions of probation or sentence  
7 suspension, order such person not to be in the physical control of  
8 any motorboat under propulsion upon the waters of this state for  
9 any purpose for a period of sixty days from the date of the order.

10 (3) Any city or village may enact ordinances in  
11 conformance with this section and section 37-1254.02.

12 (4) At the discretion of the court, any person convicted  
13 of violating this section or violating any city or village  
14 ordinance adopted in conformance with this section may be required  
15 to attend, at the convicted person's expense, an alcoholism  
16 treatment program as a term of probation.

17 Sec. 4. Section 60-4,164, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 60-4,164. (1) Any person who operates or is in the  
20 actual physical control of a commercial motor vehicle upon a  
21 highway in this state shall be deemed to have given his or her  
22 consent to submit to a chemical test or tests of his or her blood  
23 or breath for the purpose of determining the amount of alcoholic  
24 content in his or her blood or breath.

25 (2) Any law enforcement officer who has been duly  
26 authorized to make arrests for violations of traffic laws of this  
27 state or of ordinances of any city or village who, after stopping  
1 or detaining the operator of any commercial motor vehicle, has  
2 reasonable grounds to believe that the operator was driving or in  
3 the actual physical control of a commercial motor vehicle while  
4 having any alcoholic liquor in his or her body may require such  
5 operator to submit to a chemical test or tests of his or her blood  
6 or breath for the purpose of determining the alcoholic content of  
7 such blood or breath.

8 (3) Any law enforcement officer who has been duly  
9 authorized to make arrests for violations of traffic laws of this  
10 state or of ordinances of any city or village may require any  
11 person who operates or has in his or her actual physical control a  
12 commercial motor vehicle upon a highway in this state to submit to  
13 a preliminary breath test of his or her breath for alcoholic  
14 content if the officer has reasonable grounds to believe that such  
15 person has any alcoholic liquor in his or her body, has committed a  
16 moving traffic violation, or has been involved in a traffic  
17 accident. Any such person who refuses to submit to a preliminary  
18 breath test shall be placed under arrest and shall be guilty of a  
19 Class V misdemeanor. Any person arrested for refusing to submit to  
20 a preliminary breath test or any person who submits to a  
21 preliminary breath test the results of which indicate the presence  
22 of any alcoholic liquor in such person's body may, upon the  
23 direction of a law enforcement officer, be required to submit to a  
24 chemical test or tests of his or her blood or breath for a  
25 determination of the alcoholic content.

26 (4) Any person operating or in the actual physical  
27 control of a commercial motor vehicle who submits to a chemical  
1 test or tests of his or her blood or breath which discloses the  
2 presence of any alcoholic liquor in his or her body shall be placed  
3 out of service for twenty-four hours by the law enforcement  
4 officer.

5 (5) Any person operating or in the actual physical  
6 control of a commercial motor vehicle who refuses to submit to a  
7 chemical test or tests of his or her blood or breath or any person  
8 operating or in the actual physical control of a commercial motor  
9 vehicle who submits to a chemical test or tests of his or her blood  
10 or breath which discloses an alcoholic concentration of: (a)  
11 Four-hundredths of one gram or more by weight of alcohol per one  
12 hundred milliliters of his or her blood at the time the blood is  
13 drawn and such blood is drawn for chemical analysis within three  
14 hours after the time the person was operating or in the actual  
15 physical control of the motor vehicle or (b) four-hundredths of one  
16 gram or more by weight of alcohol per two hundred ten liters of his  
17 or her breath at the time the breath sample is obtained and such  
18 breath sample is obtained for testing within three hours after the  
19 time the person was operating or in the actual physical control of  
20 the motor vehicle shall be placed out of service for twenty-four  
21 hours by the law enforcement officer, and the officer shall forward  
22 to the director a sworn report. The report shall state that the  
23 person was operating or in the actual physical control of a  
24 commercial motor vehicle, was requested to submit to the required  
25 chemical test or tests, and refused to submit to the required  
26 chemical test or tests or submitted to the required chemical test  
27 or tests and possessed an alcohol concentration at or in excess of  
1 that specified by this subsection.

2 (6) Any person involved in a commercial motor vehicle  
3 accident in this state may be required to submit to a chemical test  
4 or tests of his or her blood or breath by any law enforcement  
5 officer if the officer has reasonable grounds to believe that such  
6 person was driving or was in actual physical control of a  
7 commercial motor vehicle on a highway in this state while under the  
8 influence of alcoholic liquor at the time of the accident. A  
9 person involved in a commercial motor vehicle accident subject to  
10 the implied consent law of this state shall not be deemed to have  
11 withdrawn consent to submit to a chemical test or tests of his or  
12 her blood or breath by reason of leaving this state. If the person  
13 refuses a test or tests under this section and leaves the state for  
14 any reason following an accident, he or she shall remain subject to  
15 this section upon return.

16 Sec. 7. Section 60-6,211.01, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 60-6,211.01. It shall be unlawful for any person under  
19 twenty-one years of age to operate or be in the actual physical  
20 control of any motor vehicle:

21 (1) When such person has a concentration of  
 22 two-hundredths of one gram or more by weight of alcohol per one  
 23 hundred milliliters of his or her blood at the time the blood is  
 24 drawn and such blood is drawn for chemical analysis within three  
 25 hours after the time the person was operating or in the actual  
 26 physical control of the motor vehicle but less than the  
 27 concentration prescribed under subdivision (1)(b) of section  
 1 60-6,196; or

2 (2) When such person has a concentration of  
 3 two-hundredths of one gram or more by weight of alcohol per two  
 4 hundred ten liters of his or her breath at the time the breath  
 5 sample is obtained and such breath sample is obtained for testing  
 6 within three hours after the time the person was operating or in  
 7 the actual physical control of the motor vehicle but less than the  
 8 concentration prescribed under subdivision (1)(c) of section  
 9 60-6,196.

10 Sec. 8. Original sections 28-1465, 28-1466, 37-1254.01,  
 11 60-4,164, and 60-6,211.01, Reissue Revised Statutes of Nebraska,  
 12 and sections 60-6,196 and 60-6,197, Revised Statutes Supplement,  
 13 2000, are repealed."

14 2. On page 2, line 9, after "blood" insert "at the time  
 15 the blood is drawn and such blood is drawn for chemical analysis  
 16 within three hours after the time the person was operating or in  
 17 the actual physical control of the motor vehicle"; and in line 12  
 18 after "breath" insert "at the time the breath sample is obtained  
 19 and such breath sample is obtained for testing within three hours  
 20 after the time the person was operating or in the actual physical  
 21 control of the motor vehicle".

22 3. On page 5, lines 23 through 25; page 7, lines 6  
 23 through 8; page 15, lines 5 through 7; and page 16, lines 16  
 24 through 19, reinstate the stricken matter and strike the new  
 25 matter.

26 4. Renumber the remaining sections accordingly.

(Signed) Curt Bromm, Chairperson

**ATTORNEY GENERAL'S OPINION**

Opinion #01009

DATE: March 12, 2001

SUBJECT: Constitutionality of LB 671 (2001 Legislative Session)

REQUESTED BY: Senator Ray Janssen, Chair  
 General Affairs Committee  
 Nebraska State Legislature

WRITTEN BY: Laurie Smith Camp, Deputy Attorney General

Dear Senator Janssen:

You have asked our opinion regarding the constitutionality of Legislative Bill 671 (2001 Legislative Session). Specifically, you have asked whether the State of Nebraska may require a person to pay the gallonage tax imposed by Neb. Rev. Stat. § 53-160 (1998) if that person "through the Internet . . . sells and ships alcoholic liquor directly to a person in this state." Although your request for our opinion asks whether the state could direct such a person "to collect the state sales tax and remit it back to the state," the language of LB 671 refers to the gallonage tax imposed under § 53-160, and not the state sales tax. Our opinion, therefore, makes reference to the gallonage tax and not state sales tax.

LB 671 would create a new class of license to be issued by the Nebraska Liquor Control Commission. The new class of license would be a shipping license authorizing persons to sell alcoholic liquor through the Internet and to ship the alcoholic liquor directly to a person in the State of Nebraska. Under current Nebraska law, shipping licenses are issued by the Nebraska Liquor Control Commission to manufacturers of alcoholic liquor, and allow the manufacturers to ship liquor to licensed wholesalers. See Neb. Rev. Stat. § 53-123.15 (1998). Persons holding shipping licenses file informational returns reflecting the quantity of alcohol shipped to Nebraska wholesalers. See Neb. Rev. Stat. § 53-164.01 (1998). The Nebraska wholesalers pay the gallonage tax imposed by § 53-160.

In Section 1 of LB 671, the bill would amend Neb. Rev. Stat. § 53-123.15 with the following new language:

The [liquor] commission may issue a shipping license to any person who, through the Internet, sells and ships alcoholic liquor directly to a person in this state. A person who receives a license pursuant to this subsection shall pay the fee required in subdivision (12) of section 53-124.

LB 671 would amend § 53-124 to add the new shipping license classification, carrying an annual fee of \$500.00. Finally, LB 671 would amend § 53-162 to require the holders of such shipping licenses to pay the gallonage tax imposed by § 53-160.

In general, a state cannot impose a tax on persons outside the state who ship goods to persons in the state. Article I of the U.S. Constitution vests in the U. S. Congress the power to regulate commerce among the states and prohibits any state from laying any "imposts or duties" on imports or exports without the consent of Congress. The Twenty-first Amendment to the U. S. Constitution provides, however, that "the transportation or importation into any State, Territory or possession of the United States for delivery or use therein of intoxicating liquors in violation of the laws thereof, is hereby prohibited."

The U. S. Supreme Court has held that the power of states to regulate the transportation, importation, possession, delivery, and use of liquor under the Twenty-first Amendment is not absolute. In *Bacchus Imports, Ltd. v. Dias*, 468 U.S. 263 (1984), the Supreme Court held unconstitutional a Hawaii statute which provided preferential taxation to liquors produced in the state of Hawaii. In *Brown-Forman Distillers v. New York State Liquor Authority*, 476 U.S. 573 (1986), the Supreme Court held unconstitutional a New York statute which attempted to eliminate competitive advantages for liquor consumers in other states. See also *Bridenbaugh v. O'Bannon*, 78 F.Supp.2d 828 (N.D.Ind. 1999), and *Dickerson v. Bailey*, 87 F.Supp. 2d 691 (S.D.Tex. 2000), for examples of state legislation held unconstitutional under the Commerce Clause because of preferential treatment provided to in-state providers of alcoholic liquors.

The U. S. Supreme Court has found that state statutes may violate ordinary Commerce Clause provisions and yet survive due to the Twenty-first Amendment if they promote temperance and orderly market conditions. See *Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 516 (1996); *North Dakota v. U.S.*, 495 U.S. 423 (1990); *Hostetter v. Idlewild Bon Voyage Liquor Corp.*, 377 U.S. 324 (1984); *Seagram & Sons, Inc. v. Hostetter*, 384 U.S. 35 (1966). It may be argued that LB 671 promotes interstate commerce and helps to ensure orderly and equitable market conditions for in-state and out-state vendors. Because LB 671 would treat in-state Internet sales in the same manner as interstate Internet sales, it should withstand challenges under the Commerce Clause which the Hawaii statute in *Bacchus* and the New York statute in *Brown-Forman* could not withstand.

There is one challenge that could be raised to LB 671 on Equal Protection grounds. When a state affords different treatment to different people or groups of people, the state must show at a minimum that there is a rational basis for the different treatment. See *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985). It may be alleged that there is no rational basis for the Legislature to treat persons who sell alcoholic liquor through the Internet differently from those who sell alcoholic liquor through telephone solicitation, direct mailing, or media advertisement.

In this opinion, we do not attempt to address the practical difficulties inherent in enforcement of the requirements which LB 671 would impose.

Finally, the language of LB 671 in Section 3, amending § 53-162, may lead to confusion in two respects if enacted as written.

First, section 53-160 provides that the Liquor Commission shall collect the gallonage tax and account for and remit that tax to the State Treasurer at least once each week. Section 53-162 provides that individuals who have received alcoholic liquor transported into the state for which the required taxes in the state have not been paid shall pay such taxes, and such taxes shall be collected by the Nebraska Department of Revenue in the same manner as sales and use taxes. The proposed revision to § 53-162 under LB

671 requires a person holding the new "shipping license" to pay the gallonage tax imposed as provided in § 53-160. LB 671 leaves within § 53-162 the provision that "the tax shall be collected by the Department of Revenue in the same manner as sales and use taxes. . . ." It is unclear whether a person holding a new shipping license issued under LB 671 would be responsible for paying the gallonage tax to the Liquor Commission as provided in § 53-160 or to the Department of Revenue in the same manner as sales and use taxes are paid. You may wish to consider striking the full sentence which begins on line 18 and ends on line 22 of page 10 of LB 671.

Second, the first sentence of section 3 of LB 671, which would amend section 53-162 of the Nebraska Statutes is confusing. You may wish to consider striking the words "who have received alcoholic liquor by transport pursuant to section 53-192" to effect your purpose.

Sincerely,  
 DON STENBERG  
 Attorney General  
 (Signed) Laurie Smith Camp  
 Assistant Attorney General

44-1001-13

## REPORTS

The following reports were received by the Legislature:

### **Administrative Services, Department of**

Employee Relations Report

### **Revenue, Department of**

Employment and Investment Growth Act, Employment Expansion and Investment Incentive Act, Quality Jobs Act, and Rural Economic Opportunities Act Annual Report

Charitable Gaming Division 2000 Annual Report

## MOTIONS - Approve Appointments

Senator Dierks moved the adoption of the report of the Agriculture Committee for the following appointments found on page 1071: Dry Bean Commission - Rodney Loose, Jack Revelle, and Stephen Snyder.

Voting in the affirmative, 29:

Aguilar	Baker	Bourne	Brashear	Bromm
Bruning	Burling	Byars	Connealy	Cudaback
Cunningham	Dierks	Engel	Erdman	Hilgert
Janssen	Kremer	Kruse	Pedersen, Dw.	Quandahl
Raikes	Redfield	Schimek	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	



Voting in the negative, 0.

Present and not voting, 8:

Beutler	Chambers	Foley	Hudkins	Jones
Maxwell	Preister	Tyson		

Excused and not voting, 12:

Brown	Coordsen	Hartnett	Jensen	Kristensen
Landis	McDonald	Pederson, D.	Price	Robak
Schrock	Wickersham			

The appointments were confirmed with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Senator Dierks moved the adoption of the report of the Agriculture Committee for the following appointments found on page 1071: Climate Assessment Response Committee - John Erickson, Roger Lempke, and Donald Wilhite.

Voting in the affirmative, 29:

Aguilar	Baker	Bromm	Bruning	Burling
Byars	Connealy	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Kremer	Kruse	Pedersen, Dw.	Price
Quandahl	Redfield	Schimek	Schrock	Smith
Suttle	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Bourne	Brashear	Brown	Chambers
Jones	Maxwell	Preister	Raikes	Stuhr
Thompson				

Excused and not voting, 9:

Coordsen	Hartnett	Jensen	Kristensen	Landis
McDonald	Pederson, D.	Robak	Wickersham	

The appointments were confirmed with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Senator Bromm moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointment found on page 1072: Motor Vehicle Industry Licensing Board - Jess Hull.

Voting in the affirmative, 31:

Aguilar	Baker	Bromm	Brown	Bruning
Burling	Byars	Connealy	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hilgert
Jones	Kremer	Kruse	Landis	Maxwell
Pedersen, Dw.	Price	Quandahl	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Vrtiska
Wehrbein				

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Bourne	Brashear	Chambers	Hudkins
Janssen	Preister	Raikes	Thompson	Tyson

Excused and not voting, 8:

Coordsen	Hartnett	Jensen	Kristensen	McDonald
Pederson, D.	Robak	Wickersham		

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 432A.** 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 827.** Title read. Considered.

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0499, printed separately and found on page 716, was considered.

Senators Wickersham and Bromm withdrew their pending amendment, AM0646, found on page 860.

Senator Beutler renewed his pending amendment, AM0902, found on page 1073, to the Standing Committee amendment.

Senators Schimek and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler withdrew his amendment.

Senator Beutler renewed his pending amendment, AM0903, found on page 1073, to the Standing Committee amendment.

Pending.

### ANNOUNCEMENT

Senator Coordsen announced the Redistricting Committee will meet tomorrow morning, March 21, 2001, at 7:30 a.m., in Room 1510.

### STANDING COMMITTEE REPORT

#### Judiciary

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

Board of Parole  
Robert L. Boozer

Crime Victims Reparation Committee  
Charles Brewster  
William Brueggemann

VOTE: Aye: Senators Bourne, Brashear, Chambers, Connealy, Dw. Pedersen, and Tyson. Nay: None. Absent: Senators Baker and Robak.

(Signed) Kermit A. Brashear, Chairperson

### NOTICE OF COMMITTEE HEARING

#### Nebraska Retirement Systems

Wednesday, April 18, 2001

12:15 PM

PERB & NIC - Presentation pursuant to Neb. Rev. Stat. §84-1503

(Signed) Jon C. Bruning, Chairperson

### STANDING COMMITTEE REPORTS

#### Health and Human Services

**LEGISLATIVE BILL 524.** Placed on General File as amended.

Standing Committee amendment to LB 524:

AM1040

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 "Section 1. It is the intent of the Legislature to

4 appropriate one hundred eighty thousand dollars in FY2001-02 and  
 5 one hundred eighty thousand dollars in FY2002-03 to the Department  
 6 of Health and Human Services for services provided under the  
 7 federal Community Services Block Grant Act, as such act existed on  
 8 the effective date of this act. Funds appropriated under this  
 9 section shall be distributed equally among all community action  
 10 agencies designated by the Community Services Block Grant state  
 11 administrator under such act."

(Signed) Jim Jensen, Chairperson

### Judiciary

**LEGISLATIVE BILL 593.** Placed on General File as amended.  
 Standing Committee amendment to LB 593:  
 AM1033

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 "Section 1. The working men and women in Nebraska law  
 4 enforcement risk their lives everyday. The people of Nebraska  
 5 greatly appreciate the hard work and dedication of law enforcement  
 6 officers in protecting the public. The good name of these officers  
 7 should not be tarnished by the actions of those few who commit  
 8 discriminatory practices in defiance of the Nebraska Law  
 9 Enforcement Non-Discrimination Resolution adopted on October 10,  
 10 2000, by various Nebraska law enforcement entities.  
 11 Racial profiling is a practice that presents a great  
 12 danger to the fundamental principles of a democratic society. It  
 13 is abhorrent and cannot be tolerated. Motorists who have been  
 14 stopped by the police for no reason other than the color of their  
 15 skin or their apparent nationality or ethnicity are the victims of  
 16 discriminatory practices.  
 17 Sec. 2. (1) No member of the Nebraska State Patrol or a  
 18 county sheriff's office, officer of a city or village police  
 19 department, or member of any other law enforcement agency in this  
 20 state shall engage in racial profiling. The detention or other  
 21 disparate treatment of an individual based on any noncriminal  
 22 factor or combination of noncriminal factors is inconsistent with  
 23 this policy.  
 24 (2) Racial profiling shall not be used to justify the  
 1 detention of an individual or to conduct a stop of a motor vehicle.  
 2 Sec. 3. For purposes of sections 1 to 5 of this act:  
 3 (1) Disparate treatment means differential treatment of  
 4 persons on the basis of race, color, or national origin;  
 5 (2) Motor vehicle stop means any stop of a motor vehicle;  
 6 and  
 7 (3) Racial profiling means detaining an individual or  
 8 conducting a motor vehicle stop based solely upon disparate  
 9 treatment of an individual.

10 Sec. 4. (1) On or before January 1, 2002, the Nebraska  
11 State Patrol, the county sheriffs, all city and village police  
12 departments, and any other law enforcement agency in this state  
13 shall adopt a written policy that prohibits the detention of any  
14 person or a motor vehicle stop when such action is solely motivated  
15 by racial profiling and the action would constitute a violation of  
16 the civil rights of the person.

17 (2) With respect to a motor vehicle stop, on and after  
18 January 1, 2002, the Nebraska State Patrol, the county sheriffs,  
19 all city and village police departments, and any other law  
20 enforcement agency in this state shall record and retain the  
21 following information using the form developed and promulgated  
22 pursuant to section 5 of this act:

23 (a) The number of motor vehicle stops;

24 (b) The characteristics of race or ethnicity of the  
25 person stopped. The identification of such characteristics shall  
26 be based on the observation and perception of the law enforcement  
27 officer responsible for reporting the motor vehicle stop and the  
1 information shall not be required to be provided by the person  
2 stopped;

3 (c) If the stop is for a law violation, the nature of the  
4 alleged law violation that resulted in the motor vehicle stop;

5 (d) Whether a warning or citation was issued, an arrest  
6 made, or a search conducted as a result of the motor vehicle stop.  
7 Search does not include a search incident to arrest or an inventory  
8 search; and

9 (e) Any additional information that the Nebraska State  
10 Patrol, the county sheriffs, all city and village police  
11 departments, or any other law enforcement agency in this state, as  
12 the case may be, deems appropriate.

13 (3) The Nebraska Commission on Law Enforcement and  
14 Criminal Justice may develop a uniform system for receiving  
15 allegations of racial profiling. The Nebraska State Patrol, the  
16 county sheriffs, all city and village police departments, and any  
17 other law enforcement agency in this state shall provide to the  
18 commission (a) a copy of each allegation of racial profiling  
19 received and (b) written notification of the review and disposition  
20 of such allegation. No information revealing the identity of the  
21 law enforcement officer involved in the stop shall be used,  
22 transmitted, or disclosed in violation of any collective bargaining  
23 agreement provision or personnel rule under which such law  
24 enforcement officer is employed. No information revealing the  
25 identity of the complainant shall be used, transmitted, or  
26 disclosed in the form alleging racial profiling.

27 (4) Any law enforcement officer who in good faith records  
1 information on a motor vehicle stop pursuant to this section shall  
2 not be held civilly liable for the act of recording such  
3 information unless the law enforcement officer's conduct was  
4 unreasonable or reckless or in some way contrary to law.

5 (5) On or before October 1, 2002, and annually thereafter  
6 until January 1, 2004, the Nebraska State Patrol, the county  
7 sheriffs, all city and village police departments, and all other  
8 law enforcement agencies in this state shall provide to the  
9 commission, in such form as the commission prescribes, a summary  
10 report of the information recorded pursuant to subsection (2) of  
11 this section.

12 (6) On and after January 1, 2002, and until January 1,  
13 2004, the commission may, within the limits of its existing  
14 appropriations, provide for a review of the prevalence and  
15 disposition of motor vehicle stops based on racial profiling and  
16 allegations reported pursuant to this section. The results of such  
17 review shall be reported to the Governor and the Legislature on or  
18 before April 1, 2004.

19 Sec. 5. On or before January 1, 2002, the Nebraska  
20 Commission on Law Enforcement and Criminal Justice, the  
21 Superintendent of Law Enforcement and Public Safety, the Attorney  
22 General, and the State Court Administrator may adopt and  
23 promulgate: (1) A form, in printed or electronic format, to be  
24 used by a law enforcement officer when making a motor vehicle stop  
25 to record personal identifying information about the operator of  
26 such motor vehicle, the location of the stop, the reason for the  
27 stop, and any other information that is required to be recorded  
1 pursuant to subsection (2) of section 4 of this act and (2) a form,  
2 in printed or electronic format, to be used to report an allegation  
3 of racial profiling by a law enforcement officer."

**LEGISLATIVE BILL 611.** Placed on General File as amended.  
Standing Committee amendment to LB 611:  
AM1005

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

3 "Section 1. (1) The Legislature finds that:

4 (a) In 1977, as the Department of Correctional Services  
5 was preparing to open new correctional facilities in Lincoln, the  
6 Legislature approved and funded a program of review and study of  
7 eight major areas of performance of the department; and

8 (b) In 2001, as the department prepares to open new  
9 correctional facilities in McCook and Tecumseh, careful attention  
10 needs to be given to the operation of new and existing institutions  
11 and correctional programs, as well as addressing current and future  
12 needs of the State of Nebraska with respect to incarceration and  
13 treatment of inmates.

14 (2) It is the intent of the Legislature to review areas  
15 of performance of the Department of Correctional Services and to  
16 develop proposals for their improvement.

17 (3) The Legislature finds that there is a need for a  
18 comprehensive review of the statewide system for the placement and  
19 treatment of legal offenders in the State of Nebraska. This review

20 would seek to initiate, develop, and implement a full analysis of  
21 the state's system governing the placement and treatment of legal  
22 offenders, including, but not limited to, sentencing guidelines,  
23 probation, pre-incarceration alternatives, incarceration,  
24 post-incarceration programs, parole, and pardons.

1 Sec. 2. For purposes of sections 1 to 5 of this act,  
2 statewide system for the placement and treatment of legal offenders  
3 includes, but is not limited to, pre-incarceration alternatives,  
4 probation, sentencing, community-based programs, incarceration,  
5 post-incarceration programs, parole, and pardons.

6 Sec. 3. The Legislature shall commission a comprehensive  
7 review of the statewide system for the placement and treatment of  
8 legal offenders in the State of Nebraska. The review shall be  
9 conducted by the Correctional Improvement Committee which is hereby  
10 created. The members of the committee shall be appointed by the  
11 Executive Board of the Legislative Council. The committee shall  
12 consist of five members of the Legislature and three members of the  
13 general public. The appointments shall be made not later than July  
14 1, 2001. The Executive Board of the Legislative Council shall  
15 appoint a chairperson of the Correctional Improvement Committee  
16 from among the members of the committee. Members of the committee  
17 shall be reimbursed for their expenses as members of the committee  
18 as provided in sections 81-1174 to 81-1177.

19 Sec. 4. The Correctional Improvement Committee in  
20 conducting the comprehensive review of the statewide system for the  
21 placement and treatment of legal offenders required by section 3 of  
22 this act may gather information from interested parties through  
23 public hearings and other appropriate means to assure ample  
24 opportunities for outside input to be received for consideration.  
25 The committee shall complete its review and issue a final report  
26 outlining its findings and recommendations to the Legislature no  
27 later than July 1, 2003. The Executive Board of the Legislative  
1 Council shall direct administrative support to the committee and  
2 shall be responsible for the production and distribution of the  
3 final report of the committee.

4 Sec. 5. The comprehensive review of the statewide system  
5 for the placement and treatment of legal offenders required by  
6 section 3 of this act shall initiate, develop, and implement a full  
7 analysis of the state's system for the placement and treatment of  
8 legal offenders.

9 Sec. 6. Participants in each of the areas of study  
10 described in section 7 of this act shall include members of the  
11 Correctional Improvement Committee and others with interest and  
12 expertise in the area of study. Additional staff support deemed  
13 necessary by the committee shall be provided by the Legislative  
14 Fiscal Analyst, the Legislative Research Division, and the Office  
15 of Public Counsel. The correctional improvement programs required  
16 under section 7 of this act shall be coordinated by the committee.

17 Sec. 7. The purposes of sections 6 to 9 of this act are

18 to conduct eight correctional improvement programs provided in this  
19 section. Each program shall consist of an independent and  
20 in-depth analysis of current and emerging correctional concerns.  
21 The programs to be completed in accordance with sections 6 to 9 of  
22 this act may be conducted in the following areas:

23 (1) The improvement program for community-based treatment  
24 programs shall seek to initiate, develop, and implement  
25 community-based treatment alternatives, using available expertise  
26 in developing a statewide strategy for placement and treatment of  
27 inmates. For purposes of this subdivision, community-based  
1 treatment program means a correctional treatment program,  
2 residential or nonresidential, which does not confine the inmate in  
3 a medium-security or maximum-security correctional facility. In  
4 carrying out this subdivision the Correctional Improvement  
5 Committee shall also study how the implementation of juvenile and  
6 adult drug courts would affect community based treatment programs;

7 (2) The improvement program for comprehensive health care  
8 shall seek to improve the health care services provided to inmates.  
9 In carrying out this section, the committee shall consult and  
10 consider the findings of the Governor's task force on the medical  
11 services system of the department, state medical officials,  
12 medical, nursing, and other health care professional schools in  
13 Nebraska, correctional medicine practitioners, and other health  
14 care professionals. For purposes of this subdivision,  
15 comprehensive health care includes medical services, dental  
16 services, and psychiatric services;

17 (3) The improvement program for mental health treatment  
18 shall address the needs of inmates for comprehensive mental health  
19 treatment. In developing improved mental health treatment, the  
20 committee shall consult and work with the Department of  
21 Correctional Services, the Department of Health and Human Services,  
22 mental health professional training programs of medical and other  
23 health care professional schools in Nebraska, and practicing mental  
24 health professionals, including, but not limited to, mental health  
25 professionals providing mental health treatment to inmates. For  
26 purposes of this subdivision, mental health treatment includes  
27 general mental health programs available to the general population  
1 of inmates, specialized mental health treatment of offenders,  
2 treatment of sex offenders, and the care and treatment of offenders  
3 with serious mental illness who may require hospitalization;

4 (4) The improvement program for substance abuse treatment  
5 shall address the substance abuse treatment needs of inmates. The  
6 committee shall consider recommending that the Department of  
7 Correctional Services develop new substance abuse treatment  
8 programs and facilities, as well as expanding existing programs and  
9 facilities, in order to provide substance abuse treatment for  
10 inmates. The correctional improvement program shall also explore  
11 providing access to new and existing substance abuse treatment  
12 programs and facilities near the offender's home community. In



13 carrying out this section, the committee shall consult and work  
14 with the Department of Correctional Services, the Department of  
15 Health and Human Services, substance abuse treatment facilities  
16 operating within the State of Nebraska, and substance abuse  
17 treatment professionals, including, but not limited to, substance  
18 abuse treatment professionals providing substance abuse treatment  
19 to inmates. For purposes of this subdivision, substance abuse  
20 treatment means any educational, inpatient, or outpatient programs  
21 and facilities that address personal and societal issues relating  
22 to abuse of drugs, alcohol, and other substances;

23 (5) The improvement program for institutional segregation  
24 shall address the practices and policies of the Department of  
25 Correctional Services regarding inmates who are placed in  
26 institutional segregation. The committee shall consider  
27 institutional management concerns that result in the placement of  
1 certain types of offenders in institutional segregation, the impact  
2 of long-term placement of offenders in segregation, and the access  
3 of segregated offenders to programming and other resources,  
4 custody-level promotion, and consideration for parole. The program  
5 shall include an evaluation of the current and proposed  
6 institutional segregation units and shall utilize the expertise of  
7 persons in the field of corrections and the professions of law,  
8 mental health care, and medicine;

9 (6) The improvement program for offender work and  
10 activities shall develop a program for a broader and more  
11 comprehensive offering of options for work, education, and other  
12 enrichment activities beneficial to the successful return of  
13 inmates into the community upon release. The committee shall also  
14 consider the adequacy of offerings to inmates' interest groups,  
15 cultural organizations, religious meetings, access to family and  
16 other community support through visits, telephones, and mail, and  
17 opportunities for pursuing hobbies and other recreational programs.  
18 In carrying out this section, the committee shall consult and work  
19 with the department, governmental agencies, representatives of  
20 private industry, labor, schools, and postsecondary educational  
21 institutions, religious leaders, and other interested persons. For  
22 purposes of this subdivision, (a) educational opportunities  
23 include, but are not limited to, graduation from high school or  
24 obtaining a general equivalency diploma, English classes, technical  
25 training, college-level studies, and other coursework that will  
26 better prepare the offender to make a successful return to the  
27 community and (b) work opportunities include institutional  
1 employment, employment by governmental agencies or subdivisions, by  
2 private industry, or by the department in the production of goods  
3 described in section 83-145, and other employment opportunities  
4 determined by the department to be appropriate for inmates;  
5 (7) The improvement program for staffing issues shall  
6 address the current and future needs of the department with respect  
7 to staff recruitment, retention, and training. The committee shall

8 consider provision of adequate levels of compensation to attract  
 9 and retain qualified and competent staff, develop strategies to  
 10 improve job satisfaction, and provision of initial and ongoing  
 11 training opportunities to improve job performance. In carrying out  
 12 this section, the committee shall consult and work with the  
 13 Department of Correctional Services, the personnel division of the  
 14 Department of Administrative Services, faculty of Nebraska  
 15 postsecondary educational institutions teaching in the fields of  
 16 management and human resources, professional trainers, recruiters,  
 17 employment agencies, and representatives of labor; and  
 18 (8) The improvement program for program planning shall  
 19 address the improvement of programming in new facilities of the  
 20 Department of Correctional Services. The committee shall review  
 21 and consider appropriate utilization of technology allowing staff  
 22 and inmates access to resources in Lincoln and Omaha via  
 23 telecommunications and computers. The committee shall also  
 24 consider areas including, but not limited to, telemedicine,  
 25 telephonic and digital visitation, telephonic hearings, electronic  
 26 court filings, and legal research. In carrying out this section,  
 27 the committee shall consult and work with the department and  
 1 persons with expertise in current and emerging technologies. For  
 2 purposes of this subdivision, staff includes, but is not limited  
 3 to, administration, administrative support, food service, laundry,  
 4 maintenance, medical, mental health, security, and unit staff.  
 5 Sec. 8. The correctional improvement programs required  
 6 pursuant to section 7 of this act shall be completed on or before  
 7 July 1, 2003.  
 8 Sec. 9. This act becomes operative on July 1, 2001.  
 9 Sec. 10. Since an emergency exists, this act takes  
 10 effect when passed and approved according to law."

**LEGISLATIVE BILL 757.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 827.** The Beutler pending amendment, AM0903, found on page 1073 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Senators Brashear and Price asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Jones moved the previous question. The question is, "Shall the debate now close?"

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

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chair declared the call raised.

Senator Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler amendment, AM0903, was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Senator Beutler renewed his pending amendment, AM0904, found on page 1073, to the Standing Committee amendment.

Pending.

### **VISITORS**

Visitors to the Chamber were Charles and Mary Evans from Gowanda, New York; 56 seniors and teacher from Northeast High School, Lincoln; and 9 eighth grade students and teacher from Pound Middle School, Lincoln.

### **RECESS**

At 12:03 p.m., on a motion by Senator Hartnett, 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 McDonald who was excused; and Senators Brown, Dierks, Engel, Foley, Landis, Dw. Pedersen, D. Pederson, Price, Schimek, and Stuhr who were excused until they arrive.

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

**LEGISLATIVE BILL 432A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 827.** The Beutler pending amendment, AM0904, found on page 1073 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Senators Wehrbein, Brashear, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Byars moved the previous question. The question is, "Shall the debate now close?"

Senator Byars moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chair declared the call raised.

Senator Kristensen requested a record vote on the Beutler amendment.

Voting in the affirmative, 16:

Beutler	Bourne	Chambers	Hartnett	Hilgert
Hudkins	Kruse	Landis	Preister	Price
Raikes	Robak	Schimek	Suttle	Thompson
Tyson				

Voting in the negative, 20:

Aguilar	Baker	Bromm	Bruning	Burling
Byars	Connealy	Cunningham	Erdman	Janssen
Jensen	Jones	Kremer	Kristensen	Pedersen, Dw.
Redfield	Smith	Stuhr	Vrtiska	Wickersham

Present and not voting, 6:

Brown	Cudaback	Engel	Maxwell	Quandahl
Schrock				

Excused and not voting, 7:

Brashear	Coordsen	Dierks	Foley	McDonald
Pederson, D.	Wehrbein			

The Beutler amendment lost with 16 ayes, 20 nays, 6 present and not voting, and 7 excused and not voting.

Pending.

#### AMENDMENT - Print in Journal

Senators Kremer and Stuhr filed the following amendment to LB 180:  
AM1061

(Amendments to Standing Committee amendments, AM0806)

- 1 1. On page 1, lines 3 and 5, strike "fourteen" and
- 2 insert "twelve".

**STANDING COMMITTEE REPORT**  
**Education**

**LEGISLATIVE BILL 594.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 827.** Senator Beutler renewed his pending amendment, AM0905, found on page 1073, to the Standing Committee amendment.

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

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Beutler	Bourne	Chambers	Hartnett	Hilgert
Kruse	Landis	Price	Robak	Schimek
Suttle	Tyson			

Voting in the negative, 23:

Aguilar	Bromm	Bruning	Byars	Connealy
Cunningham	Engel	Erdman	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Pedersen, Dw.
Quandahl	Raikes	Redfield	Smith	Stuhr
Thompson	Vrtiska	Wickersham		

Present and not voting, 8:

Baker	Brown	Burling	Cudaback	Dierks
Maxwell	Preister	Schrock		

Excused and not voting, 6:

Brashear	Coordsen	Foley	McDonald	Pederson, D.
Wehrbein				

The Beutler amendment lost with 12 ayes, 23 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Landis renewed his pending amendment, AM0980, found on page 1074, to the Standing Committee amendment.

Senator Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Kristensen 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 Landis moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Kristensen requested a record vote on the Landis amendment.

Voting in the affirmative, 18:

Beutler	Bourne	Burling	Chambers	Dierks
Hilgert	Hudkins	Jensen	Kruse	Landis
Preister	Price	Raikes	Robak	Schimek
Suttle	Thompson	Tyson		

Voting in the negative, 21:

Aguilar	Baker	Bromm	Bruning	Byars
Connealy	Cudaback	Engel	Erdman	Janssen
Jones	Kremer	Kristensen	Maxwell	Pedersen, Dw.
Redfield	Smith	Stuhr	Vrtiska	Wehrbein
Wickersham				

Present and not voting, 5:

Brown	Cunningham	Hartnett	Quandahl	Schrock
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Excused and not voting, 5:

Brashear	Coordsen	Foley	McDonald	Pederson, D.
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The Landis 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 Kremer asked unanimous consent to be excused. No objections. So ordered.

Senator Robak withdrew her pending amendment, AM0644, found on page 773.

Senator Robak renewed her pending amendment, AM0912, found on page 970, to the Standing Committee amendment.

Senator Byars moved the previous question. The question is, "Shall the debate now close?"

Senator Byars moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The motion to cease debate failed with 24 ayes, 11 nays, and 14 not voting.

The Chair declared the call raised.

Pending.

### AMENDMENTS - Print in Journal

Senator Brashear filed the following amendment to LB 113:  
AM1054

(Amendments to Standing Committee amendments, AM0658)

- 1 1. On page 1, line 21, after "15" insert "and insert
- 2 The department shall use the fund to administer the provisions of
- 3 this section. "

Senator Thompson filed the following amendment to LB 598:  
AM0928

- 1 1. Insert the following new section:
- 2 "Section 1. Section 43-285, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 43-285. (1) When the court awards a juvenile to the care
- 5 of the Department of Health and Human Services, an association, or
- 6 an individual in accordance with the Nebraska Juvenile Code, the
- 7 juvenile shall, unless otherwise ordered, become a ward and be
- 8 subject to the guardianship of the department, association, or
- 9 individual to whose care he or she is committed. Any such
- 10 association and the department shall have authority, by and with
- 11 the assent of the court, to determine the care, placement, medical
- 12 services, psychiatric services, training, and expenditures on
- 13 behalf of each juvenile committed to it. Such guardianship shall
- 14 not include the guardianship of any estate of the juvenile.
- 15 (2) Following an adjudication hearing at which a juvenile
- 16 is adjudged to be under subdivision (1), (2), (3), or (4) of
- 17 section 43-247, the court may order the department to prepare and
- 18 file with the court a proposed plan for the care, placement,
- 19 services, and permanency which are to be provided to such juvenile
- 20 and his or her family. The health and safety of the juvenile shall
- 21 be the paramount concern in the proposed plan. The department
- 22 shall include in the plan for a juvenile who is sixteen years of

23 age or older and subject to the guardianship of the department a  
24 written proposal describing programs and services designed to  
1 assist the juvenile in acquiring independent living skills. If any  
2 other party, including, but not limited to, the guardian ad litem,  
3 parents, county attorney, or custodian, proves by a preponderance  
4 of the evidence that the department's plan is not in the juvenile's  
5 best interests, the court shall disapprove the department's plan.  
6 The court may modify the plan, order that an alternative plan be  
7 developed, or implement another plan that is in the juvenile's best  
8 interests. In its order the court shall include a finding  
9 regarding the appropriateness of the programs and services  
10 described in the proposal designed to assist the juvenile in  
11 acquiring independent living skills. Rules of evidence shall not  
12 apply at the dispositional hearing when the court considers the  
13 plan that has been presented. The department or any other party  
14 may request a review of the court's order concerning the plan by a  
15 juvenile review panel as provided in section 43-287.04.

16 (3) Within thirty days after an order awarding a juvenile  
17 to the care of the department, an association, or an individual and  
18 until the juvenile reaches the age of majority, the department,  
19 association, or individual shall file with the court a report  
20 stating the location of the juvenile's placement and the needs of  
21 the juvenile in order to effectuate the purposes of subdivision (1)  
22 of section 43-246. The department, association, or individual  
23 shall file a report with the court once every six months or at  
24 shorter intervals if ordered by the court or deemed appropriate by  
25 the department, association, or individual. The department,  
26 association, or individual shall file a report and notice of  
27 placement change with the court and shall send copies of the notice  
1 to all interested parties at least seven days before the placement  
2 of the juvenile is changed from what the court originally  
3 considered to be a suitable family home or institution to some  
4 other custodial situation in order to effectuate the purposes of  
5 subdivision (1) of section 43-246. The court, on its own motion or  
6 upon the filing of an objection to the change by an interested  
7 party, may order a hearing to review such a change in placement and  
8 may order that the change be stayed until the completion of the  
9 hearing. Nothing in this section shall prevent the court on an ex  
10 parte basis from approving an immediate change in placement upon  
11 good cause shown. The department may make an immediate change in  
12 placement without court approval only if the juvenile is in a  
13 harmful or dangerous situation or when the foster parents request  
14 that the juvenile be removed from their home. Approval of the  
15 court shall be sought within twenty-four hours after making the  
16 change in placement or as soon thereafter as possible. The  
17 department or any other party may request a review of the change in  
18 placement by a juvenile review panel in the manner set out in  
19 section 43-287.04. The department shall provide the juvenile's  
20 guardian ad litem with a copy of any report filed with the court by



21 the department pursuant to this subsection.

22 (4) The court shall also hold a permanency hearing if  
23 required under section 43-1312.

24 (5) When the court awards a juvenile to the care of the  
25 department, an association, or an individual, then the department,  
26 association, or individual shall have standing as a party to file  
27 any pleading or motion, to be heard by the court with regard to  
1 such filings, and to be granted any review or relief requested in  
2 such filings consistent with the Nebraska Juvenile Code.

3 (6) Whenever a juvenile is in a foster care placement as  
4 defined in section 43-1301, the State Foster Care Review Board may  
5 participate in proceedings concerning the juvenile as provided in  
6 section 43-1313 and notice shall be given as provided in section  
7 43-1314.

8 (7) Any written findings or recommendations of the State  
9 Foster Care Review Board or any designated local foster care review  
10 board with regard to a juvenile in a foster care placement  
11 submitted to a court having jurisdiction over such juvenile shall  
12 be admissible in any proceeding concerning such juvenile if such  
13 findings or recommendations have been provided to all other parties  
14 of record.

15 (8) Any member of the State Foster Care Review Board, any  
16 of its agents or employees, or any member of any local foster care  
17 review board participating in an investigation or making any report  
18 pursuant to the Foster Care Review Act or participating in a  
19 judicial proceeding pursuant to this section shall be immune from  
20 any civil liability that would otherwise be incurred except for  
21 false statements negligently made."

22 2. On page 5, line 2, strike "section" and insert  
23 "sections 43-285 and"; and in line 3 strike "is" and insert "are".

24 3. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB 429:

FA109

Amend AM0272

Strike all language in lines 1-2 and insert, "On page 2, line 12, strike  
beginning with 'fourteen' through the semicolon in line 13 and insert, 'in the  
same manner and to the same extent as is the case with credit cards'".

Senator Brown filed the following amendment to LB 113:

AM1066

1 1. Strike original sections 3 and 8 and insert the  
2 following new sections:

3 "Sec. 3. No person shall sell, distribute, or otherwise  
4 transfer any product containing ephedrine, pseudoephedrine, or  
5 phenylpropanolamine, or their salts, isomers, or salts of isomers,  
6 if the person knows that the transferee will use the product as an  
7 immediate precursor to any controlled substance. No person shall  
8 unlawfully sell, transfer, or distribute such a product with

- 9 reckless disregard as to how the product will be used. Any person  
 10 who violates this section is guilty of a Class III misdemeanor.  
 11 Sec. 4. No person shall possess anhydrous ammonia with  
 12 the intent to manufacture methamphetamine. Any person who violates  
 13 this section is guilty of a Class IV felony.  
 14 Sec. 5. No person shall possess ephedrine,  
 15 pseudoephedrine, or phenylpropanolamine, or their salts, isomers,  
 16 or salts of isomers with the intent to manufacture methamphetamine.  
 17 Any person who violates this section is guilty of a Class IV  
 18 felony."  
 19 2. On page 30, line 19, strike "6" and all amendments  
 20 thereto and insert "9"; and in line 22 strike "sections 28-405 and  
 21 28-416" and insert "section 28-405".  
 22 3. Renumber the remaining sections accordingly.

Senator Bromm filed the following amendment to LB 827:  
 FA108  
 Amend AM0499  
 Strike Section 5 in its entirety.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 692A.** Introduced by Jensen, 20; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 692, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

### VISITORS

Visitors to the Chamber were Sherry Larson and Denise Wright from Scottsbluff; Anthony Klein from Kansas City, LeAnn and Ivan Klein from Gibbon, and Jennifer Sinclair from Lincoln; Earl Rademacher from Kearney; and EDO State Legislators, Executive Branch Officials, and staffers from Nigeria.

The Doctor of the Day was Dr. Weiss from Lincoln.

### ADJOURNMENT

At 4:50 p.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Wednesday, March 21, 2001.

Patrick J. O'Donnell  
 Clerk of the Legislature

**FORTY-NINTH DAY - MARCH 21, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FORTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 21, 2001

**PRAYER**

The prayer was offered by Pastor Robert Litzenberger, New Hope Church, Gothenburg, 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 McDonald who was excused; and Senators Beutler, Bromm, Chambers, Coordsen, Dierks, Foley, Hartnett, Kristensen, Landis, Schimek, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-eighth day was approved.

**MOTIONS - Approve Appointments**

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 1091: Nebraska Power Review Board - Ken Kunze and Rick Sanders.

Voting in the affirmative, 28:

Baker	Bruning	Burling	Byars	Connealy
Cudaback	Cunningham	Engel	Erdman	Hilgert
Janssen	Jensen	Jones	Kremer	Maxwell
Pedersen, Dw.	Pederson, D.	Price	Quandahl	Raikes
Redfield	Schrock	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 0.

Present and not voting, 9:

Aguilar	Bourne	Brashear	Brown	Hudkins
Kruse	Preister	Robak	Smith	

Excused and not voting, 12:

Beutler	Bromm	Chambers	Coordsen	Dierks
Foley	Hartnett	Kristensen	Landis	McDonald
Schimek	Wickersham			

The appointments were confirmed with 28 ayes, 0 nays, 9 present and not voting, and 12 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 1091: Commission for the Deaf and Hard of Hearing - Stephen Stout and Kevin Williams; and Health and Human Services System Partnership Council - Kimberly Buser, Patrick Connell, and Bradley Sher.

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 1091: Commission for the Deaf and Hard of Hearing - Stephen Stout and Kevin Williams.

Voting in the affirmative, 28:

Aguilar	Bruning	Burling	Byars	Connealy
Cunningham	Engel	Erdman	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Landis
Maxwell	Pedersen, Dw.	Pederson, D.	Price	Quandahl
Raikes	Redfield	Schrock	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein		

Voting in the negative, 0.

Present and not voting, 11:

Baker	Bourne	Brashear	Brown	Cudaback
Janssen	Kruse	Preister	Robak	Smith
Tyson				

Excused and not voting, 10:

Beutler	Bromm	Chambers	Coordsen	Dierks
Foley	Kristensen	McDonald	Schimek	Wickersham

The appointments were confirmed with 28 ayes, 0 nays, 11 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 1091: Health and Human Services System Partnership Council - Kimberly Buser, Patrick Connell, and Bradley Sher.

Voting in the affirmative, 34:

Bourne	Bromm	Bruning	Burling	Byars
Chambers	Connealy	Cudaback	Cunningham	Engel
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Landis	Maxwell
Pedersen, Dw.	Pederson, D.	Price	Quandahl	Raikes
Redfield	Robak	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 0.

Present and not voting, 8:

Aguilar	Baker	Beutler	Brashear	Brown
Kruse	Preister	Schrock		

Excused and not voting, 7:

Coordsen	Dierks	Foley	Kristensen	McDonald
Schimek	Wickersham			

The appointments were confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Raikes moved the adoption of the report of the Education Committee for the following appointments found on page 1091: Coordinating Commission for PostSecondary Education - Marshall Borchert, Mary Lauritzen, and Roy Smith.

Voting in the affirmative, 33:

Aguilar	Baker	Bourne	Bromm	Bruning
Burling	Byars	Chambers	Connealy	Cudaback
Cunningham	Engel	Erdman	Hilgert	Janssen
Jensen	Kremer	Landis	Maxwell	Pedersen, Dw.
Pederson, D.	Price	Quandahl	Raikes	Redfield

Robak Tyson	Smith Vrtiska	Stuhr Wehrbein	Suttle	Thompson
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Voting in the negative, 0.

Present and not voting, 9:

Beutler Jones	Brashear Kruse	Brown Preister	Hartnett Schrock	Hudkins
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Excused and not voting, 7:

Coordsen Schimek	Dierks Wickersham	Foley	Kristensen	McDonald
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The appointments were confirmed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 827.** The Robak pending amendment, AM0912, found on page 970 and considered on page 1127, to the Standing Committee amendment, was renewed.

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 her amendment.

Voting in the affirmative, 12:

Beutler Hudkins Schimek	Bourne Kruse Tyson	Chambers Landis	Hartnett Price	Hilgert Robak
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Voting in the negative, 29:

Aguilar Bruning Engel Kremer Quandahl Thompson	Baker Burling Erdman Kristensen Raikes Vrtiska	Brashear Byars Janssen Pedersen, Dw. Redfield Wehrbein	Bromm Connealy Jensen Pederson, D. Schrock Wickersham	Brown Cunningham Jones Preister Smith
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Present and not voting, 5:

Coordsen	Cudaback	Maxwell	Stuhr	Suttle
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Excused and not voting, 3:

Dierks            Foley            McDonald

The Robak amendment lost with 12 ayes, 29 nays, 5 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 Bromm renewed his pending amendment, FA108, found on page 1130, to the Standing Committee amendment.

The Bromm 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, 5 nays, 9 present and not voting, and 4 excused and not voting.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Kristensen 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 Bromm requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Aguilar	Baker	Brashear	Bromm	Brown
Bruning	Burling	Byars	Connealy	Cudaback
Cunningham	Dierks	Engel	Erdman	Hartnett
Janssen	Jensen	Jones	Kremer	Kristensen
Maxwell	Pedersen, Dw.	Pederson, D.	Preister	Quandahl
Redfield	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 7:

Beutler	Chambers	Landis	Price	Raikes
Robak	Schimek			

Present and not voting, 7:

Bourne	Coordsen	Hilgert	Hudkins	Kruse
Schrock	Tyson			

Excused and not voting, 2:

Foley            McDonald

Advanced to E & R for review with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

### **SPEAKER KRISTENSEN PRESIDING**

Senators Cudaback and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 461.** Title read. Considered.

The Standing Committee amendment, AM0998, found on page 1064, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senators Robak and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

### **STANDING COMMITTEE REPORTS** **Health and Human Services**

**LEGISLATIVE BILL 640.** Placed on General File as amended. (Standing Committee amendment, AM1022, 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

### **Agriculture**

**LEGISLATIVE BILL 803.** Placed on General File as amended. (Standing Committee amendment, AM1079, 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 550.** Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson



**WITHDRAW - Motions to LB 476**

Senator Hilgert withdrew his pending motions, found on pages 672 and 721, to place LB 476 on General File pursuant to Rule 3, Section 19(b) and Rule 3, Section 20(b).

**VISITORS**

Visitors to the Chamber were Beth, Katie, Robbie, and Matthew Litzenberger from Gothenburg and Mrs. Carrier from Kansas City; Eric Benzel and Tomas Helikar from Elkhorn; 66 fourth grade students and teachers from LeMay Elementary, Bellevue; 28 international students and teachers from University of Nebraska at Kearney; Joe Streck from Gretna; Marsha Beuide from Scottsbluff and Kay Helberg from Gering; 20 twelfth grade students and teacher from Leigh; former Senator Tom Fitzgerald from Omaha; and 49 seniors and teacher from Northeast High School, Lincoln.

**RECESS**

At 12:01 p.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 Senator McDonald who was excused; and Senators Beutler, Dierks, Landis, Robak, and Wickersham who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 92.** Title read. Considered.

Advanced to E & R for review with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 92A.** Title read. Considered.

Advanced to E & R for review with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 429.** Title read. Considered.

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0272, found on page 546, was considered.

Senator Chambers renewed his pending amendment, FA109, found on page 1129, to the Standing Committee amendment.

Senators Bromm, Bruning, Coordsen, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 41, 42, 43, 44, 45, 46, and 47 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 41, 42, 43, 44, 45, 46, and 47.

### AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendment to LB 772:  
AM1081

(Amendments to Standing Committee amendments, AM0968)

- 1 1. On page 7, line 12, strike "2003" and insert "2002".

Senator Beutler filed the following amendment to LB 585:  
AM1052

(Amendments to E & R amendments, AM7069)

- 1 1. On page 7, line 9, after "for" insert "such"; and in  
2 lines 13 and 14 strike "911 service, E-911 service, or".

Senator Schrock filed the following amendment to LB 329:  
(Amendment, AM1065, 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 429.** The Chambers pending amendment, FA109, found on page 1129 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 13:

Brown	Chambers	Cudaback	Hudkins	Kremer
Kristensen	Kruse	Landis	Raikes	Robak
Schimek	Smith	Thompson		

Voting in the negative, 19:

Aguilar	Baker	Bourne	Bruning	Burling
Byars	Connealy	Coordsen	Cunningham	Erdman
Foley	Hilgert	Janssen	Maxwell	Price
Redfield	Schrock	Suttle	Tyson	

Present and not voting, 12:

Brashear	Dierks	Hartnett	Jensen	Jones
Pederson, D.	Preister	Quandahl	Stuhr	Vrtiska
Wehrbein	Wickersham			

Excused and not voting, 5:

Beutler	Bromm	Engel	McDonald	Pedersen, Dw.
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The Chambers amendment lost with 13 ayes, 19 nays, 12 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

### **SENATOR SCHIMEK PRESIDING**

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

Senator Chambers moved to indefinitely postpone LB 429.

Senator Cudaback 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 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 16:

Aguilar	Brown	Chambers	Coordsen	Hilgert
Hudkins	Kremer	Kristensen	Landis	Pederson, D.
Price	Raikes	Redfield	Smith	Thompson
Wehrbein				

Voting in the negative, 22:

Baker	Bourne	Brashear	Bruning	Byars
Connealy	Cunningham	Erdman	Foley	Hartnett
Janssen	Kruse	Maxwell	Quandahl	Robak
Schimek	Schrock	Stuhr	Suttle	Tyson
Vrtiska	Wickersham			

Present and not voting, 5:

Burling	Dierks	Jensen	Jones	Preister
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Excused and not voting, 6:

Beutler	Bromm	Cudaback	Engel	McDonald
Pedersen, Dw.				

The Chambers motion to indefinitely postpone failed with 16 ayes, 22 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Landis and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Vrtiska offered the following amendment:

FA110

On page 2 line 12 strike fourteen and insert five

Pending.

## STANDING COMMITTEE REPORT

### Appropriations

**LEGISLATIVE BILL 657.** Placed on General File as amended.

Standing Committee amendment to LB 657:

AM1080

- 1 1. Insert the following new section:
- 2 "Sec. 4. (1) Cities of the primary class and the
- 3 metropolitan class may by ordinance issue their bonds and refunding
- 4 bonds from time to time to finance and refinance the acquisition,
- 5 construction, improving, and equipping of the projects authorized

6 by sections 1 to 3 of this act and provide for the payment of the  
7 same as specified in this section. An issuer shall be permitted to  
8 pledge the amounts on deposit or to be deposited in the City of the  
9 Primary Class Development Fund or the City of the Metropolitan  
10 Class Development Fund, as applicable, as and when appropriated by  
11 the Legislature, to the registered owners of any bonds issued to  
12 finance the acquisition, construction, improving, or equipping of  
13 projects as approved in sections 1 to 3 of this act as long as the  
14 lien of such pledge does not attach until funds are actually  
15 deposited into the issuer's respective fund, and in no event shall  
16 such a pledge be construed as an obligation of the Legislature to  
17 appropriate such funds. Any such pledge shall be valid and binding  
18 from the time when the pledge is made. The money so pledged and  
19 thereafter received by the issuer or deposited into its respective  
20 fund shall immediately be subject to the lien of such pledge  
21 without any physical delivery thereof or further act, and the lien  
22 of any such pledge shall be valid and binding as against all  
23 parties having claims of any kind in tort, contract, or otherwise  
24 against the issuer, irrespective of whether the parties have notice  
1 thereof. Neither the ordinance nor any other instrument by which a  
2 pledge is created need be recorded.

3 (2) Such bonds may be sold by the issuer in such manner  
4 and for such price as the mayor and city council determine, at a  
5 discount, at par, or at a premium, at private negotiated sale or at  
6 public sale. The bonds shall have a stated maturity of fifteen  
7 years or less and shall bear interest at such rate or rates and  
8 otherwise be issued by ordinance adopted by the mayor and city  
9 council with such other terms and provisions as are established,  
10 permitted, or authorized by applicable state laws, notwithstanding  
11 any provisions of a home rule charter. In addition to the pledge  
12 of the amounts on deposit or to be deposited in the City of the  
13 Primary Class Development Fund or the City of the Metropolitan  
14 Class Development Fund, as the case may be and as appropriate,  
15 permitted by subsection (1) of this section, such bonds may also be  
16 secured as to payment in whole or in part by a pledge, as shall be  
17 determined by the issuer, (a) from the income, proceeds, and  
18 revenue, if any, of the facilities financed with proceeds of such  
19 bonds, and (b) from its revenue and income, including its sales,  
20 use, or occupation tax revenue, fees, or receipts, as may be  
21 determined by the issuer. The issuer may further secure such bonds  
22 by a mortgage or deed of trust encumbering all or any portion of  
23 the facilities financed with the proceeds of such bonds and by a  
24 bond insurance policy or other credit support facility. No general  
25 obligation bonds, except refunding bonds, shall be issued until  
26 authorized by a majority of the issuer's electors voting on the  
27 question as to their issuance at a statewide regular primary or  
1 general election or at a special election duly called for such  
2 purpose.

3 (3) The face of all such bonds shall plainly state that

- 4 the bonds and the interest thereon shall not constitute nor give  
 5 rise to an indebtedness, obligation, or pecuniary liability of the  
 6 state nor a charge against the general credit, revenue, or taxing  
 7 power of the state. Bonds issued in accordance with the provisions  
 8 of this section are declared to be issued for an essential public  
 9 and governmental purpose and, together with interest thereon and  
 10 income therefrom, shall be exempt from all state income taxes.  
 11 (4) For purposes of this section, general obligation bond  
 12 means any bond or refunding bond which is payable from the proceeds  
 13 of an ad valorem tax."  
 14 2. On page 5, line 3, after "than" insert "five-sevenths  
 15 of"; and in line 5 after "to" insert "five-sevenths of".  
 16 3. Renumber the remaining sections accordingly.

(Signed) Roger R. Wehrbein, Chairperson

### AMENDMENTS - Print in Journal

Senator Quandahl filed the following amendment to LB 142:  
 AM1073

(Amendments to Standing Committee amendments, AM0226)

- 1 1. Insert the following new section:
- 2 "Sec. 17. Section 9-625, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 9-625. Any county, city, or village may establish and
- 5 conduct a lottery if an election is first held pursuant to this
- 6 section. Only one scheme or type of lottery may be conducted by a
- 7 county, city, or village at one time. No county, city, or village
- 8 shall establish and conduct a lottery until such course of action
- 9 has been approved by a majority of the registered voters of such
- 10 county, city, or village casting ballots on the issue at a regular
- 11 election or a special election called by the governing board of the
- 12 county, city, or village for such purpose. This section shall not
- 13 be construed to prohibit any county, city, or village from
- 14 conducting a lottery if such course of action was approved prior to
- 15 July 17, 1986, by a majority of the registered voters of such
- 16 county, city, or village casting ballots on the issue.
- 17 Any lottery established pursuant to this section which is
- 18 authorized by an election held on or after October 1, 1989,
- 19 pursuant to this section that is not in operation for any four
- 20 consecutive years shall no longer be authorized under this section.
- 21 If the voters in a county, city, or village approve a lottery on or
- 22 after October 1, 1989, pursuant to this section but the lottery
- 23 does not actually begin operation within four years of the date
- 1 that the results of the election are certified, the lottery shall
- 2 no longer be authorized under this section. Any lottery no longer
- 3 authorized under this section because it did not operate within the
- 4 four-year period provided in this section may be reauthorized by a
- 5 majority vote of the registered voters of the county, city, or

6 village casting ballots on the issue at a subsequent election  
7 pursuant to this section.

8 Except for any restriction imposed pursuant to section  
9 9-643, any county, city, or village may conduct a lottery only  
10 within the boundaries of such county, city, or village, or within a  
11 licensed racetrack enclosure which abuts the corporate limits  
12 thereof or which is within the zoning jurisdiction of a city,  
13 except that nothing in this section shall prohibit a county, city,  
14 or village from entering into an agreement pursuant to the  
15 Interlocal Cooperation Act to conduct a joint lottery with another  
16 county, city, or village which has established a lottery in  
17 accordance with this section.

18 If any county, city, or village is conducting a lottery  
19 at the time it is consolidated into a municipal county, and such  
20 county, city, or village is abolished as of the date of creation of  
21 the municipal county, the municipal county shall be subject to the  
22 same rights and obligations with respect to such lottery or  
23 lotteries as the counties, cities, and villages which were  
24 abolished, including any rights or obligations under lottery  
25 contracts of such counties, cities, and villages. Such lottery  
26 shall continue to be subject to all other provisions of the  
27 Nebraska County and City Lottery Act, except that such lottery  
1 shall not be expanded to any new location in any area of the  
2 municipal county where such lottery would have been prohibited  
3 before the consolidation unless such expansion has been approved by  
4 a majority of the registered voters of such municipal county voting  
5 at a regular election or a special election called by the governing  
6 board of the municipal county for such purpose."

7 2. On page 5, line 5, after the first comma insert "line  
8 10, before 'A' insert '(1)'; after line 19 insert the following new  
9 subsection:

10 '(2) On the date of creation of a municipal county, all  
11 ordinances, bylaws, acts, motions, rules, resolutions, obligations,  
12 contracts, and proclamations existing and in full force and effect,  
13 with respect to the county or counties and the municipality or  
14 municipalities consolidated into the municipal county, shall remain  
15 in full force and effect until amended, repealed, or otherwise  
16 superseded by the council of the municipal county within one year  
17 after the date of creation.'; in"; in line 9 after the semicolon  
18 insert "strike beginning with 'which' in line 13 through 'county'  
19 in line 14;"; and in line 13 after the first comma insert "lines 6  
20 and 7, strike 'to be consolidated';"

21 3. Renumber the remaining sections and correct internal  
22 references accordingly.

Senator Landis filed the following amendment to LB 433:  
AM1083

(Amendments to E & R amendments, AM7065)

1 1. On page 2, lines 18 and 19, strike "Department of

- 2 Health and Human Services Regulation and Licensure" and insert
- 3 "State Department of Education".
- 4 2. On page 8, line 17, strike "shall" and insert "may";
- 5 and in line 18 after "regulations" insert "as necessary".

Senators Schimek, Wickersham, Brown, and Quandahl filed the following amendment to LB 142:

(Amendment, AM1062, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Schrock filed the following amendment to LB 329:

(Amendment, AM1089, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Janssen filed the following amendment to LB 429:

FA111

On page 2, line 12, strike nine and insert eight.

Senator Chambers filed the following amendment to LB 429:

FA112

Amend FA110

Strike "five" and insert "eight".

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

Senator Byars asked unanimous consent to have his name added as cointroducer to LB 692A. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Jody Jarecke from Fullerton; 29 fourth grade students and teachers from Omaha Christian Academy and Stephen Cornelius Roberts from Omaha; and agricultural students from University of Nebraska at Lincoln.

### **ADJOURNMENT**

At 4:38 p.m., on a motion by Senator Hartnett, the Legislature adjourned until 9:00 a.m., Thursday, March 22, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTIETH DAY - MARCH 22, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 22, 2001

**PRAYER**

The prayer was offered by Reverend Ray Larsen, First Presbyterian 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 Senator McDonald who was excused; and Senators Bromm, Dierks, Hartnett, Hudkins, Landis, Price, Raikes, and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-ninth day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 827.** Placed on Select File as amended.  
E & R amendment to LB 827:  
AM7072

- 1 1. In the Standing Committee amendments, AM0499:
- 2 a. Renumber sections 6 to 20 as sections 5 to 19,
- 3 respectively;
- 4 b. On page 1, lines 3 and 18; page 3, line 19; page 5,
- 5 line 2; page 11, line 8; page 13, line 10; and page 17, line 19,
- 6 strike "7" and insert "6";
- 7 c. On page 5, line 5; and page 6, line 10, strike "12"
- 8 and insert "11";
- 9 d. On page 13, line 12, strike "70-701 to 70-738", show
- 10 as stricken, and insert "the Electric Cooperative Corporation Act";
- 11 and

12 e. On page 19, line 12, strike "8" and insert "7".  
 13 2. On page 1, strike beginning with line 2 through  
 14 "service" in line 8 and insert "18-2701 to 18-2703, 18-2705,  
 15 18-2709, 70-704, and 70-1409, Reissue Revised Statutes of Nebraska,  
 16 and sections 70-625 and 75-604, Revised Statutes Supplement, 2000;  
 17 to provide for the sale or lease of dark fiber by public entities;  
 18 to define and redefine terms; to provide conditions; to provide  
 19 duties for the Public Service Commission; to create a fund and  
 20 provide for use of money in the fund; to provide powers and duties  
 21 for cities and villages".

**LEGISLATIVE BILL 461.** Placed on Select File as amended.  
 E & R amendment to LB 461:  
 AM7073

1 1. On page 1, strike beginning with "the" in line 1  
 2 through line 5 and insert "environmental protection; to amend  
 3 sections 81-1505.04 and 81-15,160, Reissue Revised Statutes of  
 4 Nebraska, and section 81-1532, Revised Statutes Supplement, 2000;  
 5 to change and eliminate provisions relating to emission fees; to  
 6 limit grants and loans; to change provisions relating to the Waste  
 7 Reduction and Recycling Incentive Fund; to eliminate an obsolete  
 8 provision; to harmonize provisions; to repeal the original  
 9 sections; and to declare an emergency."  
 10 2. On page 2, line 11, before "an" insert "for".

**LEGISLATIVE BILL 92.** Placed on Select File.  
**LEGISLATIVE BILL 92A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### MOTION - Approve Appointments

Senator Brashear moved the adoption of the report of the Judiciary Committee for the following appointments found on page 1115: Board of Parole - Robert L. Boozer; and Crime Victims Reparation Committee - Charles Brewster and William Brueggemann.

Voting in the affirmative, 31:

Aguilar	Beutler	Bourne	Brashear	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Engel	Erdman	Hilgert	Janssen
Jensen	Kremer	Kristensen	Kruse	Maxwell
Pedersen, Dw.	Preister	Quandahl	Redfield	Robak
Schrock	Smith	Stuhr	Thompson	Tyson
Vrtiska				

Voting in the negative, 0.

Present and not voting, 9:

Baker	Brown	Chambers	Foley	Jones
Pederson, D.	Suttle	Wehrbein	Wickersham	

Excused and not voting, 9:

Bromm	Dierks	Hartnett	Hudkins	Landis
McDonald	Price	Raikes	Schimek	

The appointments were confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 692A.** Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

### RESOLUTION

**LEGISLATIVE RESOLUTION 32.** Read. Considered.

### SENATOR CUDABACK PRESIDING

LR 32 was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 170.** E & R amendment, AM7067, found on page 961, was adopted.

Senator Kristensen reoffered his amendment, AM0673, found on page 838 and considered on page 922.

Senator Kristensen asked unanimous consent to replace his pending amendment, AM0673, found on page 838, with a substitute amendment. No objections. So ordered.

Senator Kristensen withdrew his pending amendment, AM0673, found on page 838.

Senator Kristensen renewed his substitute pending amendment, AM0845, found on page 1060.

Senators Aguilar, Brashear, and Burling asked unanimous consent to be excused until they return. No objections. So ordered.

The Kristensen amendment was adopted with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

Senator Wickersham renewed his pending amendment, AM0970, printed separately and referred to on page 1047.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Senator Beutler renewed his pending amendment, AM1023, found on page 1090.

The Beutler amendment lost with 6 ayes, 15 nays, 25 present and not voting, and 3 excused and not voting.

Senator Wickersham renewed his pending amendment, FA106, found on page 1090.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 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 170A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 240.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 101.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 329.** E & R amendment, AM7053, found on page 825, was adopted.

Senator Schrock asked unanimous consent to replace his pending amendment, AM0764, printed separately and referred to on page 896, with a substitute amendment. No objections. So ordered.

Senator Schrock withdrew his pending amendment, AM0764, printed separately and referred to on page 896.

Senator Schrock renewed his substitute pending amendment, AM1089, printed separately and referred to on page 1144.

#### **SPEAKER KRISTENSEN PRESIDING**

Senators Engel and Kruse asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Schrock offered the following amendment to the Schrock pending amendment:

AM1101

(Amendments to AM1089)

- 1 1. On page 4, line 15, after "Fund" insert ", except
- 2 that any increase in the fee from the amount charged on the
- 3 effective date of this act shall be credited to the Pesticide
- 4 Administrative Cash Fund".
- 5 2. On page 7, line 25; and page 9, line 9, after "Fund"
- 6 insert ", except that any increase in the fee from the amount
- 7 charged on the effective date of this act shall be credited to the
- 8 Pesticide Administrative Cash Fund".

Senator Wickersham asked unanimous consent to bracket LB 329 until March 29, 2001. No objections. So ordered.

### AMENDMENTS - Print in Journal

Senator Bourne filed the following amendment to LB 657:  
AM1074

- 1 1. On page 2, line 25, after "the" insert "combined
- 2 sewer separation program project east of 72nd Street until
- 3 completion of the project and then to support the".

Senator Landis filed the following amendment to LB 362:  
(Amendment, AM0995, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

### MESSAGES FROM THE GOVERNOR

March 23, 2001

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 Healthcare Council:

#### APPOINTEES:

- \*Joel Gajardo, 2721 S 66 Pl, Lincoln NE 68506
- \*David Corbin, 1002 N 49, Omaha NE 68132
- \*Dan Worthing, 2703 Fontenelle Blvd, Omaha NE 68104

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

March 23, 2001

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:

\*Michael Buscher, 13113 Edna, Omaha NE 68138

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

March 23, 2001

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 Child Abuse Prevention Fund Board:

APPOINTEES:

\*A. Jane Storey, 1678 Woodsvew, Lincoln NE 68502  
Christine Huber, 548 N Kansas, Superior NE 68978

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

March 23, 2001

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 Environmental Trust Board:

**APPOINTEES:**

\*Vince Kramper, 498 190 St, Dakota City NE 68731  
\*Warren Arganbright, P O Box 67, Valentine NE 69201  
Richard Gady, 4001 S 173 Cr, Omaha NE 68130

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment  
\*Reappointment

**STANDING COMMITTEE REPORTS**  
**Judiciary**

**LEGISLATIVE BILL 383.** Placed on General File.

**LEGISLATIVE BILL 426.** Placed on General File as amended.  
Standing Committee amendment to LB 426:  
AM1009

1 1. On page 4, strike beginning with "If" in line 5  
2 through the period in line 7 and insert "The employer shall tape  
3 record the entire interrogation, and the peace officer shall be  
4 made aware that a recording is being made."; in line 8 strike  
5 "proceeding" and insert "interrogation" and strike "investigating  
6 officer" and insert "employer"; and strike beginning with "Any" in  
7 line 21 through "the" in line 22 and insert "The".

(Signed) Kermit A. Brashear, Chairperson

**VISITORS**

Visitors to the Chamber were a group with the American National Bank; 7 eighth grade students and teacher from Cedar Canyon School, Gering; Kiwanis Club members from Nebraska and Iowa; and Senator Kristensen's daughters, Morgan and Paige, from Minden.

**RECESS**

At 11:50 a.m., on a motion by Senator Coordsen, 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 McDonald and Robak who were excused; and Senators Brashear, Bromm, Byars, Jensen, Kristensen, Dw. Pedersen, D. Pederson, Schimek, Schrock, Vrtiska, and Wehrbein who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 52.** E & R amendment, AM7064, printed separately and referred to on page 853, was adopted.

Senator Landis renewed his pending amendment, AM0805, found on page 898.

The Landis amendment was adopted with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Senator Landis offered the following amendment:  
(Amendment on file in the Clerk's Office - Room 2018 - AM1102.)

The Landis 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 433.** E & R amendment, AM7065, printed separately and referred to on page 921, was adopted.

Senator Wickersham renewed his pending amendment, AM0669, found on page 776.

The Wickersham amendment lost with 9 ayes, 13 nays, 21 present and not



voting, and 6 excused and not voting.

Senator Landis renewed his pending amendment, AM1083, found on page 1143.

### **PRESIDENT MAURSTAD PRESIDING**

The Landis amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Aguilar	Baker	Bourne	Brashear	Brown
Bruning	Cudaback	Cunningham	Dierks	Erdman
Hartnett	Hilgert	Janssen	Jones	Kruse
Landis	Preister	Price	Quandahl	Redfield
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson			

Voting in the negative, 11:

Burling	Chambers	Coordsen	Engel	Foley
Hudkins	Kremer	Pederson, D.	Raikes	Wehrbein
Wickersham				

Present and not voting, 6:

Beutler	Byars	Connealy	Maxwell	Pedersen, Dw.
Vrtiska				

Excused and not voting, 5:

Bromm	Jensen	Kristensen	McDonald	Robak
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Advanced to E & R for engrossment with 27 ayes, 11 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 433A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 677.** Considered.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 677A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 759.** E & R amendment, AM7068, found on page 989, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 585.** E & R amendment, AM7069, found on page 993, was adopted.

Senator Chambers renewed his pending amendment, AM0921, found on page 998.

The Chambers amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Beutler withdrew his pending amendments, AM0951, AM0952, AM0953, AM0954, AM0955, AM0956, AM0957, AM0958, AM0959, and AM1052, found on pages 1026, 1027, 1028, and 1138.

Senator Engel offered the following amendment:  
AM1094

(Amendments to E & R amendments, AM7069)

- 1 1. On page 3, line 27, strike "nine" and insert "ten".
- 2 2. On page 4, line 10, after "industry" insert ";
- 3 (7) One commissioner from the Public Service Commission
- 4 or his or her designee who shall serve as an ex officio member";
- 5 and in line 11 strike "(7)" and insert "(8)".

The Engel amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Beutler offered the following amendment:  
AM1099

(Amendments to E & R amendments, AM7069)

- 1 1. Insert the following new sections:
- 2 "Sec. 3. The commission shall hold a public hearing
- 3 annually to determine the amount of revenue necessary to carry out
- 4 the provisions of sections 1 to 14 of this act. After the hearing,
- 5 the commission shall determine the amount of money to be deposited
- 6 in the Enhanced Wireless 911 Fund for the following year and shall
- 7 set the surcharge subject to the limitation in section 2 of this
- 8 act.
- 9 Sec. 5. Each public safety answering point shall report
- 10 to the commission annually (1) the name and location of the public
- 11 safety answering point and (2) whether wireless 911 service or
- 12 enhanced wireless 911 service is provided at that public safety
- 13 answering point. The commission shall compile and place the
- 14 information required in this section into its annual
- 15 telecommunications report to the Legislature.
- 16 Sec. 15. Section 86-804, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:
- 18 86-804. The commission shall provide the Legislature
- 19 with an annual report on or before September 30 of each year on the

20 status of the Nebraska telecommunications industry. The report  
 21 shall describe: (1) The quality of telecommunications services  
 22 being provided to the citizens of Nebraska; (2) the availability of  
 23 diverse and affordable telecommunications services to all of the  
 1 people of Nebraska; (3) the level of rates of local exchange  
 2 companies and interexchange telecommunications companies; ~~and~~ (4)  
 3 the level of the Nebraska Telecommunications Universal Service Fund  
 4 as determined by section 86-1409; (5) the availability and location  
 5 of 911 service and E-911 service as required by section 86-1005;  
 6 and (6) the availability and location of wireless 911 service or  
 7 enhanced wireless 911 service as required by section 5 of this act.  
 8 The report also shall address the question of the need for further  
 9 legislation to achieve the purposes of sections 86-801 to 86-811.  
 10 Sec. 16. Original section 86-804, Reissue Revised  
 11 Statutes of Nebraska, is repealed."

12 2. On page 1, line 3; page 3, line 22; page 4, line 23;  
 13 page 5, line 1; page 6, line 4; page 7, lines 16 and 18; and page  
 14 8, lines 5 and 19, strike "12" and insert "14".

15 3. On page 3, line 1, after "of" insert "not more than";  
 16 in line 12 after "remit" insert "monthly"; in line 13 strike "in a  
 17 calendar quarter"; and in line 15 strike "quarter" and insert  
 18 "month. The wireless carrier shall report the number of wireless  
 19 lines served and the number of wireless lines from which it has  
 20 collected surcharge revenue".

21 4. On page 4, line 26; and page 5, line 14, strike "8"  
 22 and insert "10".

23 5. On page 5, line 16, strike "The" and insert "Until  
 24 July 1, 2004, the".

25 6. On page 7, strike beginning with "911" in line 13  
 26 through "or" in line 14.

27 7. Insert underscoring in sections 1 to 12 and any  
 1 amendments thereto.

2 8. Renumber the remaining sections accordingly.

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

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 585A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 114.** E & R amendment, AM7070, printed  
 separately and referred to on page 1103, was adopted.

Senator Chambers offered the following amendment:  
 AM1105

(Amendments to E & R amendments, AM7070)

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 53-168.06, Reissue Revised Statutes of

3 Nebraska, is amended to read:  
 4 53-168.06. No person shall manufacture, bottle, blend,  
 5 sell, barter, transport, deliver, furnish, or possess any alcoholic  
 6 liquor for beverage purposes except as specifically provided in the  
 7 Nebraska Liquor Control Act. Nothing in the act shall prevent (1)  
 8 the possession of alcoholic liquor legally obtained as provided in  
 9 the act for the personal use of the possessor and his or her family  
 10 and guests; (2) the making of wine, cider, or other alcoholic  
 11 liquor by a person from fruits, vegetables, or grains, or the  
 12 product thereof, by simple fermentation and without distillation,  
 13 if made solely for the use of the maker and his or her family and  
 14 guests; (3) any duly licensed practicing physician or dentist from  
 15 possessing or using alcoholic liquor in the strict practice of his  
 16 or her profession, any hospital or other institution caring for the  
 17 sick and diseased persons from possessing and using alcoholic  
 18 liquor for the treatment of bona fide patients of such hospital or  
 19 other institution, or any drug store employing a licensed  
 20 pharmacist from possessing or using alcoholic liquor in the  
 21 compounding of prescriptions of licensed physicians; (4) the  
 22 possession and dispensation of ~~wine~~ alcoholic liquor by an  
 23 authorized representative of any ~~church~~ religion on the premises of  
 1 a place of worship, for the purpose of conducting any bona fide  
 2 rite or religious ceremony conducted by such church rite, ritual,  
 3 or ceremony; (5) persons who are sixteen years old or older from  
 4 carrying alcoholic liquor from licensed establishments when they  
 5 are accompanied by a person not a minor; (6) persons who are  
 6 sixteen years old or older from handling alcoholic liquor  
 7 containers and alcoholic liquor in the course of their employment;  
 8 (7) persons who are sixteen years old or older from removing and  
 9 disposing of alcoholic liquor containers for the convenience of the  
 10 employer and customers in the course of their employment; or (8)  
 11 persons who are nineteen years old or older from serving or selling  
 12 alcoholic liquor in the course of their employment."  
 13 2. Renumber the remaining sections and correct internal  
 14 references and the repealer accordingly.

The Chambers amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

## GENERAL FILE

**LEGISLATIVE BILL 142.** Title read. Considered.

The Standing Committee amendment, AM0226, found on page 529, was considered.

Pending.

**STANDING COMMITTEE REPORT**  
**Education**

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

Nebraska Educational Telecommunications Commission  
Mary Harbaugh  
Sheila Stearns

VOTE: Aye: Senators Brashear, Coordsen, Maxwell, Price, Raikes, Stuhr, Suttle, and Wickersham. Nay: None. Absent: None.

(Signed) Ron Raikes, Chairperson

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

**LEGISLATIVE BILL 692A.** Placed on Select File as amended.  
E & R amendment to LB 692A:  
AM7074

- 1 1. On page 6, line 27, strike "Heathcare" and insert
- 2 "Healthcare".

(Signed) Philip Erdman, Chairperson

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB 429:  
FA113  
On page 2, line 9, strike "if any".

Senator Chambers filed the following amendment to LB 429:  
FA114  
1. On page 2, line 10, strike "A" and insert "No";  
2. line 12, strike "(xxx) cents for each" and insert "any";  
3. line 13, put a period after "equipment" and strike all new language through the period on line 23.

Senator Chambers filed the following amendment to LB 429:  
FA115  
On page 2, line 9, strike beginning with "at" through "following" and insert "shall provide only the following".

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 83A.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 83, Ninety-seventh Legislature, First Session, 2001; and to reduce appropriations.

**LEGISLATIVE BILL 657A.** 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 657, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

### GENERAL FILE

**LEGISLATIVE BILL 142.** The Standing Committee amendment, AM0226, found on page 529 and considered in this day's Journal, was renewed.

Senator Thompson withdrew the Thompson et al. pending amendment, AM0761, found on page 899.

Senator Schimek asked unanimous consent to replace her pending amendment, AM0749, printed separately and referred to on page 900, with a substitute amendment. No objections. So ordered.

Senator Schimek withdrew her pending amendment, AM0749, printed separately and referred to on page 900.

Senators Schimek, Wickersham, Jensen, Brown, Quandahl, Thompson, and Dw. Pedersen offered the following substitute amendment to the Standing Committee amendment:

(Amendment on file in the Clerk's Office - Room 2018 - AM1103.)

### SENATOR CUDABACK PRESIDING

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schimek et al. amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Thompson asked unanimous consent to replace her pending amendment, AM0936, found on page 998, with a substitute amendment. No objections. So ordered.

Senator Thompson withdrew her pending amendment, AM0936, found on page 998.

Senator Thompson offered the following substitute amendment to the

Standing Committee amendment:

AM1110

(Amendments to Standing Committee amendments, AM0226)

- 1 1. On page 3, line 26, after the period insert "The  
 2 report shall specify the basis for the conclusion that the creation  
 3 of a municipal county is not in the public interest, shall identify  
 4 governmental services, if any, that should be consolidated, and  
 5 shall recommend the consolidation of the services through the use  
 6 of interlocal agreements or through the election process as set  
 7 forth in section 9 of this act. If the commission recommends the  
 8 consolidation of services through the election process, the  
 9 commission shall also prepare a plan and hold public hearings for  
 10 consolidation of services in the same manner as provided in  
 11 sections 1 to 16 of this act for creation of a municipal county."  
 12 and strike "do so" and insert "create a municipal county".
- 13 2. On page 5, line 26, after "hearing" insert "in each  
 14 county and municipality involved".
- 15 3. On page 13, line 15, after "(8)" insert "A  
 16 consolidation of services through the election process as provided  
 17 for in section 1 of this act may be reversed in the same manner as  
 18 provided in this section for dissolution of a municipal county.  
 19 (9)".
- 20 4. Insert the following new amendment:  
 21 "2. On page 3, strike beginning with 'The' in line 2  
 22 through the period in line 6 and all amendments thereto and insert  
 23 "The commission shall have no less than nine members and no more  
 1 than twenty-one members representing the counties and  
 2 municipalities involved as determined by the governing bodies of  
 3 the counties and municipalities involved in order to achieve  
 4 proportionate representation. The governing bodies shall select  
 5 the members. Representation on the commission shall be prorated  
 6 based upon population of the counties and municipalities involved,  
 7 except that (a) each county and municipality involved shall have at  
 8 least one representative selected by its respective governing body  
 9 and (b) not more than forty percent of the total membership shall  
 10 be public officials.'".
- 11 5. Renumber the remaining amendments accordingly.

Senator Schimek requested a division of the question on the Thompson amendment.

The Chair sustained the division of the question.

The first Thompson amendment is as follows:

FA117

(Amendments to Standing Committee amendments, AM0226)

- 20 4. Insert the following new amendment:  
 21 "2. On page 3, strike beginning with 'The' in line 2  
 22 through the period in line 6 and all amendments thereto and insert

23 The commission shall have no less than nine members and no more  
 1 than twenty-one members representing the counties and  
 2 municipalities involved as determined by the governing bodies of  
 3 the counties and municipalities involved in order to achieve  
 4 proportionate representation. The governing bodies shall select  
 5 the members. Representation on the commission shall be prorated  
 6 based upon population of the counties and municipalities involved,  
 7 except that (a) each county and municipality involved shall have at  
 8 least one representative selected by its respective governing body  
 9 and (b) not more than forty percent of the total membership shall  
 10 be public officials.'."

11 5. Renumber the remaining amendments accordingly.

Senators Beutler, Coordsen, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The first Thompson amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Pending.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 157A.** 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 157, Ninety-seventh Legislature, First Session, 2001.

### AMENDMENTS - Print in Journal

Senator Quandahl filed the following amendment to LB 142:

AM1107

(Amendments to Standing Committee amendments, AM0226)

1 1. Insert the following new section:  
 2 "Sec. 17. Section 9-625, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 9-625. Any county, city, or village may establish and  
 5 conduct a lottery if an election is first held pursuant to this  
 6 section. Only one scheme or type of lottery may be conducted by a  
 7 county, city, or village at one time. No county, city, or village  
 8 shall establish and conduct a lottery until such course of action  
 9 has been approved by a majority of the registered voters of such  
 10 county, city, or village casting ballots on the issue at a regular  
 11 election or a special election called by the governing board of the  
 12 county, city, or village for such purpose. This section shall not  
 13 be construed to prohibit any county, city, or village from



14 conducting a lottery if such course of action was approved prior to  
15 July 17, 1986, by a majority of the registered voters of such  
16 county, city, or village casting ballots on the issue.

17 Any lottery established pursuant to this section which is  
18 authorized by an election held on or after October 1, 1989,  
19 pursuant to this section that is not in operation for any four  
20 consecutive years shall no longer be authorized under this section.

21 If the voters in a county, city, or village approve a lottery on or  
22 after October 1, 1989, pursuant to this section but the lottery  
23 does not actually begin operation within four years of the date

1 that the results of the election are certified, the lottery shall  
2 no longer be authorized under this section. Any lottery no longer  
3 authorized under this section because it did not operate within the  
4 four-year period provided in this section may be reauthorized by a  
5 majority vote of the registered voters of the county, city, or  
6 village casting ballots on the issue at a subsequent election  
7 pursuant to this section.

8 Except for any restriction imposed pursuant to section  
9 9-643, any county, city, or village may conduct a lottery only  
10 within the boundaries of such county, city, or village, or within a  
11 licensed racetrack enclosure which abuts the corporate limits  
12 thereof or which is within the zoning jurisdiction of a city,  
13 except that nothing in this section shall prohibit a county, city,  
14 or village from entering into an agreement pursuant to the  
15 Interlocal Cooperation Act to conduct a joint lottery with another  
16 county, city, or village which has established a lottery in  
17 accordance with this section.

18 If any county, city, or village is conducting a lottery  
19 at the time it is consolidated into a municipal county, and such  
20 county, city, or village is abolished as of the date of creation of  
21 the municipal county, the municipal county shall be subject to the  
22 same rights and obligations with respect to such lottery or  
23 lotteries as the counties, cities, and villages which were  
24 abolished, including any rights or obligations under lottery  
25 contracts of such counties, cities, and villages. Such lottery  
26 shall continue to be subject to all other provisions of the  
27 Nebraska County and City Lottery Act, except that such lottery  
1 shall not be expanded to any new location in any area of the  
2 municipal county where such lottery was not previously authorized  
3 before the consolidation unless such expansion has been approved by  
4 a majority of the registered voters of such municipal county voting  
5 at a regular election or a special election called by the governing  
6 board of the municipal county for such purpose."

7 2. Renumber the remaining sections and correct internal  
8 references accordingly.

Senator Beutler filed the following amendment to LB 243:  
AM1113

(Amendments to Final Reading copy)

1 1. On page 4, after line 11 insert the following  
 2 subsection:  
 3 "(4) For purposes of this section, economic development  
 4 project means a project in which all employees receive a minimum  
 5 wage of (a) at least eight dollars and nineteen cents per hour for  
 6 employees who have the opportunity to participate in a health care  
 7 plan through the employee benefit program which has benefits  
 8 comparable to or greater than the Nebraska State Insurance Program,  
 9 sections 84-1601 to 84-1615, and (b) at least nine dollars and one  
 10 cent per hour for employees who do not have the opportunity to  
 11 participate in such a health care plan. The Department of Revenue  
 12 shall adjust the minimum wages required under this section on July  
 13 1 of each year beginning in 2002. The minimum wage for employees  
 14 described in subdivision (a) of this subsection shall be one  
 15 hundred percent of the federal poverty guidelines for a family of  
 16 four, based on a forty-hour work week at fifty-two weeks per year.  
 17 The minimum wage for employees described in subdivision (b) of this  
 18 subsection shall be one hundred ten percent of such guidelines.  
 19 This subsection only applies to employees of the project and does  
 20 not apply to other employees of the customer not otherwise affected  
 21 by the economic development project."

Senators Byars and Smith filed the following amendment to LB 516:  
 AM1059

1 1. Strike section 2 and insert the following new  
 2 sections:  
 3 "Section 1. Section 68-1603, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 68-1603. For purposes of the Homeless Shelter Assistance  
 6 Trust Fund Act, department shall mean the Department of ~~Economic~~  
 7 ~~Development~~ Health and Human Services.  
 8 Sec. 2. Section 68-1604, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:  
 10 68-1604. The Homeless Shelter Assistance Trust Fund is  
 11 hereby created. The fund shall include the proceeds raised from  
 12 the documentary stamp tax and remitted for such fund pursuant to  
 13 section 76-903. ~~All money raised for the Homeless Shelter~~  
 14 ~~Assistance Trust Fund Act shall be~~ Money remitted to such fund and  
 15 ~~earmarked~~ shall be used by the department for (1) grants to  
 16 eligible shelter providers as set out in section 68-1605 for the  
 17 purpose of assisting in the alleviation of homelessness, to provide  
 18 temporary and permanent shelters for homeless persons, to encourage  
 19 the development of projects which link housing assistance to  
 20 programs promoting the concept of self-sufficiency, and to address  
 21 the needs of the migrant farmworker and (2) to aid in defraying the  
 22 expenses of administering the act, which shall not exceed fifty  
 23 thousand dollars in any fiscal year.  
 24 Any money in the fund available for investment shall be  
 1 invested by the state investment officer pursuant to the Nebraska

2 Capital Expansion Act and the Nebraska State Funds Investment Act.

3 Sec. 3. Section 68-1605, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 68-1605. (1) The department shall use the funds in the  
6 Homeless Shelter Assistance Trust Fund to finance grants for  
7 projects or programs that provide for persons or families with  
8 special housing needs.

9 (2) Projects and programs to which funds shall be  
10 provided include eligible community, neighborhood-based,  
11 housing-assistance organizations, institutions, associations, and  
12 societies or corporations that:

13 (a) Are exempt from taxation under section 501(c)(3) of  
14 the Internal Revenue Code;

15 (b) Do not discriminate on the basis of age, religion,  
16 sex, race, color, or national origin;

17 (c) Provide ~~twenty-four hour~~ residential housing for at  
18 least eight hours of every twenty-four hour period; and

19 (d) ~~Conduct an annual certified external audit; and~~

20 ~~(e) Operate a drug-free premises.~~

21 (3) ~~The housing advisory committee established pursuant~~  
22 ~~to section 84-1281 shall~~ department shall establish an advisory  
23 committee consisting of individuals and groups involved with  
24 housing issues, in particular those pertaining to persons or  
25 families with special housing needs, to advise and assist the  
26 department in establishing criteria, priorities, and guidelines for  
27 eligibility requirements, application requirements and dates,

1 public notification, and monitoring and shall assist the department  
2 in adopting and promulgating rules and regulations for providing  
3 grants from the fund.

4 (4) An application submitted by an organization  
5 representing a number of eligible applicants may be considered even  
6 though the representing organization may itself not qualify under  
7 this section.

8 (5) In making grants pursuant to the Homeless Shelter  
9 Assistance Trust Fund Act, the department shall consider, but not  
10 be limited to, the following factors:

11 (a) The number of night-lodging units provided by the  
12 applicant as measured by the number of persons housed per night;

13 (b) ~~The number of meals provided by the applicant~~  
14 Participation by the applicant in community planning processes and  
15 activities aimed at preventing and alleviating homelessness;

16 (c) Other verifiable units of service provided by the  
17 applicant; and

18 (d) The geographic distribution of funds.

19 Sec. 4. Section 68-1607, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 68-1607. All applications for grants shall be  
22 accompanied by a certified independent audit for the immediately  
23 preceding fiscal year, and recipients Recipients of grant money

- 24 shall, upon request, submit to the department records for  
 25 verification of the information included on applications submitted  
 26 for grants from the Homeless Shelter Assistance Trust Fund.  
 27 Sec. 6. Original sections 68-1603, 68-1604, 68-1605, and  
 1 68-1607, Reissue Revised Statutes of Nebraska, and section 76-903,  
 2 Revised Statutes Supplement, 2000, are repealed."  
 3 2. Renumber the remaining section accordingly.

Senator Chambers filed the following amendment to LB 142:

FA116

Amend AM0226

Page 1

1. Strike "municipality" in lines 3, 7, 9, 11, 16, 21; and wherever it appears in the bill;
2. Strike "municipal county" in lines 4, 5, 6, 8, 10, 17-18, 22, 23; and wherever it appears in the bill.

Senator Tyson filed the following amendment to LB 142:

AM1115

- 1 1. On page 9, lines 22 and 28, before the period insert  
 2 "if at least seventy-five percent of those registered voters  
 3 eligible to vote on the question vote on the question".  
 4 2. In AM1103, on page 19, line 6, strike "or"; in line 8  
 5 before the period insert ", or (vi) if less than seventy-five  
 6 percent of those registered voters eligible to vote on the question  
 7 voted on the question"; and in line 24 before the period insert "if  
 8 at least seventy-five percent of those registered voters eligible  
 9 to vote on the question vote on the question"; and in line 27  
 10 before the comma insert "or if less than seventy-five percent of  
 11 those registered voters eligible to vote on the question voted on  
 12 the question".

## VISITORS

Visitors to the Chamber were 5 eighth grade students and teacher from Harrison; Lloyd and Delores Pretzer from Beatrice and Kathy Ransour from Aurora; and 15 fourth through twelfth grade home school students and teacher from Hooper.

## ADJOURNMENT

At 5:01 p.m., on a motion by Senator Hartnett, the Legislature adjourned until 9:00 a.m., Friday, March 23, 2001.

Patrick J. O'Donnell  
 Clerk of the Legislature

**FIFTY-FIRST DAY - MARCH 23, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 23, 2001

**PRAYER**

The prayer was offered by Pastor Ralph Ford, First United Methodist Church, York, 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 McDonald, Robak, and Suttle who were excused; and Senators Brown, Byars, Coordsen, Hudkins, and Landis who were excused until they arrive.

**SPEAKER KRISTENSEN PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the fiftieth day was approved.

**REPORTS**

The following reports were received by the Legislature:

**Patrol, Nebraska State**

Drug Control Cash Fund Report for Year 2000

**Roads, Department of**

State Highway System Inventory Supplemental Report for the 2000 State Highway Needs Assessment

**AMENDMENT - Print in Journal**

Senator Baker filed the following amendment to LB 457:  
(Amendment, AM0834, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 32.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 10.**

A BILL FOR AN ACT relating to veterans; to amend section 80-409, Reissue Revised Statutes of Nebraska, and section 80-325, Revised Statutes Supplement, 2000; to change qualifications for the administrator of the Nebraska veterans homes; to change requirements for offices of county veterans service officers; 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	Bourne	Brashear
Bromm	Bruning	Burling	Chambers	Connealy
Cudaback	Cunningham	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Maxwell
Pedersen, Dw.	Pederson, D.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Stuhr

Excused and not voting, 8:

Brown	Byars	Coordsen	Hudkins	Landis
McDonald	Robak	Suttle		

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

**LEGISLATIVE BILL 15.**

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-178, Reissue Revised Statutes of Nebraska; to provide

access to records for inmates and the Public Counsel as prescribed; and to repeal the original section.

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

Voting in the affirmative, 42:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Bruning	Burling	Byars	Chambers
Connealy	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Maxwell	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schrock
Smith	Stuhr	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 7:

Brown	Coordsen	Hudkins	Landis	McDonald
Robak	Suttle			

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

### **LEGISLATIVE BILL 31. With Emergency.**

A BILL FOR AN ACT relating to handicapped or disabled persons; to amend sections 18-1739 to 18-1741, Reissue Revised Statutes of Nebraska; to eliminate a fee; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schrock	Smith	Stuhr	Thompson

Tyson            Vrtiska            Wehrbein            Wickersham

Voting in the negative, 0.

Excused and not voting, 5:

Hudkins            Landis            McDonald            Robak            Suttle

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 71.** With Emergency.

A BILL FOR AN ACT relating to elections; to amend sections 14-201.03, 32-538, 32-553, and 32-555, Reissue Revised Statutes of Nebraska; to authorize the city council of a city of the metropolitan class to redraw its own district boundaries as prescribed; to change provisions relating to cities with the city manager plan of government; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Landis            McDonald            Robak            Suttle

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 96.** With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections



81-1317 and 81-1317.01, Reissue Revised Statutes of Nebraska, and section 81-153, Revised Statutes Supplement, 2000; to authorize certain out-of-state purchases and interfund borrowing; to eliminate a provision relating to interfund borrowing; to change provisions relating to employment; to provide operative dates; to repeal the original sections; to outright repeal section 81-1108.05, Revised Statutes Supplement, 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Raikes	Redfield
Shimek	Schrock	Smith	Stuhr	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Quandahl

Excused and not voting, 4:

Landis	McDonald	Robak	Suttle
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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 177.**

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend sections 14-542, 14-2109, 14-2114, 18-410, 77-2342 to 77-2344, 77-2346, and 77-2349, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to county treasurers serving as ex officio treasurers and the collection and disbursement of funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 14-2140, 77-2347, and 77-2348, 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

### **LEGISLATIVE BILL 191.**

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-302, Revised Statutes Supplement, 2000; to provide for an additional fee; to create a 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schrock	Smith	Stuhr	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Landis            McDonald        Robak            Suttle

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

**LEGISLATIVE BILL 191A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 191, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schrock	Smith	Stuhr	Thompson
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 0.

Present and not voting, 2:

Chambers        Wickersham

Excused and not voting, 4:

Landis            McDonald        Robak            Suttle

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

**LEGISLATIVE BILL 213.**

A BILL FOR AN ACT relating to child care; to amend sections 71-1914, 71-1915, and 71-1916, Revised Statutes Supplement, 2000; to change provisions relating to disciplinary actions; to change penalties; 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

#### **LEGISLATIVE BILL 254.**

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.

Whereupon the 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Stuhr	Thompson
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 0.

Present and not voting, 2:

Smith	Wickersham
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Excused and not voting, 4:

Landis            McDonald        Robak            Suttle

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

**LEGISLATIVE BILL 286.**

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend section 85-505.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the tuition assistance program; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Landis            McDonald        Robak            Suttle

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

**LEGISLATIVE BILL 483.**

A BILL FOR AN ACT relating to public property; to amend sections 14-375, 14-3,107, 15-701, 16-609, 16-611, 17-558, 39-1725, and 39-1726, Reissue Revised Statutes of Nebraska; to change provisions relating to the vacation of roads, streets, and alleys by counties, cities, and villages; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

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

#### **LEGISLATIVE BILL 505.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds relating to the Ponca State Park Resource and Educational Complex and for workers' compensation claims; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schrock	Smith	Stuhr	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Maxwell

Excused and not voting, 4:

Landis            McDonald        Robak            Suttle

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 574 with 39 ayes, 2 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 574.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-462, 60-479, 60-489, 60-4,117, 60-4,120, 60-4,124, 60-4,126, 60-4,142, 60-4,150, 60-4,151, 60-4,180, 60-1515, and 60-2912, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-490, 60-494, 60-4,113, 60-4,114, 60-4,115, 60-4,119, 60-4,120.01, 60-4,122, 60-4,123, 60-4,127, 60-4,130, 60-4,130.02, 60-4,148, 60-4,171, 60-4,181, and 60-2904, Revised Statutes Supplement, 2000; to provide for the implementation of a digital system for issuance of motor vehicle operators' licenses and state identification cards; to change provisions relating to issuance and expiration of motor vehicle operators' licenses and state identification cards; to change fees; to provide penalties; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schrock	Smith	Stuhr	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Landis            McDonald      Robak            Suttle

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 574A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 574, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bourne	Brashear
Bruning	Burling	Byars	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Maxwell	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schrock
Smith	Stuhr	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 3:

Bromm            Brown            Chambers

Excused and not voting, 4:

Landis            McDonald      Robak            Suttle

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

**WITHDRAW - Amendments to LB 243**

Senator Schrock withdrew his pending amendment, AM0674, found on page 790, to LB 243.



Senator Beutler withdrew his pending amendment, AM0987, found on page 1048, to LB 243.

**MOTION - Return LB 243 to Select File**

Senator Beutler moved to return LB 243 to Select File for his specific amendment, AM1113, found on page 1161.

Senator Beutler withdrew his motion to return.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 10, 15, 31, 71, 96, 177, 191, 191A, 213, 254, 286, 483, 505, 574, and 574A.

**MOTION - Return LB 243 to Select File**

Senator Beutler moved to return LB 243 to Select File for the following specific amendment:

FA119

(Amendments to Final Reading copy)

- 1 1. On page 4, after line 11 insert the following
  - 2 subsection:
  - 3 "(4) For purposes of this section, economic development
  - 4 project means a project in which all full time employees receive a
  - 5 minimum
  - 6 wage of (a) at least eight dollars and nineteen cents per hour for
  - 7 employees who have the opportunity to participate in a health care
  - 8 plan through the employee benefit program which has benefits
  - 9 comparable to or greater than the Nebraska State Insurance Program,
  - 10 sections 84-1601 to 84-1615, and (b) at least nine dollars and one
  - 11 cent per hour for employees who do not have the opportunity to
  - 12 participate in such a health care plan. The Department of Revenue
  - 13 shall adjust the minimum wages required under this section on July
  - 14 1 of each year beginning in 2002. The minimum wage for employees
  - 15 described in subdivision (a) of this subsection shall be one
  - 16 hundred percent of the federal poverty guidelines for a family of
  - 17 four, based on a forty-hour work week at fifty-two weeks per year.
  - 18 The minimum wage for employees described in subdivision (b) of this
  - 19 subsection shall be one hundred ten percent of such guidelines.
  - 20 This subsection only applies to employees of the project and does
  - 21 not apply to other employees of the customer not otherwise affected
- by the economic development project."

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

The Beutler motion to return prevailed with 32 ayes, 0 nays, 11 present and

not voting, and 6 excused and not voting.

### PRESENTED TO THE GOVERNOR

Presented to the Governor on March 23, 2000, at 10:40 a.m., were the following: LBs 10, 15, 31e, 71e, 96e, 177, 191, 191A, 213, 254, 286, 483, 505e, 574, and 574A.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

### REFERENCE COMMITTEE REPORT

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

Arganbright, Warren - Nebraska Environmental Trust Board - Natural Resources

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

Corbin, David - Nebraska Healthcare Council - Health and Human Services

Gady, Richard - Nebraska Environmental Trust Board - Natural Resources

Gajardo, Joel - Nebraska Healthcare Council - Health and Human Services

Huber, Christine - Child Abuse Prevention Fund Board - Health and Human Services

Kramper, Vincent - Nebraska Environmental Trust Board - Natural Resources

Storey, A. Jane - Child Abuse Prevention Fund Board - Health and Human Services

Worthing, Daniel - Nebraska Healthcare Council - Health and Human Services

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### GENERAL FILE

**LEGISLATIVE BILL 429.** Senator Janssen asked unanimous consent to bracket until January 30, 2002.

Senator Chambers objected.

Senator Janssen moved to bracket LB 429 until January 30, 2002.

**PRESIDENT MAURSTAD PRESIDING**

Senators Jensen, Kristensen, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers requested a roll call vote on the Janssen motion to bracket.

Voting in the affirmative, 21:

Baker	Bromm	Bruning	Byars	Connealy
Coordsen	Cudaback	Cunningham	Erdman	Hartnett
Janssen	Kruse	Maxwell	Pederson, D.	Price
Quandahl	Schimek	Schrock	Stuhr	Thompson
Wickersham				

Voting in the negative, 6:

Burling	Chambers	Foley	Pedersen, Dw.	Smith
Wehrbein				

Present and not voting, 13:

Aguilar	Beutler	Bourne	Brashear	Brown
Engel	Hilgert	Jones	Preister	Raikes
Redfield	Tyson	Vrtiska		

Excused and not voting, 9:

Dierks	Hudkins	Jensen	Kremer	Kristensen
Landis	McDonald	Robak	Suttle	

The Janssen motion to bracket prevailed with 21 ayes, 6 nays, 13 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 773.** Title read. Considered.

The Standing Committee amendment, AM0990, found on page 1105, was considered.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Bromm 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 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers offered the following amendment:

FA128

On page 3 in lines 12-13, strike new language.

Senators Brashear and Landis 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 4 ayes, 0 nays, and 45 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 9:

Aguilar	Bourne	Cudaback	Hartnett	Hilgert
Janssen	Kristensen	Thompson	Wickersham	

Voting in the negative, 21:

Baker	Bromm	Bruning	Burling	Byars
Engel	Erdman	Foley	Jones	Kremer
Kruse	Pederson, D.	Price	Raikes	Redfield
Schrock	Smith	Stuhr	Tyson	Vrtiska
Wehrbein				

Present and not voting, 10:

Beutler	Brown	Chambers	Connealy	Coordsen
Cunningham	Jensen	Maxwell	Preister	Quandahl

Excused and not voting, 9:

Brashear	Dierks	Hudkins	Landis	McDonald
Pedersen, Dw.	Robak	Schimek	Suttle	

The Chambers amendment lost with 9 ayes, 21 nays, 10 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved to reconsider the vote on his amendment, FA128.

Senators Kristensen and Vrtiska 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 13 ayes, 0 nays, and 36 not voting.

The Chambers motion to reconsider prevailed with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

The Chambers amendment, FA128, found in this day's Journal, was reconsidered.

The Chambers amendment, FA128, was adopted with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

Pending.

The Chair declared the call raised.

#### AMENDMENTS - Print in Journal

Senator Maxwell filed the following amendment to LB 678:  
FA120

Add the emergency clause.

Senator Hartnett filed the following amendment to LB 809:  
AM0816

(Amendments to Standing Committee amendments, AM0631)

- 1 1. On page 1, lines 11 and 12, 14 through 16, and 22
- 2 through 24; and page 2, lines 2 through 4, strike beginning with
- 3 "by" through "application" and insert "in person or by first class
- 4 United States mail, postage prepaid, as circumstances permit".

Senator Brashear filed the following amendments to LB 707:  
FA121

Amend AM0791

On page 3, lines 11-12, strike "one million five hundred" and show as stricken and insert "two million five hundred fifty"; in line 16, strike "one hundred fifty" and show as stricken and insert "eight hundred forty"; in line 19, strike "seventy-three" and show as stricken and insert "one hundred five"; in line 23, strike "fifty" and show as stricken and insert "four hundred twenty five".

FA122

Amend AM0791

On page 3, lines 11-12, strike "one million five" and show as stricken and insert "four hundred twenty five"; in line 16, strike "one hundred fifty" and

show as stricken and insert "four hundred twenty five"; in line 19, strike "seventy-three" and show as stricken and insert "nine".

FA123

Amend AM0791

On page 1, line 12, strike "(a)" and show as stricken; on lines 12-13, strike "in any election period and (b)" and show as stricken and insert an underscored comma; in lines 17-18 strike "if designated as covered for a given election period pursuant to section 32-1611" and show as stricken.

On page 16, line 3, strike "section is" and insert "sections are"; in line 4, strike "Section" and insert "Sections 32-1611 and".

FA124

Amend AM0791

On page 10, line 5, following "entitled" insert ", subject to subsection (6) of this section,"; following line 26, insert:

"(6) Available funds shall be distributed in the order of receipt by the Nebraska Accountability and Disclosure Commission of completed applications for public funds by qualifying candidates."

FA125

Amend AM0791

Strike Section 5.

FA126

Amend AM0791

Strike Section 6.

FA127

Amend AM0791

Strike Section 8.

Senator Chambers filed the following amendment to LB 462:

AM1123

- 1 1. Insert the following new section:
- 2 "Sec. 7. There is hereby appropriated \$159,211.70 from
- 3 the General Fund for FY2001-02 to the Attorney General, for Program
- 4 507, to defray the cost of defending Legislative Bill 462,
- 5 Ninety-seventh Legislature, First Session, 2001."
- 6 2. Renumber the remaining sections and correct internal
- 7 references accordingly.

Senator Chambers filed the following amendment to LB 462:

AM1121

- 1 1. Insert the following new sections:
- 2 "Sec. 7. Section 71-528, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:

4 71-528. (1) It is the intent of the Legislature that the  
5 citizens of the State of Nebraska benefit by participation in  
6 national efforts to take innovative action to provide immunization  
7 of our children by removal of barriers which impede vaccine  
8 delivery and by improving access to immunization services.  
9 (2) It is also the purpose of the Childhood Vaccine Act  
10 to provide authorization for childhood immunization programs and  
11 demonstration or pilot projects that document childhood  
12 immunization trends, encourage cooperation between and use of both  
13 private practitioners and public providers in offering health care  
14 to children, and otherwise assess a total approach to immunization  
15 against childhood diseases.

16 (3) Notwithstanding any other provision of law, no child  
17 shall be required to receive any vaccine developed through research  
18 or experiments using any fetal cells or tissue derived or obtained  
19 from elective abortions.

20 Sec. 8. Section 71-1913.01, Revised Statutes Supplement,  
21 2000, is amended to read:

22 71-1913.01. (1) Each program shall require the parent or  
23 guardian of each child enrolled in such program to present within  
24 thirty days after enrollment and periodically thereafter (a) proof  
1 that the child is protected by age-appropriate immunization against  
2 measles, mumps, rubella, poliomyelitis, diphtheria, pertussis,  
3 tetanus, and haemophilus influenzae type B and such other diseases  
4 as the Department of Health and Human Services may from time to  
5 time specify based on then current medical and scientific  
6 knowledge, (b) certification by a physician, an advanced practice  
7 registered nurse, or a physician assistant that immunization is not  
8 appropriate for a stated medical reason, or (c) a written statement  
9 that the parent or guardian does not wish to have such child so  
10 immunized and the reasons therefor. The program shall exclude a  
11 child from attendance until such proof, certification, or written  
12 statement is provided. At the time the parent or guardian is  
13 notified that such information is required, he or she shall be  
14 notified in writing of his or her right to submit a certification  
15 or written statement pursuant to subdivision (b) or (c) of this  
16 subsection.

17 (2) Each program shall keep the written record of  
18 immunization, the certification, or the written statement of the  
19 parent or guardian. Such record, certification, or statement shall  
20 be kept by the program as part of the child's file, shall be  
21 available onsite to the Department of Health and Human Services and  
22 the Department of Health and Human Services Regulation and  
23 Licensure, and shall be filed with the Department of Health and  
24 Human Services for review and inspection. Each program shall  
25 report to the Department of Health and Human Services by November 1  
26 of each year the status of immunization for children enrolled as of  
27 September 30 of that year, and children who have reached  
1 kindergarten age and who are enrolled in public or private school

2 need not be included in the report.

3 (3) Notwithstanding any other provision of law, no child  
4 shall be required to receive any vaccine developed through research  
5 or experiments using any fetal cells or tissue derived or obtained  
6 from elective abortions.

7 Sec. 9. Section 71-1913.03, Revised Statutes Supplement,  
8 2000, is amended to read:

9 71-1913.03. (1) The Department of Health and Human  
10 Services shall adopt and promulgate rules and regulations relating  
11 to the required levels of protection, using as a guide the  
12 recommendations of the American Academy of Pediatrics and the  
13 Advisory Committee on Immunization Practices of the Centers for  
14 Disease Control and Prevention of the United States Department of  
15 Health and Human Services, Public Health Service, and the methods,  
16 manner, and frequency of reporting of each child's immunization  
17 status. The Department of Health and Human Services shall furnish  
18 each program with copies of such rules and regulations and any  
19 other material which will assist in carrying out section  
20 71-1913.01.

21 (2) Notwithstanding any other provision of law, no child  
22 shall be required to receive any vaccine developed through research  
23 or experiments using any fetal cells or tissue derived or obtained  
24 from elective abortions.

25 Sec. 10. Section 71-1914, Revised Statutes Supplement,  
26 2000, is amended to read:

27 71-1914. (1) The department shall be the state's  
1 coordinating agency for regulating programs in this state in order  
2 to (a) provide efficient services pursuant to sections 71-1908 to  
3 71-1917, (b) avoid duplication of services, and (c) prevent an  
4 unnecessary number of inspections of any program. The department  
5 may request cooperation and assistance from local and state  
6 agencies and such agencies shall promptly respond. The extent of  
7 an agency's cooperation may be included in the report to the  
8 Legislature pursuant to section 71-1917.

9 (2) A city, village, or county may adopt rules,  
10 regulations, or ordinances establishing physical well-being and  
11 safety standards for providers of programs whether or not such  
12 providers are subject to licensure under section 71-1911. If a  
13 city, village, or county adopts any rules, regulations, or  
14 ordinances establishing physical well-being and safety standards  
15 for providers subject to licensure under section 71-1911, (a) such  
16 rules, regulations, or ordinances shall be identical to the  
17 department's rules and regulations for licensed providers pursuant  
18 to sections 71-1908 to 71-1917, except that a city, village, or  
19 county which has rules, regulations, or ordinances in effect on  
20 July 10, 1984, which apply to programs furnished for two or three  
21 children from different families may continue to license providers  
22 of such programs, and (b) the city, village, or county and the  
23 department shall coordinate the inspection and supervision of



24 licensed providers to avoid duplication of inspections. If the  
 25 applicant is an individual, the application form for providers of  
 26 such programs shall include the applicant's social security number.

27 A city, village, or county shall report any violation of its rules,  
 1 regulations, or ordinances regulating providers subject to  
 2 licensure to the director who may cause a written charge to be  
 3 brought pursuant to section 71-1915. The city, village, or county  
 4 may administer and enforce its rules, regulations, and ordinances  
 5 establishing physical well-being and safety standards for providers  
 6 of programs, except that the exclusive remedy for the violation of  
 7 any rules, regulations, and ordinances regulating providers subject  
 8 to licensure pursuant to section 71-1911 shall be by the director  
 9 pursuant to section 71-1915.

10 (3) Notwithstanding any other provision of law, no child  
 11 shall be required to receive any vaccine developed through research  
 12 or experiments using any fetal cells or tissue derived or obtained  
 13 from elective abortions."

14 2. On page 6, line 20, after "section" insert "71-528,  
 15 Reissue Revised Statutes of Nebraska, and sections" and after the  
 16 comma insert "71-1913.01, 71-1913.03, and 71-1914,."; and in line 21  
 17 strike "is" and insert "are".

18 3. Renumber the remaining sections accordingly.

Senators Kremer and Coordsen filed the following amendment to LB 313:  
 AM1117

(Amendments to Final Reading copy)

- 1 1. On page 3, line 19, after "(4)" insert "(a)".
- 2 2. On page 7, after line 6, insert the following new  
 3 subdivision:  
 4 "(b) For local systems that will receive base year  
 5 incentive payments for school fiscal year 2001-02 or any school  
 6 fiscal year thereafter for a consolidation that includes two  
 7 districts which entered into an agreement under the Interlocal  
 8 Cooperation Act in which one district did not offer instruction in  
 9 either grades seven through twelve or nine through twelve and  
 10 contracted with the other district for the education of seventh  
 11 through twelfth grade students or ninth through twelfth grade  
 12 students for the school year prior to the consolidation, those  
 13 seventh through twelfth grade students or ninth through twelfth  
 14 grade students who were being educated outside their resident  
 15 district pursuant to the agreement by a school that is in the local  
 16 system receiving the incentives shall be included in the average  
 17 daily membership of the resident district before consolidation for  
 18 purposes of calculating incentive payments under this section."
- 19 3. On page 8, line 24, after "(7)" insert "(a)".
- 20 4. On page 9, after line 23, insert the following new  
 21 subdivision:  
 22 "(b) For local systems that received base year incentive  
 23 payments prior to school fiscal year 2001-02 for a consolidation

1 that included two districts which entered into an agreement under  
 2 the Interlocal Cooperation Act in which one district did not offer  
 3 instruction for either grades seven through twelve or nine through  
 4 twelve and contracted with the other district for the education of  
 5 seventh through twelfth grade students or ninth through twelfth  
 6 grade students for the school year prior to the consolidation, a  
 7 calculation shall be made for additional incentives. The  
 8 additional incentives shall be calculated pursuant to subsection  
 9 (4) of this section, except that the average daily membership  
 10 before consolidation shall equal the seventh through twelfth grade  
 11 students or ninth through twelfth grade students who were being  
 12 educated outside their resident district pursuant to the agreement  
 13 by a school that is in the local system receiving the incentives.  
 14 The June 30, 2001, and June 30, 2002, state aid payments for such  
 15 local system shall include an amount equal to the additional  
 16 incentives calculated pursuant to this subsection. An amount equal  
 17 to the additional incentives shall also be included in the  
 18 reorganization incentives for state aid to be paid in the 2002-03  
 19 school fiscal year, subject to any reduction that may be required  
 20 pursuant to subsection (9) of this section."

## STANDING COMMITTEE REPORTS

### Business and Labor

**LEGISLATIVE BILL 627.** Placed on General File as amended.  
 Standing Committee amendment to LB 627:  
 AM0829

1 1. On page 2, line 3, after "state" insert ", other than  
 2 the University of Nebraska,"; in line 4 after "period" insert "  
 3 but does not include temporary employees"; and in lines 6 and 7  
 4 strike "the" through "84-1615" and insert "a state-sponsored or  
 5 state-supported health insurance program".

(Signed) Matt Connealy, Chairperson

### Education

**LEGISLATIVE BILL 739.** Placed on General File.

**LEGISLATIVE BILL 486.** Placed on General File as amended.  
 Standing Committee amendment to LB 486:  
 AM1077

1 1. Strike original sections 4 and 5 and insert the  
 2 following new sections:  
 3 "Sec. 4. (1) The Career and Technical Education Grant  
 4 Program is created. The purpose of the grant program is to help  
 5 career and technical education students assess their progress in  
 6 developing the knowledge and skills needed to prepare for  
 7 postsecondary education and future careers. Under the program,

8 school districts, or educational service units acting on behalf of  
 9 a consortium of school districts, may apply for grants (a) to  
 10 measure the level of student achievement and progress in accordance  
 11 with the career path or cluster concept and (b) for the costs of  
 12 training staff to implement measurement instruments.

13 (2) The State Department of Education shall complete  
 14 feasibility studies of the measurement instruments used in the  
 15 grant program to determine their capacity to measure (a) student  
 16 achievement respective to the academic content standards and (b)  
 17 student progress in reaching specific goals related to career paths  
 18 or clusters. The department shall report the results of these  
 19 studies to the Legislature and the State Board of Education by  
 20 December 2002. The department shall also develop and disseminate  
 21 to schools recommended student competencies for career and  
 22 technical education based on the data from the measurement of  
 23 student achievement and progress. The recommended student  
 24 competencies shall be periodically reviewed by the department.

1 Sec. 5. The State Department of Education shall  
 2 administer the Career and Technical Education Grant Program and  
 3 shall adopt and promulgate rules and regulations to implement the  
 4 Career and Technical Education Act. The department shall make an  
 5 effort to award grants across the state in both rural and urban  
 6 districts. If grant requests exceed grant funding, funds shall be  
 7 prorated on a per-school-district basis. No grant shall be for  
 8 more than one year.

9 Sec. 7. Since an emergency exists, this act takes effect  
 10 when passed and approved according to law."

11 2. On page 3, line 10, after "marketing" insert ". A  
 12 career path or cluster offers a concept for learning and improving  
 13 student achievement. Career paths or clusters identify pathways  
 14 from secondary school to postsecondary education and the workplace.  
 15 Career paths or clusters assist students in recognizing the  
 16 relationship between what they learn in school and what they can do  
 17 in the future".

18 3. On page 5, line 1, strike "one million three" and  
 19 insert "five"; in line 2 after "Education" insert "for the Career  
 20 and Technical Education Grant Program and seventy thousand dollars  
 21 for fiscal year 2001-02"; and strike beginning with "and" in line 4  
 22 through "section" in line 5.

(Signed) Ron Raikes, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 773.** Considered.

Advanced to E & R for review with 30 ayes, 1 nay, 8 present and not voting,  
 and 10 excused and not voting.

Senator Hartnett asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 711.** Title read. Considered.

Senator Preister asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0258, found on page 701, was adopted with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

Senators Wickersham and Vrtiska renewed their pending amendment, AM0870, found on page 953.

The Wickersham-Vrtiska amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Senator Wickersham renewed the Wickersham et al. pending amendment, AM0913, printed separately and referred to on page 1010.

The Wickersham et al. amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 113.** Title read. Considered.

The Standing Committee amendment, AM0658, found on page 778, was considered.

Senator Brashear renewed his pending amendment, AM1054, found on page 1127, to the Standing Committee amendment.

The Brashear amendment was adopted with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Senator Jones asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 6 nays, 6 present and not voting, and 12 excused and not voting.

Senator Janssen asked unanimous consent to be excused. No objections. So ordered.

Senator Brown renewed her pending amendment, AM1066, found on page 1129.

The Brown amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 27 ayes, 4 nays, 5 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 113A.** Title read. Considered.

Senator Brown offered the following amendment:  
AM1133

- 1 1. On page 2, line 2, strike each occurrence of
- 2 "General" and insert "Ephedra Registration".

The Brown amendment was adopted with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 23, 2001, 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

Wylie, William M. - Grand Island Northwest High School

### **VISITORS**

Visitors to the Chamber were 35 government students and teacher from Aurora High School; 20 seniors and teacher from Northeast High School, Lincoln; 30 government students, principal, teacher, and counselor from Creighton High School; 11 seventh grade students and teacher from Hampton Public School; and 45 fifth grade students and teachers from Washington Elementary, Fremont.

### **ADJOURNMENT**

At 2:16 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Monday, March 26, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SECOND DAY - MARCH 26, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 26, 2001

**PRAYER**

The prayer was offered by Father Ron Noecker, St. John the Baptist Catholic Church, Fort Calhoun, 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 McDonald and Robak who were excused; and Senators Engel, Foley, Kristensen, D. Pederson, Quandahl, Raikes, Schimek, and Tyson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-first day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 83A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 432A.** Advanced to E & R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 657.** Title read. Considered.

The Standing Committee amendment, AM1080, found on page 1140, was considered.

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

AM1147

(Amendments to Standing Committee amendments, AM1080)

- 1 1. On page 1, line 4, strike "from time to time"; and in
- 2 line 7 after the period insert "Bonds authorized by this section
- 3 may only be issued once and such issuance must occur within one
- 4 year after the operative date of this act.".
- 5 2. On page 3, line 1, strike "general election or".

Senator Wickersham withdrew his amendment.

Senators Wickersham and Beutler offered the following amendment to the Standing Committee amendment:

FA129

(Amendments to Standing Committee amendments, AM1080)

- 1 1. On page 1, line 4, strike "from time to time"; and in
- 2 line 7 after the period insert "Bonds except refunding bonds authorized
- 3 by this section
- 4 may only be issued once and such issuance must occur within two
- 5 years after the operative date of this act.".
- 6 2. On page 3, line 1, strike "general election or".

Senators Thompson and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham-Beutler amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Pending.

### AMENDMENTS - Print in Journal

Senator Connealy filed the following amendment to LB 75:

AM0978

- 1 1. Strike original section 4 and all amendments thereto
- 2 and insert the following new sections:
- 3 "Sec. 4. Section 66-1519, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 66-1519. There is hereby created the Petroleum Release
- 6 Remedial Action Cash Fund to be administered by the department.
- 7 Revenue from the following sources shall be remitted to the State
- 8 Treasurer for credit to the fund:
- 9 (1) The fees imposed by sections 66-1520 and 66-1521;
- 10 (2) Money paid under an agreement, stipulation,
- 11 cost-recovery award under section 66-1529.02, or settlement; and
- 12 (3) Money received by the department in the form of
- 13 gifts, grants, reimbursements, property liquidations, or
- 14 appropriations from any source intended to be used for the purposes



15 of the fund.

16 Money in the fund may only be spent for: (a)  
17 Reimbursement for the costs of remedial action by a responsible  
18 person or his or her designated representative and costs of  
19 remedial action undertaken by the department in response to a  
20 release first reported after July 17, 1983, and on or before June  
21 30, ~~2004~~ 2005, including reimbursement for damages caused by the  
22 department or a person acting at the department's direction while  
23 investigating or inspecting or during remedial action on property  
24 other than property on which a release or suspected release has  
1 occurred; (b) payment of any amount due from a third-party claim;  
2 (c) fee collection expenses incurred by the State Fire Marshal; (d)  
3 direct expenses incurred by the department in carrying out the  
4 Petroleum Release Remedial Action Act; (e) other costs related to  
5 fixtures and tangible personal property as provided in section  
6 66-1529.01; (f) interest payments as allowed by section 66-1524;  
7 (g) expenses incurred by the technical advisory committee created  
8 in section 81-15,189 in carrying out its duties pursuant to section  
9 81-15,190; ~~and~~ (h) claims approved by the State Claims Board  
10 authorized under section 66-1531; and (i) methyl tertiary butyl  
11 ether testing, to be conducted randomly at terminals within the  
12 state for up to two years ending June 30, 2003. The amount  
13 expended on the testing shall not exceed forty thousand dollars.  
14 The testing shall be conducted by the Department of Agriculture.  
15 The department may enter into contractual arrangements for such  
16 purpose. The results of the tests shall be made available to the  
17 Department of Environmental Quality.

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 Sec. 5. Section 66-1523, Revised Statutes Supplement,  
22 2000, is amended to read:

23 66-1523. (1) Except as provided in subsection (2) of  
24 this section, the department shall provide reimbursement from the  
25 fund in accordance with section 66-1525 to eligible responsible  
26 persons for the cost of remedial action for releases reported after  
27 July 17, 1983, and on or before June 30, ~~2004~~ 2005, and for the  
1 cost of paying third-party claims. The reimbursement for the cost  
2 of remedial action shall not exceed nine hundred seventy-five  
3 thousand dollars per occurrence. The total of the claims paid  
4 under section 66-1531 and the reimbursement for third-party claims  
5 shall not exceed one million dollars per occurrence. The  
6 responsible person shall pay the first ten thousand dollars of the  
7 cost of the remedial action or third-party claim, twenty-five  
8 percent of the remaining cost of the remedial action or third-party  
9 claim not to exceed fifteen thousand dollars, and the amount of any  
10 reduction authorized under subsection (5) of section 66-1525. If  
11 the department determines that a responsible person was ordered to  
12 take remedial action for a release which was later found to be from

13 a tank not owned or operated by such person, (a) such person shall  
14 be fully reimbursed and shall not be required to pay the first cost  
15 or percent of the remaining cost as provided in this subsection and  
16 (b) the first cost and percent of the remaining cost not required  
17 to be paid by the person ordered to take remedial action shall be  
18 paid to the fund as a cost of remedial action by the owner or  
19 operator of the tank found to be the cause of the release. In no  
20 event shall reimbursements or payments from the fund exceed the  
21 annual aggregate of one million nine hundred seventy-five thousand  
22 dollars per responsible person. Reimbursement of a cost incurred  
23 as a result of a suspension ordered by the department shall not be  
24 limited by this subsection if the suspension was caused by  
25 insufficiency in the fund to provide reimbursement.

26 (2) Upon the determination by the department that the  
27 responsible person sold no less than two thousand gallons of  
1 petroleum and no more than two hundred fifty thousand gallons of  
2 petroleum during the calendar year immediately preceding the first  
3 report of the release or stored less than ten thousand gallons of  
4 petroleum in the calendar year immediately preceding the first  
5 report of the release, the department shall provide reimbursement  
6 from the fund in accordance with section 66-1525 to such an  
7 eligible person for the cost of remedial action for releases  
8 reported after July 17, 1983, and on or before June 30, ~~2001~~ 2005,  
9 and for the cost of paying third-party claims. The reimbursement  
10 for the cost of remedial action shall not exceed nine hundred  
11 eighty-five thousand dollars per occurrence. The total of the  
12 claims paid under section 66-1531 and the reimbursement for  
13 third-party claims shall not exceed one million dollars per  
14 occurrence. The responsible person shall pay the first five  
15 thousand dollars of the cost of the remedial action or third-party  
16 claim, twenty-five percent of the remaining cost of the remedial  
17 action or third-party claim not to exceed ten thousand dollars, and  
18 the amount of any reduction authorized under subsection (5) of  
19 section 66-1525. If the department determines that a responsible  
20 person was ordered to take remedial action for a release which was  
21 later found to be from a tank not owned or operated by such person,  
22 (a) such person shall be fully reimbursed and shall not be required  
23 to pay the first cost or percent of the remaining cost as provided  
24 in this subsection and (b) the first cost and percent of the  
25 remaining cost not required to be paid by the person ordered to  
26 take remedial action shall be paid to the fund as a cost of  
27 remedial action by the owner or operator of the tank found to be  
1 the cause of the release. In no event shall reimbursements or  
2 payments from the fund exceed the annual aggregate of one million  
3 nine hundred eighty-five thousand dollars per responsible person.  
4 Reimbursement of a cost incurred as a result of a suspension  
5 ordered by the department shall not be limited by this subsection  
6 if the suspension was caused by insufficiency in the fund to  
7 provide reimbursement.

8 (3) The department may make partial reimbursement during  
9 the time that remedial action is being taken if the department is  
10 satisfied that the remedial action being taken is as required by  
11 the department.

12 (4) If the fund is insufficient for any reason to  
13 reimburse the amount set forth in this section, the maximum amount  
14 that the fund shall be required to reimburse is the amount in the  
15 fund. If reimbursements approved by the department exceed the  
16 amount in the fund, reimbursements with interest shall be made when  
17 the fund is sufficiently replenished in the order in which the  
18 applications for them were received by the department, except that  
19 an application pending before the department on January 1, 1996,  
20 submitted by a local government as defined in section 13-2202  
21 shall, after July 1, 1996, be reimbursed first when funds are  
22 available. This exception applies only to local government  
23 applications pending on and not submitted after January 1, 1996.

24 (5) Applications for reimbursement properly made before,  
25 on, or after April 16, 1996, shall be considered bills for goods or  
26 services provided for third parties for purposes of the Prompt  
27 Payment Act.

1 (6) Notwithstanding any other provision of law, there  
2 shall be no reimbursement from the fund for the cost of remedial  
3 action or for the cost of paying third-party claims for any  
4 releases reported on or after July 1, ~~2001~~ 2005.

5 (7) For purposes of this section, occurrence shall mean  
6 an accident, including continuous or repeated exposure to  
7 conditions, which results in a release from a tank.

8 Sec. 6. Section 66-1525, Revised Statutes Supplement,  
9 2000, is amended to read:

10 66-1525. (1) Any responsible person or his or her  
11 designated representative who has taken remedial action in response  
12 to a release first reported after July 17, 1983, and on or before  
13 June 30, ~~2001~~ 2005, or against whom there is a third-party claim  
14 may apply to the department under the rules and regulations adopted  
15 and promulgated pursuant to section 66-1518 for reimbursement for  
16 the costs of the remedial action or third-party claim. Partial  
17 payment of such reimbursement to the responsible person may be  
18 authorized by the department at the approved stages prior to the  
19 completion of remedial action when a remedial action plan has been  
20 approved. If any stage is projected to take more than ninety days  
21 to complete partial payments may be requested every sixty days.  
22 Such partial payment may include the eligible and reasonable costs  
23 of such plan or pilot projects conducted during the remedial  
24 action.

25 (2) No reimbursement may be made unless the department  
26 makes the following eligibility determinations:

27 (a) The tank was in substantial compliance with any rules  
1 and regulations of the United States Environmental Protection  
2 Agency, the State Fire Marshal, and the department which were

3 applicable to the tank. Substantial compliance shall be determined  
4 by the department taking into consideration the purposes of the  
5 Petroleum Release Remedial Action Act and the adverse effect that  
6 any violation of the rules and regulations may have had on the tank  
7 thereby causing or contributing to the release and the extent of  
8 the remedial action thereby required;

9 (b) Either the State Fire Marshal or the department was  
10 given notice of the release in substantial compliance with the  
11 rules and regulations adopted and promulgated pursuant to the  
12 Environmental Protection Act and the Petroleum Products and  
13 Hazardous Substances Storage and Handling Act. Substantial  
14 compliance shall be determined by the department taking into  
15 consideration the purposes of the Petroleum Release Remedial Action  
16 Act and the adverse effect that any violation of the notice  
17 provisions of the rules and regulations may have had on the  
18 remedial action being taken in a prompt, effective, and efficient  
19 manner;

20 (c) The responsible person reasonably cooperated with the  
21 department and the State Fire Marshal in responding to the release;

22 (d) The department has approved the plan submitted by the  
23 responsible person for the remedial action in accordance with rules  
24 and regulations adopted and promulgated by the department pursuant  
25 to the Environmental Protection Act or the Petroleum Products and  
26 Hazardous Substances Storage and Handling Act or that portion of  
27 the plan for which payment or reimbursement is requested. However,  
1 responsible persons may undertake remedial action prior to approval  
2 of a plan by the department or during the time that remedial action  
3 at a site was suspended at any time after April 1995 because the  
4 fund was insufficient to pay reimbursements and be eligible for  
5 reimbursement at a later time if the responsible person complies  
6 with procedures provided to the responsible party by the department  
7 or set out in rules and regulations adopted and promulgated by the  
8 Environmental Quality Council;

9 (e) The costs for the remedial action were actually  
10 incurred by the responsible person or his or her designated  
11 representative after May 27, 1989, and were eligible and  
12 reasonable;

13 (f) If reimbursement for a third-party claim is involved,  
14 the cause of action for the third-party claim accrued after April  
15 26, 1991, and the Attorney General was notified by any person of  
16 the service of summons for the action within ten days of such  
17 service; and

18 (g) The responsible person or his or her designated  
19 representative has paid the amount specified in subsection (1) or  
20 (2) of section 66-1523.

21 (3) The State Fire Marshal shall review each application  
22 prior to consideration by the department and provide to the  
23 department any information the State Fire Marshal deems relevant to  
24 subdivisions (2)(a) through (g) of this section. The State Fire

25 Marshal shall issue a determination with respect to an applicant's  
26 compliance with rules and regulations adopted and promulgated by  
27 the State Fire Marshal. The State Fire Marshal shall issue a

1 compliance determination to the department within thirty days after  
2 receiving an application from the department.

3 (4) The department may withhold taking action on an  
4 application during the pendency of an enforcement action by the  
5 state or federal government related to the tank or a release from  
6 the tank.

7 (5) Reimbursements made for a remedial action may be  
8 reduced as much as one hundred percent for failure by the  
9 responsible person to comply with applicable statutory or  
10 regulatory requirements. In determining the amount of the  
11 reimbursement reduction, the department shall consider:

12 (a) The extent of and reasons for noncompliance;

13 (b) The likely environmental impact of the noncompliance;  
14 and

15 (c) Whether noncompliance was negligent, knowing, or  
16 willful.

17 (6) Except as provided in subsection (4) of this section,  
18 the department shall notify the responsible person of its approval  
19 or denial of the remedial action plan within one hundred twenty  
20 days after receipt of a remedial action plan which contains all the  
21 required information. If after one hundred twenty days the  
22 department fails to either deny, approve, or amend the remedial  
23 action plan submitted, the proposed plan shall be deemed approved.  
24 If the remedial action plan is denied, the department shall provide  
25 the reasons for such denial.

26 Sec. 7. Section 66-1529.02, Revised Statutes Supplement,  
27 2000, is amended to read:

1 66-1529.02. (1) The department may undertake remedial  
2 actions in response to a release first reported after July 17,  
3 1983, and on or before June 30, ~~2004~~ 2005, with money available in  
4 the fund if:

5 (a) The responsible person cannot be identified or  
6 located;

7 (b) An identified responsible person cannot or will not  
8 comply with the remedial action requirements; or

9 (c) Immediate remedial action is necessary, as determined  
10 by the Director of Environmental Quality, to protect human health  
11 or the environment.

12 (2) The department may pay the costs of a third-party  
13 claim meeting the requirements of subdivision (2)(f) of section  
14 66-1525 with money available in the fund if the responsible person  
15 cannot or will not pay the third-party claim.

16 (3) Reimbursement for any damages caused by the  
17 department or a person acting at the department's direction while  
18 investigating or inspecting or during remedial action on property  
19 other than property on which a release or suspected release has

20 occurred shall be considered as part of the cost of remedial action  
 21 involving the site where the release or suspected release occurred.  
 22 The costs shall be reimbursed from money available in the fund. If  
 23 such reimbursement is deemed inadequate by the party claiming the  
 24 damages, the party's claim for damages caused by the department  
 25 shall be filed as provided in section 76-705.

26 (4) All expenses paid from the fund under this section,  
 27 court costs, and attorney's fees may be recovered in a civil action  
 1 in the district court of Lancaster County. The action may be  
 2 brought by the county attorney or Attorney General at the request  
 3 of the director against the responsible person. All recovered  
 4 expenses shall be deposited into the fund.

5 Sec. 8. Sections 1 to 3 and 10 of this act become  
 6 operative on January 1, 2002. The other sections of this act  
 7 become operative on their effective date.

8 Sec. 9. Original sections 66-1519, 66-1523, 66-1525, and  
 9 66-1529.02, Revised Statutes Supplement, 2000, are repealed.

10 Sec. 11. Since an emergency exists, this act takes  
 11 effect when passed and approved according to law."

12 2. Insert underscoring in original sections 1 to 3.

13 3. Renumber the remaining section accordingly.

Senator Brashear filed the following amendments to LB 707:  
 AM1125

(Amendments to Standing Committee amendments, AM0791)

1 1. On page 3, lines 12 and 13, strike "one million five  
 2 hundred", show as stricken, and insert "two million five hundred  
 3 fifty"; in line 16 strike "one hundred fifty", show as stricken,  
 4 and insert "eight hundred forty"; in line 19 strike  
 5 "seventy-three", show as stricken, and insert "one hundred five";  
 6 and in line 23 strike "fifty", show as stricken, and insert "four  
 7 hundred twenty-five".

8 2. On page 11, lines 6 and 7, strike "seven hundred  
 9 fifty", show as stricken, and insert "one million two hundred  
 10 seventy-five"; in line 7 strike "seventy-five", show as stricken,  
 11 and insert "four hundred twenty"; in line 10 strike "thirty-six",  
 12 show as stricken, and insert "fifty-two"; and in line 11 strike  
 13 "twenty-five thousand", show as stricken, and insert "two hundred  
 14 twelve thousand five hundred".

AM1126

(Amendments to Standing Committee amendments, AM0791)

1 1. On page 3, lines 12 and 13, strike "one million  
 2 five", show as stricken, and insert "four hundred twenty-five"; in  
 3 line 16 strike "one hundred fifty", show as stricken, and insert  
 4 "four hundred twenty-five"; and in line 19 strike "seventy-three",  
 5 show as stricken, and insert "nine".

6 2. On page 11, lines 6 and 7, strike "seven hundred  
 7 fifty thousand", show as stricken, and insert "two hundred twelve

8 thousand five hundred"; in lines 7 and 8 strike "seventy-five  
9 thousand", show as stricken, and insert "two hundred twelve  
10 thousand five hundred"; and in line 10 strike "thirty-six", show as  
11 stricken, and insert "four".

AM1127

(Amendments to Standing Committee amendments, AM0791)

- 1 1. Insert the following new section:
- 2 "Sec. 7. Section 49-1455, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 49-1455. (1) The campaign statement of a committee,
- 5 other than a political party committee, shall contain the following
- 6 information:
- 7 (a) The filing committee's name, address, and telephone
- 8 number and the full name, residential and business addresses, and
- 9 telephone numbers of its committee treasurer;
- 10 (b) Under the heading RECEIPTS, the total amount of
- 11 contributions received during the period covered by the campaign
- 12 statement; under the heading EXPENDITURES, the total amount of
- 13 expenditures made during the period covered by the campaign
- 14 statement; and the cumulative amount of those totals for the
- 15 election period. If a loan was repaid during the period covered by
- 16 the campaign statement, the amount of the repayment shall be
- 17 subtracted from the total amount of contributions received.
- 18 Forgiveness of a loan shall not be included in the totals. Payment
- 19 of a loan by a third party shall be recorded and reported as a
- 20 contribution by the third party but shall not be included in the
- 21 totals. In-kind contributions or expenditures shall be listed at
- 22 fair market value and shall be reported as both contributions and
- 23 expenditures;
- 1 (c) The balance of cash and cash equivalents on hand at
- 2 the beginning and the end of the period covered by the campaign
- 3 statement;
- 4 (d) The full name of each individual from whom
- 5 contributions totaling more than two hundred fifty dollars are
- 6 received during the period covered by the report, together with the
- 7 individual's street address, the amount contributed, the date on
- 8 which each contribution was received, and the cumulative amount
- 9 contributed by that individual for the election period;
- 10 (e) The full name of each person, except those
- 11 individuals reported under subdivision (1)(d) of this section,
- 12 which contributed a total of more than two hundred fifty dollars
- 13 during the period covered by the report together with the person's
- 14 street address, the amount contributed, the date on which each
- 15 contribution was received, and the cumulative amount contributed by
- 16 the person for the election period;
- 17 (f) The name of each committee which is listed as a
- 18 contributor shall include the full name of the committee's
- 19 treasurer;

20 (g) The full name and street address of each person to  
21 whom expenditures totaling more than two hundred fifty dollars were  
22 made, together with the date and amount of each separate  
23 expenditure to each such person during the period covered by the  
24 campaign statement; the purpose of the expenditure; and the full  
25 name and street address of the person providing the consideration  
26 for which any expenditure was made if different from the payee;

27 (h) The amount and the date of expenditures for or  
1 against a candidate or ballot question during the period covered by  
2 the campaign statement and the cumulative amount of expenditures  
3 for or against that candidate or ballot question for the election  
4 period. An expenditure made in support of more than one candidate  
5 or ballot question, or both, shall be apportioned reasonably among  
6 the candidates or ballot questions, or both; and

7 (i) The total amount of funds disbursed by a separate  
8 segregated political fund, by state, for the purpose of supporting  
9 or opposing candidates and committees in elections in states other  
10 than Nebraska and candidates for federal office, including  
11 independent expenditures made in such elections.

12 (2) For purposes of this section, election period means  
13 (a) the period beginning January 1 of the calendar year prior to  
14 the year of the election in which the candidate is seeking office  
15 through the end of the calendar year of such election for candidate  
16 committees of candidates seeking covered elective offices as  
17 defined in subdivision (1)(a) of section 32-1603, (b) the period  
18 beginning July 1 of the calendar year prior to the year of the  
19 election in which the candidate is seeking office through the end  
20 of the calendar year of such election for candidate committees of  
21 candidates seeking covered elective offices so defined in  
22 subdivision (1)(b) of section 32-1603; and (e) (b) the calendar  
23 year of the election for all other committees".

24 2. On page 1, line 12, strike "(a)" and show as stricken  
25 and strike "in", show as stricken, and insert an underscored comma;  
26 in line 13 strike beginning with "any" through "the" and show as  
27 stricken; strike beginning with "if" in line 17 through line 18,

1 show as stricken, and insert an underscored semicolon; in line 19  
2 strike "(a)" and show as stricken; and strike beginning with "for"  
3 in line 22 through line 24, show as stricken, and insert an  
4 underscored semicolon.

5 3. On page 2, strike lines 1 through 3 and show as  
6 stricken; and strike beginning with "If" in line 23 through "any"  
7 in line 24, show as stricken, and insert "Any".

8 4. On page 7, strike beginning with "listed" in line 2  
9 through "32-1603" in line 3 and show as stricken; and strike  
10 beginning with "Each" in line 13 through the period in line 23 and  
11 show the old matter as stricken.

12 5. On page 16, line 1, after the first comma insert  
13 "49-1455, "; in line 3 strike "section is" and insert "sections  
14 are"; and in line 4 strike "Section" and insert "Sections 32-1611



15 and".

AM1128

(Amendments to Standing Committee amendments, AM0791)

- 1 1. On page 8, line 27, after "subsection" insert "and
- 2 the provisions of subsection (6) of this section".
- 3 2. On page 10, after line 26, insert the following new
- 4 subsection:
- 5 "(6) The commission shall distribute available funds to
- 6 qualifying candidates in the order of receipt of applications by
- 7 such candidates for public funds.".

AM1131

(Amendments to Standing Committee amendments, AM0791)

- 1 1. Strike section 5.
- 2 2. On page 15, line 27, strike "32-1606,".
- 3 3. Renumber the remaining sections accordingly.

AM1130

(Amendments to Standing Committee amendments, AM0791)

- 1 1. Strike section 6.
- 2 2. On page 15, line 27, strike "32-1606, and 32-1608"
- 3 and insert "and 32-1606".
- 4 3. Renumber the remaining sections accordingly.

AM1129

(Amendments to Standing Committee amendments, AM0791)

- 1 1. Strike section 8.
- 2 2. On page 16, line 1, strike "49-14,124,".
- 3 3. Renumber the remaining sections accordingly.

(Amendment, AM1132, 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 657.** The Standing Committee amendment, as amended, was adopted with 26 ayes, 12 nays, 7 present and not voting, and 4 excused and not voting.

### SPEAKER KRISTENSEN PRESIDING

Senator Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Bourne withdrew his pending amendment, AM1074, found on page 1149.

Senators Bourne and Chambers offered the following amendment:

AM1149

1 1. On page 2, line 28, after "680" insert "by the City  
 2 of Omaha, except that each fiscal year there shall be no  
 3 distribution from the fund until the finance director of the city  
 4 certifies that other funds have been encumbered for that calendar  
 5 year by the city to pay the cost of the combined sewer separation  
 6 program project east of Seventy-second Street in the City of Omaha.  
 7 Such certification shall be required only until such sewer  
 8 separation project is completed or until no cigarette tax money is  
 9 available to the fund. The amount certified shall be at least  
 10 seven million dollars each calendar year until 2007 and at least  
 11 four million dollars each calendar year thereafter".

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

### RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 48, 49, and 50 were adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 48, 49, and 50.

### AMENDMENTS - Print in Journal

Senator Dierks filed the following amendments to LB 803:

AM1145

(Amendments to Standing Committee amendments, AM1079)

1 1. Strike section 5 and insert the following section:  
 2 "Sec. 5. (1) Upon the certification by the director that  
 3 a majority of the total number of qualified pork producers voting  
 4 the referendum conducted pursuant to section 10 of this act favors  
 5 the commencement of assessments upon the sale of  
 6 swine for purposes authorized in the Nebraska Pork Industry  
 7 Development Act, the Governor, upon the recommendation of the  
 8 director made pursuant to section 7 of this act, shall designate a  
 9 single association of pork producers for purposes of administering  
 10 the assessments collected. Such association shall meet the  
 11 criteria set out in section 6 of this act and shall be known as the  
 12 Nebraska Pork Industry Development Board.  
 13 (2) If an association of pork producers that meets the  
 14 criteria set out in section 6 of this act does not exist upon the  
 15 certification made by the director pursuant to subsection (1) of  
 16 this section, the Governor shall designate the existing state  
 17 association for purposes of the federal act to be the administrator

18 of assessments collected pursuant to the state act until such time  
 19 as an association is recommended to the Governor by the director  
 20 pursuant to section 7 of this act."

21 2. On page 1, strike beginning with "be" in line 6  
 22 through "expand" in line 7 and insert "have the opportunity for  
 23 profitability by maintaining and expanding"; in line 8 strike  
 1 "develop" and insert "developing" and strike "improve" and insert  
 2 "improving"; in line 10 strike "inform and educate" and insert  
 3 "informing and educating"; and strike lines 21 through 24.

4 3. On page 2, strike beginning with line 1 through "It"  
 5 in line 21 and insert "(1) If a state assessment on the sale of  
 6 swine is commenced pursuant to the state act, it"; in line 23  
 7 strike "under the federal act or"; and in line 24 strike  
 8 "recognized state association" and insert "entity designated to  
 9 administer assessments collected for purposes of the state act".

10 4. On page 3, line 2, strike "with the purposes of the  
 11 federal act or"; in line 5 strike "(5)" and insert "(2)"; in line 8  
 12 strike "federal act and"; and strike line 12 and insert "state  
 13 act".

14 5. On page 4, strike beginning with "as" through  
 15 "association" in line 27 and insert "pursuant to section 5 of this  
 16 act".

17 6. On page 5, line 1, strike beginning with "pursuant"  
 18 through the second "act".

19 7. On page 6, line 7, after the semicolon insert "and";  
 20 strike beginning with "The" in line 8 through "(6)" in line 13;  
 21 strike beginning with "for" in line 14 through "or" in line 15; and  
 22 strike beginning with the comma in line 20 through the comma in  
 23 line 24.

24 8. On page 7, line 5, strike "shall" and insert "may".

25 9. On page 8, line 23, after the semicolon insert  
 26 "(11) To have funds collected and expended pursuant to  
 27 the state act audited annually;"; and in line 24 strike "(11)" and  
 1 insert "(12)".

#### AM1146

(Amendments to Standing Committee amendments, AM1079)

- 1 1. On page 4, strike beginning with "within" in line 18
- 2 through "act" in line 19 and insert "after January 1, 2003".

#### AM1150

(Amendments to Standing Committee amendments, AM1079)

- 1 1. On page 10, line 18, strike "fifteen-hundredths" and
- 2 insert "twenty-five hundredths".

Senator Wickersham filed the following amendment to LB 657:

#### AM1154

- 1 1. Strike original section 2.
- 2 2. On page 2, strike beginning with "City" in line 7

- 3 through the first "the" in line 8; and in line 9 strike "3" and  
 4 insert "2".
- 5 3. On page 5, line 10, strike "and (f) through (h),"  
 6 show the old matter as stricken, and insert ", (f), and (g)";  
 7 strike lines 22 through 24; and in line 26 strike "(h) Eighth" and  
 8 insert "(g) Seventh".
- 9 4. On page 6, line 25, strike the new matter and insert  
 10 ", and (g)"; and in line 28 strike "(h)" and insert "(g)".
- 11 5. In the Standing Committee amendment, AM1080:  
 12 a. On page 1, line 2, strike "primary class and the"; in  
 13 line 6 strike "to 3" and insert "and 2"; strike beginning with  
 14 "City" in line 8 through the first "the" in line 9; in line 13  
 15 strike "to 3" and insert "and 2"; and  
 16 b. On page 2, strike beginning with the second "the" in  
 17 line 12 through "or" in line 13; and in line 14 strike "as the case  
 18 may be and".
- 19 6. Renumber the remaining sections accordingly.

Senator Engel filed the following amendment to LB 585A:  
 AM0937

- 1 1. Strike original section 1 and insert the following  
 2 new section:  
 3 "Section 1. There is hereby appropriated (1) \$4,069,130  
 4 from the Enhanced Wireless 911 Fund for FY2001-02 and (2)  
 5 \$4,560,234 from the Enhanced Wireless 911 Fund for FY2002-03 to the  
 6 Public Service Commission, for Program 583, to aid in carrying out  
 7 the provisions of Legislative Bill 585, Ninety-seventh Legislature,  
 8 First Session, 2001.  
 9 Total expenditures for permanent and temporary salaries  
 10 and per diems from funds appropriated in this section shall not  
 11 exceed \$38,606 for FY2001-02 or \$40,024 for FY2002-03."

Senator Wickersham filed the following amendment to LB 657:  
 AM1155

- 1 1. Strike original section 3.  
 2 2. On page 2, strike beginning with "and" in line 8  
 3 through "act" in line 9.  
 4 3. On page 5, line 10, strike "and (f) through (h),"  
 5 show the old matter as stricken, and insert ", (f), and (g)"; in  
 6 line 21 after the semicolon insert "and"; and strike beginning with  
 7 the underscored semicolon in line 24 through line 28 and insert an  
 8 underscored period.  
 9 4. On page 6, strike line 1 and show the old matter as  
 10 stricken; in line 25 after the first underscored comma insert  
 11 "and"; strike beginning with the second underscored comma in line  
 12 25 through "Fund" in line 26; and in line 28 strike "(h)" and  
 13 insert "(g)".  
 14 5. In the Standing Committee amendment, AM1080:  
 15 a. On page 1, lines 2 and 3, strike "and the

- 16 metropolitan class"; in line 6 strike "to 3" and insert "and 2";  
17 strike beginning with "or" in line 9 through "applicable" in line  
18 10; in line 13 strike "to 3" and insert "and 2"; and  
19 b. On page 2, strike beginning with "or" in line 13  
20 through "and" in line 14 and insert an underscored comma.  
21 6. Renumber the remaining sections accordingly.

### VISITORS

Visitors to the Chamber were 11 Cub Scouts, Den #9, Pack 100, and sponsors from Omaha.

### RECESS

At 12:02 p.m., on a motion by Senator Cudaback, 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 McDonald and Robak who were excused; and Senators Bromm, Coordsen, Price, and Thompson who were excused until they arrive.

### SPEAKER KRISTENSEN PRESIDING

### RESOLUTION

**LEGISLATIVE RESOLUTION 51.** Introduced by Foley, 29.

WHEREAS, Mason Ullrich has earned the rank of Eagle Scout in the Boy Scouts of America, that organization's highest rank; and

WHEREAS, Mason Ullrich is a member of Boy Scout Troop 54, Cathedral of the Risen Christ; and

WHEREAS, Mason Ullrich planned and obtained specifications and permits to refurbish three play areas in Tierra Park in Lincoln for his Eagle Scout project; and

WHEREAS, a Court of Honor will be held for Mason Ullrich at Holy Trinity Episcopal Church on Monday, April 16, 2001, at which time Mason will be presented with the Eagle Scout badge.

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

1. That the Legislature commends Mason Ullrich for his dedication, perseverance, and hard work in obtaining this distinguished rank.
2. That a copy of this resolution be sent to Mason Ullrich.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 56.** Title read. Considered.

Senator Landis renewed his pending amendment, AM0483, found on page 673.

The Landis amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 809.** Title read. Considered.

The Standing Committee amendment, AM0631, found on page 766, was considered.

Senator Hartnett renewed his pending amendment, AM0816, found on page 1181, to the Standing Committee amendment.

**PRESIDENT MAURSTAD PRESIDING**

The Hartnett amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 706.** Title read. Considered.

The Special Committee amendment, AM0389, found on page 593, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 408.** Title read. Considered.

The Standing Committee amendment, AM0481, printed separately and referred to on page 701, 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 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 438.** Title read. Considered.

The Standing Committee amendment, AM0512, found on page 741, was considered.

Senators Cudaback, Landis, Engel, and Erdman asked unanimous consent to be excused until they return. No objections. So ordered.

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

AM1148

- 1 1. On page 4, strike beginning with "of" in line 13
- 2 through "animal" in line 14 and insert "or carcasses of dead
- 3 livestock"; in line 15 strike "animals" and insert "livestock"; in
- 4 line 17 after "inspect" insert "livestock"; and in line 23 strike
- 5 "animals" and insert "livestock".

The Dierks amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

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 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

#### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 101, 170, 170A, and 240.

#### **Enrollment and Review Change to LB 170**

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

ER9037

1. In the Wickersham amendment, AM0970:
  - a. Section 4 has been struck and the remaining sections have been

renumbered accordingly;

b. On page 5, line 7, "real" has been struck; and  
 c. On page 11, the matter beginning with the second "22" in line 11 through "23" in line 12 has been struck and "23," inserted.

2. In the Kristensen amendment, AM0845, on page 7, line 20, a comma has been inserted after "77-1371".

3. On page 1, lines 2 through 9 and all amendments thereto have been struck and "49-1201 and 77-1377, Reissue Revised Statutes of Nebraska, and sections 77-101, 77-1311, 77-1315, 77-1327, 77-1342, 77-1343, 77-1344, 77-1347, 77-1355, 77-1361 to 77-1363, 77-1371, 77-1510, 77-5004, 77-5007, 77-5013, 77-5016, 77-5023, 77-5024, 77-5026 to 77-5028, and 79-1016, Revised Statutes Supplement, 2000; to change provisions relating to property tax assessment and valuation; to define a term; to provide and change powers and duties; to change qualifications for members of the Tax Equalization and Review Commission; to change procedures relating to appeals to the commission; to eliminate provisions relating to taxation of irrigation works and formal equalization plans; to harmonize provisions; to repeal the original sections; to outright repeal section 46-267, Reissue Revised Statutes of Nebraska, and sections 77-1372 and 77-5012, Revised Statutes Supplement, 2000; and to declare an emergency." inserted.

(Signed) Philip Erdman, Chairperson

### AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 751:

AM1122

- 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."

Senator Cunningham filed the following amendment to LB 75:

AM0239

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Section 66-1214, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 66-1214. ~~Commencing January 1, 1986, motor~~ 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~~ may have a
- 8 label stating: With or containing ethanol, methanol, or ethanol
- 9 and methanol or with similar wording if the motor fuel being
- 10 dispensed contains one percent or more by volume of alcohol. Any
- 11 person who owns or controls such a motor fuel dispenser and does
- 12 not attach the notice required by this section shall be guilty of
- 13 an infraction.
- 14 Sec. 6. Original section 66-1214, Reissue Revised
- 15 Statutes of Nebraska, is repealed."
- 16 2. Insert underscoring in the original sections.



17 3. Renumber the remaining sections accordingly.

## COMMUNICATIONS

March 23, 2001

Mr. Patrick O'Donnell  
Clerk of the Legislature  
Room 2018  
State Capitol Building  
Lincoln, Nebraska 68509

Dear Patrick O'Donnell:

Pursuant to the Provisions of Section 85-404, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska project:

**University of Nebraska Medical Center Emile Street Parking Structure.** The University of Nebraska Medical Center proposes to construct a new multi-level parking structure, approximately 510,000 square feet in size, on the south side of Emile Street between 45<sup>th</sup> Street and approximately 44<sup>th</sup> Street. The proposed structure will provide a parking capacity for 1,486 vehicles. The project is estimated to cost \$19,257,000.

**Request.** The University requests approval for this Parking Structure project totaling \$19,257,000 to be financed from private funding, lease payments and the issuance of Parking Revenue Bonds.

The Board of Regents authorized these expenditures at its January 13, 2001, meeting. On March 20, 2001, the Nebraska Coordinating Commission for Postsecondary Education approved the expenditures.

Thank you for your consideration of this project.

Respectfully submitted,  
(Signed) Kim M. Robak  
Vice President for External Affairs  
and Corporation Secretary

KMR:bk:nko

March 26, 2001

Senator George Coordsen  
Chair - Executive Board  
2010 State Capitol  
Lincoln, NE 68509

Dear 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

#### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board referred the University of Nebraska's request to issue revenue bonds to the Appropriations Committee for further consideration.

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

#### **UNANIMOUS CONSENT - Member Excused**

Senators Janssen asked unanimous consent to be excused. No objections. So ordered.

#### **GENERAL FILE**

**LEGISLATIVE BILL 657.** The Bourne-Chambers pending amendment, AM1149, found in this day's Journal, was renewed.

#### **SENATOR CUDABACK PRESIDING**

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

#### **PRESIDENT MAURSTAD PRESIDING**

The Bourne-Chambers amendment was adopted with 38 ayes, 2 nays, 5 present and not voting, and 4 excused and not voting.

Senator Wickersham renewed his pending amendment, AM1154, found in this day's Journal.

Senators Aguilar, Schimek, Coordsen, Connealy, and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Bourne moved the previous question. The question is, "Shall the debate now close?"

Senator Bourne moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 present and not voting.

The Wickersham amendment lost with 6 ayes, 25 nays, 9 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

#### **AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 657:

FA130

Strike everything from the bill except the Bourne amendment.

#### **VISITORS**

Visitors to the Chamber were 28 twelfth grade students and teacher from Harvard; and 23 twelfth grade students and teachers from Shelton Public School.

The Doctor of the Day was Dr. Mike Myers from Lincoln.

#### **ADJOURNMENT**

At 4:59 p.m., on a motion by Senator Vrtiska, the Legislature adjourned until 9:00 a.m., Tuesday, March 27, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-THIRD DAY - MARCH 27, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FIFTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 27, 2001

**PRAYER**

The prayer was offered by Reverend Gwendolyn Coates, Gregg Memorial African Methodist Episcopal 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 McDonald and D. Pederson who were excused; and Senators Bromm, Byars, Coordsen, Hartnett, and Robak who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-second day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 657.** Senator Chambers moved to reconsider the vote on the Wickersham amendment, AM1154, found on page 1203 and considered on page 1210.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Jensen asked unanimous consent to be excused. No objections. So ordered.

Senator Wickersham renewed his pending amendment, AM1155, found on page 1204.

The Wickersham amendment lost with 4 ayes, 21 nays, 18 present and not voting, and 6 excused and not voting.

Senator Chambers renewed his pending amendment, FA130, found on page 1211.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Wickersham offered the following amendment:  
AM1167

1 1. On page 2, line 18, after "Plan" insert ", except  
2 that there shall be no distribution from the fund until the city of  
3 the primary class enacts an ordinance prohibiting public and  
4 private development within the flood plain. Upon any repeal of the  
5 ordinance or upon any failure to enforce the provisions of the  
6 ordinance, the city shall immediately return all prior  
7 distributions to the fund".

Senators Thompson, Burling, and Cunningham asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

The Wickersham amendment lost with 7 ayes, 22 nays, 10 present and not voting, and 10 excused and not voting.

Senator Janssen offered the following amendment:  
AM1159

1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. The Legislature recognizes that the City of  
4 Fremont serves medical, educational, recreational, transportation,  
5 and retail needs of the entire state and that infrastructure costs  
6 and needs are great. The governing body of such city has a duty to  
7 identify projects which benefit from development funds made  
8 available by the Legislature. The creation of the City of Fremont  
9 Development Fund under section 2 of this act shall be used to meet  
10 such needs.  
11 Sec. 2. There is hereby created the City of Fremont  
12 Development Fund. Amounts credited to the fund pursuant to section  
13 77-2602 shall, upon appropriation by the Legislature, be first  
14 expended to support the design and development of the E. Thome  
15 Johnson Lake Multi-Government Development Project and financing  
16 costs related thereto for the development of the project by the  
17 Fremont Public Schools, City of Fremont, and Metropolitan Community  
18 College. 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 Sec. 4. Section 77-2602, Revised Statutes Supplement,  
22 2000, is amended to read:  
23 77-2602. (1) Every person engaged in distributing or

24 selling cigarettes at wholesale in this state shall pay to the Tax  
1 Commissioner of this state a special privilege tax. This shall be  
2 in addition to all other taxes. It shall be paid prior to or at  
3 the time of the sale, gift, or delivery to the retail dealer in the  
4 several amounts as follows: On each package of cigarettes  
5 containing not more than twenty cigarettes, thirty-four cents per  
6 package; and on packages containing more than twenty cigarettes,  
7 the same tax as provided on packages containing not more than  
8 twenty cigarettes for the first twenty cigarettes in each package  
9 and a tax of one-twentieth of the tax on the first twenty  
10 cigarettes on each cigarette in excess of twenty cigarettes in each  
11 package. Commencing July 1, 1994, and continuing until July 1,  
12 2009, the State Treasurer shall place the equivalent of twenty-one  
13 cents of such tax less three million dollars each fiscal year of  
14 proceeds of such tax in the General Fund. Commencing July 1, 2009,  
15 the State Treasurer shall place the equivalent of twenty-one cents  
16 of such tax in the General Fund. For purposes of this section, the  
17 equivalent of a specified number of cents of the tax shall mean  
18 that portion of the proceeds of the tax equal to the specified  
19 number divided by thirty-four. The State Treasurer shall  
20 distribute the remaining proceeds of such tax in the following  
21 order:

22 (a) First, beginning July 1, 1980, the State Treasurer  
23 shall place the equivalent of one cent of such tax in the Nebraska  
24 Outdoor Recreation Development Cash Fund. For fiscal year  
25 distributions occurring after FY1998-99, the distribution under  
26 this subdivision shall not be less than the amount distributed  
27 under this subdivision for FY1997-98. Any money needed to increase  
1 the amount distributed under this subdivision to the FY1997-98  
2 amount shall reduce the twenty-one-cent distribution to the General  
3 Fund;

4 (b) Second, beginning July 1, 1993, the State Treasurer  
5 shall place the equivalent of three cents of such tax in the  
6 Department of Health and Human Services Finance and Support Cash  
7 Fund to carry out sections 81-637 to 81-640. For fiscal year  
8 distributions occurring after FY1998-99, the distribution under  
9 this subdivision shall not be less than the amount distributed  
10 under this subdivision for FY1997-98. Any money needed to increase  
11 the amount distributed under this subdivision to the FY1997-98  
12 amount shall reduce the twenty-one-cent distribution to the General  
13 Fund;

14 (c) Third, beginning July 1, 1997, and continuing until  
15 all the purposes of the Deferred Building Renewal Act have been  
16 fulfilled, the State Treasurer shall place the equivalent of ~~seven~~  
17 five cents of such tax in the Building Renewal Allocation Fund.  
18 The Legislature shall appropriate each fiscal year all sums inuring  
19 to the fund, plus interest earnings for the Task Force for Building  
20 Renewal to be used to carry out its duties and to fulfill the  
21 purposes of the Deferred Building Renewal Act. Unexpended balances

22 existing at the end of each fiscal year shall be, and are hereby,  
23 reapportioned. For fiscal year distributions occurring after  
24 FY1998-99, the distribution under this subdivision shall not be  
25 less than the amount distributed under this subdivision for  
26 FY1997-98. Any money needed to increase the amount distributed  
27 under this subdivision to the FY1997-98 amount shall reduce the

1 twenty-one-cent distribution to the General Fund;

2 (d) Fourth, the State Treasurer shall place the  
3 difference between the equivalent of thirteen cents of such tax and  
4 the sum of the amounts distributed pursuant to subdivisions (a)  
5 through (c), ~~and (f), and (g)~~ of this subsection in a special fund  
6 to be known as the Nebraska Capital Construction Fund;

7 (e) Fifth, beginning July 1, 1994, and continuing until  
8 July 1, 2009, the State Treasurer shall place in the Municipal  
9 Infrastructure Redevelopment Fund the sum of three million dollars  
10 each fiscal year to carry out the Municipal Infrastructure  
11 Redevelopment Fund Act. The Legislature shall appropriate the sum  
12 of three million dollars each year for fiscal year 1994-95 through  
13 fiscal year 2008-09; ~~and~~

14 (f) Sixth, beginning July 1, 2001, the State Treasurer  
15 shall place the equivalent of two cents of such tax in the  
16 Information Technology Infrastructure Fund; ~~and~~

17 (g) Seventh, beginning July 1, 2001, and continuing until  
18 June 30, 2016, the State Treasurer shall place two million five  
19 hundred thousand dollars each fiscal year in the City of Fremont  
20 Development Fund.

21 (2) The Legislature hereby finds and determines that the  
22 projects funded from the Municipal Infrastructure Redevelopment  
23 Fund and the Building Renewal Allocation Fund are of critical  
24 importance to the State of Nebraska. It is the intent of the  
25 Legislature that the allocations and appropriations made by the  
26 Legislature to such funds or, in the case of allocations for the  
27 Municipal Infrastructure Redevelopment Fund, to the particular

1 municipality's account not be reduced until all contracts and  
2 securities relating to the construction and financing of the  
3 projects or portions of the projects funded from such funds or  
4 accounts of such funds are completed or paid or, in the case of the  
5 Municipal Infrastructure Redevelopment Fund, the earlier of such  
6 date or July 1, 2009, and that until such time any reductions in  
7 the cigarette tax rate made by the Legislature shall be  
8 simultaneously accompanied by equivalent reductions in the amount  
9 dedicated to the General Fund from cigarette tax revenue. Any  
10 provision made by the Legislature for distribution of the proceeds  
11 of the cigarette tax for projects or programs other than those to

12 (a) the General Fund, (b) the Nebraska Outdoor Recreation  
13 Development Cash Fund, (c) the Department of Health and Human  
14 Services Finance and Support Cash Fund, (d) the Municipal  
15 Infrastructure Redevelopment Fund, (e) the Building Renewal  
16 Allocation Fund, ~~and~~ (f) the Information Technology Infrastructure



17 Fund, and (g) the City of Fremont Development Fund shall not be  
 18 made a higher priority than or an equal priority to any of the  
 19 programs or projects specified in subdivisions (a) through ~~(f)~~ (g)  
 20 of this subsection.

21 Sec. 5. This act becomes operative on July 1, 2001.

22 Sec. 6. Original section 77-2602, Revised Statutes  
 23 Supplement, 2000, is repealed.

24 Sec. 7. Since an emergency exists, this act takes effect  
 25 when passed and approved according to law."

26 2. In the Standing Committee amendments, AM1080:

27 a. On page 1, strike beginning with "Cities" in line 2

1 through "class" in line 3 and insert "The City of Fremont"; in line

2 3 strike "their"; in line 6 strike "to 3" and insert "and 2";

3 strike beginning with the third "the" in line 8 through

4 "applicable" in line 10 and insert "Fremont Development Fund"; in

5 line 13 strike "to 3" and insert "and 2"; and

6 b. On page 2, strike beginning with the third "the" in

7 line 12 through "and" in line 14 and insert "Fremont Development

8 Fund".

9 3. Renumber the remaining sections accordingly.

Senators Schimek and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

The Janssen amendment lost with 4 ayes, 15 nays, 19 present and not voting, and 11 excused and not voting.

Senators Jones, Erdman, and Baker offered the following amendment:  
 AM1168

1 1. On page 5, line 10, strike "(h)" and insert "(i)"; in

2 line 23 strike "one million" and insert "five hundred thousand";

3 strike line 25; and in line 27 strike "one million five" and insert

4 "seven hundred fifty".

5 2. On page 6, line 1, after "Fund" insert "; and

6 (i) Ninth, beginning July 1, 2001, the State Treasurer

7 shall place one million two hundred fifty thousand dollars each

8 fiscal year in the Natural Resources Enhancement Fund"; in line 25

9 strike "and"; in line 26 after the new matter insert ", and (i) the

10 Natural Resources Enhancement Fund"; and in line 28 strike "(h)"

11 and insert "(i)".

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

The Jones et al. amendment lost with 7 ayes, 19 nays, 13 present and not voting, and 10 excused and not voting.

Senator Chambers offered the following amendment:  
 FA131

Amend AM1149

After line 11, add: "The sewer separation project has such a significant impact on the health and welfare of such a large percentage of the population and on public health in general that the project is a matter of statewide concern.

Pending.

### **STANDING COMMITTEE REPORT Government, Military and Veterans Affairs**

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

Accountability and Disclosure Commission  
Napoleon P. Agonor

State Emergency Response Commission  
Steven Danon  
Darrell Eastin  
Lon Fields  
Keith Mueller  
Dalyce Ronnau  
Harlan Schafer

VOTE: Aye: Senators Aguilar, Brown, Burling, Quandahl, Schimek, Smith, and Vrtiska. Nay: None. Absent: Senator McDonald.

(Signed) DiAnna R. Schimek, Chairperson

### **AMENDMENTS - Print in Journal**

Senator Stuhr filed the following amendment to LB 457:  
AM1078

1 1. Insert the following new sections:  
2 "Section 1. Section 46-230, Revised Statutes Supplement,  
3 2000, is amended to read:  
4 46-230. As the adjudication of a stream progresses and  
5 as each claim is finally adjudicated, the director shall make and  
6 cause to be entered of record in his or her office an order  
7 determining and establishing the several priorities of right to use  
8 the water of such stream, the amount of the appropriation of the  
9 several persons claiming water from such stream and the character  
10 of use for which each appropriation shall be found to have been  
11 made, and the address of the owner of each water appropriation. It  
12 shall be the duty of every owner of an appropriation to give notice  
13 to the department of its address and any change of its address or

14 of the name of the owner of the appropriation. Notification shall  
15 be in such form and shall include such evidence of ownership as the  
16 director may by regulation require. Upon receipt of such notice,  
17 the department shall update its records. The department shall  
18 establish a uniform fee for filing such notices, notices filed  
19 pursuant to section 22 of this act, and notices filed pursuant to  
20 subsection (6) of section 46-602. Such fees shall be no higher  
21 than the amount necessary to cover the costs incurred by the  
22 department for processing such notices in accordance with this  
23 section and section 22 of this act and subsection (6) of section  
24 46-602. The fee shall be paid at the time of filing the notice and  
1 shall be remitted to the State Treasurer for credit to the  
2 Department of Natural Resources Cash Fund.

3 Sec. 5. Section 46-606, Revised Statutes Supplement,  
4 2000, is amended to read:

5 46-606. (1) The Director of Natural Resources shall  
6 collect in advance a registration fee of thirty dollars and the fee  
7 required by section 46-1224 for each water well registered under  
8 section 46-602 except as provided in subsections (2) through (5) of  
9 this section.

10 (2) For water wells permitted pursuant to the Industrial  
11 Ground Water Regulatory Act, the director shall collect in advance  
12 a registration fee of thirty dollars and the fee required by  
13 section 46-1224 for each of the first ten such water wells  
14 registered under section 46-602, and for each group of ten or fewer  
15 such water wells registered thereafter, the director shall collect  
16 in advance a registration fee of thirty dollars and the fee  
17 required by section 46-1224.

18 (3) For a series of water wells completed for purposes of  
19 installation of a ground heat exchanger for a structure for  
20 utilizing the geothermal properties of the ground, the director  
21 shall collect in advance a fee of thirty dollars for each such  
22 series and the fee required by section 46-1224.

23 (4) For water wells constructed as part of a single site  
24 plan for monitoring ground water, obtaining hydrogeologic  
25 information, or extracting contaminants from the ground, the  
26 director shall collect in advance a registration fee of thirty  
27 dollars and the fee required by section 46-1224 for each of the  
1 first five such water wells registered under section 46-602, and  
2 for each group of five or fewer such water wells registered  
3 thereafter, the director shall collect in advance a registration  
4 fee of thirty dollars and the fee required by section 46-1224.  
5 However, if such water wells are a part of remedial action approved  
6 by the Department of Environmental Quality pursuant to section  
7 66-1525, 66-1529.02, or 81-15,124, the fee set pursuant to this  
8 subsection shall be collected as if only one water well was being  
9 registered and the fee required by section 46-1224 shall be  
10 collected.

11 (5)(a) For a series of two or more water wells completed

12 and pumped into a common carrier as part of a single site plan for  
13 irrigation purposes, the director shall collect in advance a  
14 registration fee of thirty dollars and the fee required by section  
15 46-1224 for each of the first two such wells registered under  
16 section 46-602.

17 (b) Any additional water wells which are part of a series  
18 registered under this subsection shall not be subject to a new well  
19 registration fee.

20 (6) The director shall remit the fees collected to the  
21 State Treasurer for credit to the appropriate fund. The State  
22 Treasurer shall credit the registration fees to the Water Well  
23 Decommissioning Fund. From the fees required by section 46-1224,  
24 the State Treasurer shall credit to the Department of Natural  
25 Resources Cash Fund the amount determined by the Department of  
26 Natural Resources to be necessary to pay for the costs of  
27 registering such water wells online as authorized by subsection (1)  
1 of section 46-1224 and shall credit the remainder of the fees  
2 required by section 46-1224 to the Water Well Standards and  
3 Contractors' Licensing Fund.

4 Sec. 21. Section 61-210, Revised Statutes Supplement,  
5 2000, is amended to read:

6 61-210. The Department of Natural Resources Cash Fund is  
7 created. The State Treasurer shall credit to such fund such money  
8 as is specifically appropriated or reappropriated by the  
9 Legislature. The State Treasurer shall also credit such fund with  
10 payments, if any, accepted for services rendered by the department  
11 and fees collected pursuant to subdivision (10) of section 33-105,  
12 subsection (6) of section 46-602, subsection (6) of section 46-606,  
13 section 46-230, and section 61-209 and section 22 of this act. The  
14 funds made available to the Department of Natural Resources by the  
15 United States, through the Natural Resources Conservation Service  
16 of the Department of Agriculture or through any other agencies,  
17 shall be credited to the fund by the State Treasurer. Any money in  
18 the fund available for investment shall be invested by the state  
19 investment officer pursuant to the Nebraska Capital Expansion Act  
20 and the Nebraska State Funds Investment Act. The Department of  
21 Natural Resources shall allocate money from the fund to pay costs  
22 of the programs or activities of the department. The Director of  
23 Administrative Services, upon receipt of proper vouchers approved  
24 by the department, shall issue warrants on the fund, and the State  
25 Treasurer shall countersign and pay from, but never in excess of,  
26 the amounts to the credit of the fund. The State Treasurer shall  
27 transfer any money in the Department of Water Resources Cash Fund  
1 and in the Nebraska Natural Resources Commission Cash Fund on July  
2 1, 2000, to the Department of Natural Resources Cash Fund.

3 Sec. 22. (1) Any person transferring ownership of real  
4 property not inside the corporate limits of a municipality shall  
5 complete and provide to the transferee, at or before the closing of  
6 the transfer, a water resources update notice acknowledging (a)

7 whether any surface water rights issued pursuant to Chapter 46,  
8 article 2, and in the name of any party other than an irrigation  
9 district, public power and irrigation district, or mutual  
10 irrigation company are attached to the real property, ownership of  
11 which is being transferred, and (b) whether there are any water  
12 wells, except water wells used solely for domestic purposes and  
13 constructed prior to September 9, 1993, on the real property,  
14 ownership of which is being transferred. If the water resources  
15 update notice discloses the existence of such surface water rights  
16 or such water wells, the transferee shall complete the water  
17 resources update notice and shall file it with the Department of  
18 Natural Resources within sixty days after recording the deed or  
19 other instrument by which the transfer of ownership of real  
20 property is made. The department shall use such notice to update  
21 ownership of surface water rights and water well registrations as  
22 required by sections 46-230 and 46-602.

23 (2) The department shall prescribe the form and content  
24 of the water resources update notice and shall make such forms  
25 available to title insurance companies and other persons as deemed  
26 appropriate by the department. The requirement that a water  
27 resources update notice be filed with the department or the failure  
1 to file such a notice does not affect the recording, legality, or  
2 sufficiency of a deed or other instrument evidencing the transfer  
3 of ownership of real property.

4 (3) The department shall establish a uniform fee which  
5 shall be no higher than the amount necessary to cover costs  
6 incurred by the department for processing the water resources  
7 update notices, notices filed pursuant to section 46-230, and  
8 notices filed pursuant to subsection (6) of section 46-602. The  
9 fee shall be paid at the time of filing the water resources update  
10 notice and shall be remitted to the State Treasurer for credit to  
11 the Department of Natural Resources Cash Fund."

12 2. On page 4, strike beginning with "The" in line 7  
13 through line 8 and insert "The department shall establish a uniform  
14 fee for filing such notices, notices filed pursuant to section 22  
15 of this act, and notices filed pursuant to subsection (6) of  
16 section 46-602. Such fees shall be no higher than the amount  
17 necessary to cover the costs incurred by the department for  
18 processing such notices in accordance with this section and section  
19 22 of this act and subsection (6) of section 46-602. The fee shall  
20 be paid at the time of filing the notice and shall be remitted to  
21 the State Treasurer for credit to the Department of Natural  
22 Resources Cash Fund."

23 3. Amend the repealer and renumber the remaining  
24 sections accordingly.

25 4. In the Standing Committee amendments, AM0360,  
26 renumber sections 7 and 9 as sections 9 and 11, respectively.

Senator Wickersham filed the following amendment to LB 657:

## AM1166

- 1 1. On page 2, line 1, after "that" insert "universities  
 2 and"; in line 5 after "such" insert "universities and"; in lines 7  
 3 and 11 and 12 strike "City of the Primary Class Development" and  
 4 insert "Cooperative Flood Control"; and strike beginning with the  
 5 second "the" in line 14 through "Plan" in line 18 and insert  
 6 "cooperative flood control projects such as the University of  
 7 Nebraska shall identify as appropriate to mitigate flood hazards".  
 8 2. On page 5, line 24; and page 6, line 25, strike "City  
 9 of the Primary Class Development" and insert "Cooperative Flood  
 10 Control".  
 11 3. In the Standing Committee amendments, AM1080, on page  
 12 1, lines 8 and 9; and page 2, lines 12 and 13, strike "City of the  
 13 Primary Class Development" and insert "Cooperative Flood Control".

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

The following bills were correctly engrossed: LBs 52, 114, 432A, 433, 433A, 585, 585A, 677, 677A, and 759.

**Enrollment and Review Change to LB 52**

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

## ER9040

1. In the Landis amendment, AM1102:
  - a. On page 2, line 10; and page 39, lines 4 and 8, "act" has been struck and "section" inserted;
  - b. On page 16, line 4, "has" has been struck and "have" inserted;
  - c. On page 24, line 24, "(a)" has been struck and "(i)" inserted; and in line 26 "(b)" has been struck and "(ii)" inserted; and
  - d. On page 25, line 1, "(c)" has been struck and "(iii)" inserted.
2. In the Landis amendment, AM0805, on page 2, line 9, an underscored comma has been inserted after "communications".
3. In the E & R amendments, AM7064:
  - a. Amendment 2 has been struck;
  - b. On page 1, line 3, "1 to 16" has been struck and "27 to 42" inserted;
  - c. On page 6, line 10, "3" has been struck and "29" inserted;
  - d. On page 10, line 10, "4" has been struck and "30" inserted;
  - e. On page 12, line 4; and page 14, line 21, "12" has been struck and "38" inserted;
  - f. On page 26, line 17; and page 35, line 4, "9" has been struck and "35" inserted;
  - g. On page 29, line 22, "6" has been struck and "32" inserted; and
  - h. Sections have been renumbered to reflect the adoption of Landis amendment, AM1102.

4. On page 1, the matter beginning with "financial" in line 1 through line 6 has been struck and "insurance; to amend sections 8-1101, 44-425, 44-2138, 44-4405, 44-4811, 44-5805, 44-5906, 44-6119.01, 44-6140, 44-6303, 44-6606, and 59-1803, Reissue Revised Statutes of Nebraska, and sections 8-1111, 44-1525, and 44-6021, Revised Statutes Supplement, 2000; to adopt the Privacy of Insurance Consumer Information Act; to provide and change provisions relating to sharing of information by the Department of Insurance and confidential information; to adopt the Viatical Settlements Act; to regulate viatical settlement contracts; to exempt viatical settlement contracts from securities regulation; to change provisions relating to charitable gift annuities; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

### **Enrollment and Review Change to LB 114**

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

ER9038

1. In the E & R amendments, AM7070:

a. On page 1, line 5: "6" has been struck and "7" inserted; and

b. On page 13, line 4, "53-168.06," has been inserted after "sections".

2. On page 1, line 2, "53-168.06," has been inserted after "sections"; in line 3 "to define a term;" has been inserted after the semicolon; and in line 4 "minors' violations" has been struck and "the sale, possession, and consumption of alcoholic liquor; to change provisions relating to enforcement of violations of provisions on sales to minors" inserted.

### **Enrollment and Review Change to LB 585**

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

ER9039

1. In the E & R amendments, AM7069:

a. On page 1, lines 5 through 11, subdivisions (1) and (2) have been renumbered as subdivisions (2) and (1), respectively; and

b. On page 1, lines 13 and 23; and page 2, lines 1, 8, and 10, "shall have" has been struck and "has" inserted.

2. On page 1, line 1, "to amend section 86-804, Reissue Revised Statutes of Nebraska;" has been inserted after the semicolon; and in line 6 "to harmonize provisions; to repeal the original section;" has been inserted after the second semicolon.

(Signed) Philip Erdman, Chairperson

### **VISITORS**

Visitors to the Chamber were 5 students and teacher from Sutherland High School; representatives of the Tri-Diocesan Council of Catholic Women

from Nebraska; and Neda Simonds, LaVonne Rossa, and Mary Dey from Grand Island.

### RECESS

At 11:55 a.m., on a motion by Senator Janssen, 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 Jensen, McDonald, Dw. Pedersen, and D. Pederson who were excused; and Senators Coordsen, Dierks, Landis, Price, Robak, Thompson, and Tyson who were excused until they arrive.

### GENERAL FILE

**LEGISLATIVE BILL 657.** The Chambers pending amendment, FA131, found on page 1217, was renewed.

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

Senator Vrtiska offered the following amendment:

FA132

Page 5, Section G: 1.2 cents

Page 5, Section H: .08 cents

Senator Vrtiska withdrew his amendment.

Senator Vrtiska offered the following amendment:

FA133

On page 5, line 23 strike "one million dollars" and insert "the equivalent of eight-tenths of one cent of such tax".

On page 5, lines 27 and 28, strike "one million five hundred thousand dollars" and insert "the equivalent of one and two tenths of one cent of such tax".

Senator Beutler offered the following amendment to the Vrtiska pending amendment:

FA135

Amend FA133

After the first occurrence of "tax" insert "but in any event not less than one million dollars. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to this subsection by such



amount required to fulfill the minimum amount to be distributed pursuant to this subdivision."

After the second occurrence of "tax" insert "but in any event not less than one million five hundred thousand dollars. If necessary, the State Treasurer shall reduce the distribution of tax proceeds to the General Fund pursuant to this subsection by such amount required to fulfill the minimum amount to be distributed pursuant to this subdivision."

### **SENATOR CUDABACK PRESIDING**

Senator Beutler withdrew his amendment.

Senator Vrtiska withdrew his amendment, FA133.

### **PRESIDENT MAURSTAD PRESIDING**

Advanced to E & R for review with 35 ayes, 8 nays, 2 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 657A.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 5 nays, 8 present and not voting, and 4 excused and not voting.

### **AMENDMENT - Print in Journal**

Senator Dierks filed the following amendment to LB 435:  
AM1174

(Amendments to Standing Committee amendments, AM0524)

- 1 1. On page 2, strike lines 22 through 25 and insert the
- 2 following new subdivision:
- 3 "(5) Substantial improvements means buildings or other
- 4 structures or fixtures to structures that are permanent in nature
- 5 and includes equipment that is affixed to real property or
- 6 structures;"
- 7 2. On page 5, line 19, after "Agriculture" insert ", in
- 8 consultation with the parties,"; and in lines 20 and 21 strike
- 9 "with an MAI or an ARA designation".

### **ANNOUNCEMENT**

Senator Coordsen announced the Redistricting Committee will meet tomorrow morning, Wednesday, March 28, at 7:30 a.m., in Hearing Room 1510.

### **GENERAL FILE**

**LEGISLATIVE BILL 523.** Title read. Considered.

The Standing Committee amendment, AM0649, found on page 848, was considered.

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:

FA136

1 1. Insert the following new sections:

2 "Sec. 3. The Department of Agriculture may adopt and  
3 promulgate rules and regulations to carry out the purposes of  
4 section 2 of this act and the Southern Dairy Compact in accordance  
5 with the Administrative Procedure Act.

13 (3) For purposes of this section, milk handler has the  
14 meaning found at 7 C.F.R. 1000.9, as such section existed on the  
15 effective date of this act."

16 2. On page 26, strike lines 20 through 28.

17 3. On page 27, strike lines 1 through 3.

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

The first Standing Committee amendment was adopted with 33 ayes, 0 nays,  
11 present and not voting, and 5 excused and not voting.

The second Standing Committee amendment is as follows:

FA137

1 1. Insert the following new sections:

6 Sec. 4. (1) No person shall violate the provisions of  
7 any rule or regulation establishing a compact over-order price or a  
8 commission marketing order or any other rule or regulation adopted  
9 pursuant to the Southern Dairy Compact. Any person who violates  
10 this section may be subject to a civil fine of not more than one  
11 thousand dollars for each offense, and in the case of a continuing  
12 violation, each day of violation shall constitute a separate  
13 offense. In addition to any civil penalty assessed under this  
14 section, the district court may also grant a restraining order or a  
15 temporary or permanent injunction against any person committing, or  
16 threatening to commit, a violation. The district court of the  
17 county where the violation is occurring or is about to occur has  
18 jurisdiction to grant such relief upon good cause shown.

19 (2) It shall be the duty of the Attorney General or the  
20 county attorney of the county in which the violation of the act has  
21 occurred, is occurring, or is about to occur, when notified by the  
22 Director of Agriculture of such violation or threatened violation,  
23 to pursue appropriate proceedings without delay.

Senators Bruning and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Dierks moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Senator Chambers requested a record vote on the second Standing Committee amendment.

Voting in the affirmative, 33:

Baker	Bromm	Brown	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jones	Kremer	Kruse	Price
Quandahl	Raikes	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 3:

Aguilar	Chambers	Redfield
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Present and not voting, 6:

Beutler	Bourne	Burling	Landis	Maxwell
Preister				

Excused and not voting, 7:

Brashear	Bruning	Jensen	Kristensen	McDonald
Pedersen, Dw.	Pederson, D.			

The second Standing Committee amendment was adopted with 33 ayes, 3 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The third Standing Committee amendment is as follows:

FA138

- 1 1. Insert the following new sections:
- 24 Sec. 5. (1) The Director of Agriculture may suspend or
  - 1 revoke a permit of any milk handler granted under the Nebraska
  - 2 Manufacturing Milk Act or the Nebraska Pasteurized Milk Law who
  - 3 violates the provisions of any rule or regulation establishing a
  - 4 compact over-order price or a commission marketing order or any
  - 5 other rule or regulation adopted pursuant to the Southern Dairy
  - 6 Compact pursuant to procedures for suspension or revocation
  - 7 provided under the acts.

8 (2) In lieu of suspension or revocation, the Department  
9 of Agriculture may impose a fine of not more than one thousand  
10 dollars for any milk handler who has committed a violation  
11 described in subsection (1) of this section. A violation shall  
12 mean any separate activity or day in which an activity takes place.

Senators Robak and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

### **SENATOR CUDABACK PRESIDING**

Pending.

### **AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 461:  
AM1087

- 1 1. On page 3, line 27; and page 4, line 21, strike
- 2 "amended", show as stricken, and insert "the act existed on the
- 3 effective date of this act".

### **STANDING COMMITTEE REPORT** **Education**

**LEGISLATIVE BILL 740.** Placed on General File.

(Signed) Ron Raikes, Chairperson

### **VISITORS**

Visitors to the Chamber were Ron Roskins from Omaha, Japanese Ambassador to the U.S., Ambassador Yanai, from Japan, and Consul General, Fujiwara, from Kansas City.

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

### **ADJOURNMENT**

At 4:56 p.m., on a motion by Senator Suttle, the Legislature adjourned until 9:00 a.m., Wednesday, March 28, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-FOURTH DAY - MARCH 28, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 28, 2001

**PRAYER**

The prayer was offered by Father Paul Witt, St. Mary's Catholic 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 McDonald and Robak who were excused; and Senators Brashear, Cunningham, Dierks, Engel, Kristensen, Raikes, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**STANDING COMMITTEE REPORT  
Health and Human Services**

**LEGISLATIVE BILL 398.** Placed on General File as amended.  
(Standing Committee amendment, AM0975, 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 668.** Title read. Considered.

Senator Kremer offered the following amendment:  
AM1181

- 1 1. Insert the following new section:
- 2 "Sec. 4. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

The Kremer amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 32 ayes, 0 nays, 12 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 272A.** 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 272, Ninety-seventh Legislature, First Session, 2001.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

**LEGISLATIVE BILL 773.** Placed on Select File as amended.  
(E & R amendment, AM7079, 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 711.** Placed on Select File as amended.  
(E & R amendment, AM7075, 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 113.** Placed on Select File as amended.  
(E & R amendment, AM7077, 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 113A.** Placed on Select File.  
**LEGISLATIVE BILL 83A.** Placed on Select File.  
**LEGISLATIVE BILL 56.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 750.** Title read. Considered.

Advanced to E & R for review with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 768.** Title read. Considered.

The Standing Committee amendment, AM0792, found on page 933, was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 215.** Title read. Considered.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0307, found on page 646, was considered.

Senator Landis renewed his pending amendment, AM0871, found on page 956, to the Standing Committee amendment.

Senators Thompson, Dierks, Erdman, and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

The Landis 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.

Senator Smith offered the following amendment:

FA140

Reinstate the stricken language on p. 27, line 17, and on pg. 31, line 24.

The Smith amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator D. Pederson asked unanimous consent to be excused until he returns. 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 523.** The pending third Standing Committee amendment, FA138, found on page 1227, was renewed.

Senator Chambers offered the following amendment to the third Standing Committee amendment:

FA139

Amend FA138

Page 2, add a new subsection (3)

"Unless convicted in district court of violating subsection (1) of section (4), no person shall be subject to a civil fine or the suspension or revocation of a permit granted under the Nebraska Manufacturing Milk Act or the Nebraska Pasteurized Milk Law."

Senators Bromm 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 19 ayes, 0 nays, and 30 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Aguilar	Baker	Bruning	Chambers	Cudaback
Engel	Erdman	Janssen	Kristensen	Landis
Maxwell	Pedersen, Dw.	Pederson, D.	Preister	Raikes
Redfield	Smith	Suttle	Tyson	Wickersham

Voting in the negative, 9:

Burling	Connealy	Dierks	Jones	Kruse
Price	Schrock	Stuhr	Wehrbein	

Present and not voting, 11:

Beutler	Bourne	Brown	Cunningham	Foley
Hartnett	Hilgert	Hudkins	Kremer	Quandahl
Schimek				

Excused and not voting, 9:

Brashear	Bromm	Byars	Coordsen	Jensen
McDonald	Robak	Thompson	Vrtiska	

The Chambers amendment lost with 20 ayes, 9 nays, 11 present and not voting, and 9 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.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 52.** Introduced by Foley, 29.

WHEREAS, Coleman Gore, Boy Scout Troop 54, Cathedral of the Risen Christ, has earned the rank of Eagle Scout, that organization's highest rank; and

WHEREAS, Coleman Gore, for his Eagle Scout project, planned and built two walk-in flight cages, with four "hide" boxes, for use in nursing injured birds back to health. This project was for the Wild Life Rescue Team of Nebraska; and

WHEREAS, a Court of Honor ceremony will be held on Sunday, April 22, 2001, at the Southwood Neighborhood Club House, at which time Coleman Gore will receive his Eagle Scout medal.

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

1. That the Legislature commends Coleman Gore for his dedication, hard work, and perseverance in obtaining the Eagle Scout rank.
2. That a copy of this resolution be sent to Coleman Gore.

Laid over.

## AMENDMENT - Print in Journal

Senator Hilgert filed the following amendment to LB 668:  
AM1182

- 1 1. Strike original section 3 and insert the following
- 2 new sections:
- 3 "Sec. 3. Section 71-6321, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 71-6321. (1) The department shall administer the
- 6 Residential Lead-Based Paint Professions Certification Act.
- 7 (2) The department shall adopt and promulgate rules and
- 8 regulations necessary to carry out such act. The department shall
- 9 adopt state standards governing abatement projects and may adopt or
- 10 incorporate part or all of any federal standards in such state
- 11 standards so long as state standards are no less stringent than
- 12 federal standards.
- 13 (3) The department shall prescribe fees based upon the
- 14 following schedule:
- 15 (a) For a an annual firm certificate or certificate
- 16 renewal, not less than two ~~thousand~~ hundred dollars or more than

- 17 five ~~thousand~~ hundred dollars;
- 18 (b) For certification or recertification of a certified  
19 abatement worker, not less than thirty-five dollars or more than  
20 one hundred dollars;
- 21 (c) For certification or recertification of a certified  
22 supervisor, not less than seventy dollars or more than two hundred  
23 dollars;
- 24 (d) For certification or recertification of a certified  
1 inspector, not less than seventy dollars or more than two hundred  
2 dollars;
- 3 (e) For certification or recertification of a certified  
4 risk assessor, not less than seventy dollars or more than two  
5 hundred dollars;
- 6 (f) For certification or recertification of a certified  
7 visual lead-hazard advisor, not less than thirty-five dollars or  
8 more than one hundred dollars;
- 9 (g) For certification or recertification of a certified  
10 project designer, not less than seventy dollars or more than two  
11 hundred dollars;
- 12 (h) For accreditation of a training program, not less  
13 than one thousand dollars or more than two thousand five hundred  
14 dollars, which fee shall include one onsite inspection if such  
15 inspection is required by the department;
- 16 (i) For accreditation of a review course or a course on  
17 Nebraska law, rules, and regulations, not less than five hundred  
18 dollars or more than one thousand dollars, which fee shall include  
19 one onsite inspection if such inspection is required by the  
20 department;
- 21 (j) For onsite inspections other than initial  
22 inspections, not less than one hundred fifty dollars or more than  
23 two hundred fifty dollars. Such fees shall not be assessed for  
24 more than three onsite inspections per year during the period an  
25 actual abatement project is in progress; and
- 26 (k) For a project review of each abatement project of a  
27 certified firm, not less than two hundred dollars or more than five  
1 hundred dollars.
- 2 Any applicant whose application is rejected shall be  
3 allowed the return of the application fee, except that an  
4 administrative charge of three hundred dollars for a firm  
5 certificate and one hundred dollars for accreditation of a training  
6 program shall be retained by the department.
- 7 All fees shall be based on the costs of administering the  
8 act. In addition to the fees prescribed in this section, the  
9 department may charge and receive the actual costs for board, room,  
10 and travel by employees in excess of three hundred dollars, which  
11 costs shall not exceed the amounts allowable in sections 81-1174 to  
12 81-1177. All fees collected by the department shall be remitted to  
13 the State Treasurer for credit to the Department of Health and  
14 Human Services Regulation and Licensure Cash Fund. Money credited

15 to the fund pursuant to this section shall be used by the  
16 department for the purpose of administering the act.

17 (4) At least once a year during the continuation of an  
18 abatement project the department shall conduct an onsite inspection  
19 of each certified firm's procedures for performing abatement  
20 projects.

21 (5) The department may enter into agreements or contracts  
22 with public agencies to conduct any inspections required under the  
23 act if such agencies have the appropriate certification or  
24 accreditation as described in the act.

25 (6) The department shall adopt and promulgate rules and  
26 regulations defining work practices for abatement projects, for the  
27 certification of lead-based paint professions, for the  
1 accreditation of training programs, for the accreditation of  
2 training program providers, for the dissemination of prerenovation  
3 information to homeowners and occupants, for the facilitation of  
4 compliance with federal lead-based paint hazard control grant  
5 programs, and for the implementation of lead-based paint compliance  
6 monitoring and enforcement activities. The department may provide  
7 for alternatives to specific work practices when the health,  
8 safety, and welfare of all classes of lead-based paint professions  
9 and the general public are adequately protected.

10 (7) The department may apply for and receive funds from  
11 the federal government and any other public or private entity for  
12 the purposes of administering the act. Any funds applied for,  
13 received, or used by the department or any political subdivision  
14 from the federal government or any public entity may be used only  
15 to abate lead-based paint hazards and for the administration of  
16 lead-based paint programs which address health and environmental  
17 hazards caused by lead-based paint.

18 Sec. 4. Original section 71-3519, Reissue Revised  
19 Statutes of Nebraska, and section 71-6321, Revised Statutes  
20 Supplement, 2000, are repealed."

21 2. Renumber the remaining section accordingly.

## VISITORS

Visitors to the Chamber were Mary Wolfe from Lincoln; 21 nursing students and teacher from Union College, Lincoln; 52 eighth grade students and teachers from Mary Our Queen School, Omaha; 9 students and teachers from St. John's Lutheran School, Waco; 35 fourth through sixth grade students and teachers from Hooper Elementary School, Fremont; 17 seniors and teacher from Arnold; 50 fifth grade students and teacher from Northside School, Fremont; and 13 members of the Chadron Chamber of Commerce.

## 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 McDonald and Robak who were excused; and Senators Beutler, Bromm, Engel, Kristensen, Landis, D. Pederson, Raikes, and Thompson who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 523.** The pending third Standing Committee amendment, FA138, found on page 1227 and considered in this day's Journal, was renewed.

Senator Chambers offered the following amendment to the third Standing Committee amendment:

FA141

Amend FA138

P. 1, line 24 and p. 2 line 1, strike "or revoke"

Senators Vrtiska, Kristensen, and Engel 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 16 ayes, 0 nays, and 33 not voting.

The Chambers amendment was adopted with 25 ayes, 6 nays, 10 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the third Standing Committee amendment:

FA142

Amend FA138

P. 2, line 9 strike "one thousand" and insert "five hundred"

**SENATOR CUDABACK PRESIDING**

Senators Janssen and Connealy asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Wehrbein moved to bracket LB 523 to February 1, 2002.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wehrbein motion to bracket prevailed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

### MESSAGE FROM THE GOVERNOR

March 28, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 10, 15, 31e, 71e, 96e, 177, 191, 191A, 213, 254, 286, 483, 505e, 574, and 574A were received in my office on March 23, 2001.

These bills were signed by me on March 28, 2001 and delivered to the Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 530A.** 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 530, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 772A.** 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 772, Ninety-seventh Legislature, First Session, 2001.

### AMENDMENT - Print in Journal

Senator Bromm filed the following amendment to LB 461:  
AM1189

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 66-1519, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 66-1519. There is hereby created the Petroleum Release

5 Remedial Action Cash Fund to be administered by the department.

6 Revenue from the following sources shall be remitted to the State

7 Treasurer for credit to the fund:

8 (1) The fees imposed by sections 66-1520 and 66-1521;

9 (2) Money paid under an agreement, stipulation,  
10 cost-recovery award under section 66-1529.02, or settlement; and

11 (3) Money received by the department in the form of  
12 gifts, grants, reimbursements, property liquidations, or  
13 appropriations from any source intended to be used for the purposes  
14 of the fund.

15 Money in the fund may only be spent for: (a)

16 Reimbursement for the costs of remedial action by a responsible  
17 person or his or her designated representative and costs of  
18 remedial action undertaken by the department in response to a  
19 release first reported after July 17, 1983, and on or before June  
20 30, ~~2004~~ 2005, including reimbursement for damages caused by the  
21 department or a person acting at the department's direction while  
22 investigating or inspecting or during remedial action on property  
23 other than property on which a release or suspected release has  
24 occurred; (b) payment of any amount due from a third-party claim;

1 (c) fee collection expenses incurred by the State Fire Marshal; (d)  
2 direct expenses incurred by the department in carrying out the  
3 Petroleum Release Remedial Action Act; (e) other costs related to  
4 fixtures and tangible personal property as provided in section  
5 66-1529.01; (f) interest payments as allowed by section 66-1524;  
6 (g) expenses incurred by the technical advisory committee created  
7 in section 81-15,189 in carrying out its duties pursuant to section  
8 81-15,190; ~~and~~ (h) claims approved by the State Claims Board  
9 authorized under section 66-1531; and (i) methyl tertiary butyl  
10 ether testing, to be conducted randomly at terminals within the  
11 state for up to two years ending June 30, 2003. The amount  
12 expended on the testing shall not exceed forty thousand dollars.  
13 The testing shall be conducted by the Department of Agriculture.  
14 The department may enter into contractual arrangements for such  
15 purpose. The results of the tests shall be made available to the  
16 Department of Environmental Quality.

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 Sec. 2. Section 66-1523, Revised Statutes Supplement,  
21 2000, is amended to read:

22 66-1523. (1) Except as provided in subsection (2) of  
23 this section, the department shall provide reimbursement from the  
24 fund in accordance with section 66-1525 to eligible responsible  
25 persons for the cost of remedial action for releases reported after  
26 July 17, 1983, and on or before June 30, ~~2004~~ 2005, and for the  
27 cost of paying third-party claims. The reimbursement for the cost

1 of remedial action shall not exceed nine hundred seventy-five  
2 thousand dollars per occurrence. The total of the claims paid

3 under section 66-1531 and the reimbursement for third-party claims  
4 shall not exceed one million dollars per occurrence. The  
5 responsible person shall pay the first ten thousand dollars of the  
6 cost of the remedial action or third-party claim, twenty-five  
7 percent of the remaining cost of the remedial action or third-party  
8 claim not to exceed fifteen thousand dollars, and the amount of any  
9 reduction authorized under subsection (5) of section 66-1525. If  
10 the department determines that a responsible person was ordered to  
11 take remedial action for a release which was later found to be from  
12 a tank not owned or operated by such person, (a) such person shall  
13 be fully reimbursed and shall not be required to pay the first cost  
14 or percent of the remaining cost as provided in this subsection and  
15 (b) the first cost and percent of the remaining cost not required  
16 to be paid by the person ordered to take remedial action shall be  
17 paid to the fund as a cost of remedial action by the owner or  
18 operator of the tank found to be the cause of the release. In no  
19 event shall reimbursements or payments from the fund exceed the  
20 annual aggregate of one million nine hundred seventy-five thousand  
21 dollars per responsible person. Reimbursement of a cost incurred  
22 as a result of a suspension ordered by the department shall not be  
23 limited by this subsection if the suspension was caused by  
24 insufficiency in the fund to provide reimbursement.

25 (2) Upon the determination by the department that the  
26 responsible person sold no less than two thousand gallons of  
27 petroleum and no more than two hundred fifty thousand gallons of  
1 petroleum during the calendar year immediately preceding the first  
2 report of the release or stored less than ten thousand gallons of  
3 petroleum in the calendar year immediately preceding the first  
4 report of the release, the department shall provide reimbursement  
5 from the fund in accordance with section 66-1525 to such an  
6 eligible person for the cost of remedial action for releases  
7 reported after July 17, 1983, and on or before June 30, ~~2004~~ 2005,  
8 and for the cost of paying third-party claims. The reimbursement  
9 for the cost of remedial action shall not exceed nine hundred  
10 eighty-five thousand dollars per occurrence. The total of the  
11 claims paid under section 66-1531 and the reimbursement for  
12 third-party claims shall not exceed one million dollars per  
13 occurrence. The responsible person shall pay the first five  
14 thousand dollars of the cost of the remedial action or third-party  
15 claim, twenty-five percent of the remaining cost of the remedial  
16 action or third-party claim not to exceed ten thousand dollars, and  
17 the amount of any reduction authorized under subsection (5) of  
18 section 66-1525. If the department determines that a responsible  
19 person was ordered to take remedial action for a release which was  
20 later found to be from a tank not owned or operated by such person,  
21 (a) such person shall be fully reimbursed and shall not be required  
22 to pay the first cost or percent of the remaining cost as provided  
23 in this subsection and (b) the first cost and percent of the  
24 remaining cost not required to be paid by the person ordered to

25 take remedial action shall be paid to the fund as a cost of  
26 remedial action by the owner or operator of the tank found to be  
27 the cause of the release. In no event shall reimbursements or  
1 payments from the fund exceed the annual aggregate of one million  
2 nine hundred eighty-five thousand dollars per responsible person.  
3 Reimbursement of a cost incurred as a result of a suspension  
4 ordered by the department shall not be limited by this subsection  
5 if the suspension was caused by insufficiency in the fund to  
6 provide reimbursement.

7 (3) The department may make partial reimbursement during  
8 the time that remedial action is being taken if the department is  
9 satisfied that the remedial action being taken is as required by  
10 the department.

11 (4) If the fund is insufficient for any reason to  
12 reimburse the amount set forth in this section, the maximum amount  
13 that the fund shall be required to reimburse is the amount in the  
14 fund. If reimbursements approved by the department exceed the  
15 amount in the fund, reimbursements with interest shall be made when  
16 the fund is sufficiently replenished in the order in which the  
17 applications for them were received by the department, except that  
18 an application pending before the department on January 1, 1996,  
19 submitted by a local government as defined in section 13-2202  
20 shall, after July 1, 1996, be reimbursed first when funds are  
21 available. This exception applies only to local government  
22 applications pending on and not submitted after January 1, 1996.

23 (5) Applications for reimbursement properly made before,  
24 on, or after April 16, 1996, shall be considered bills for goods or  
25 services provided for third parties for purposes of the Prompt  
26 Payment Act.

27 (6) Notwithstanding any other provision of law, there  
1 shall be no reimbursement from the fund for the cost of remedial  
2 action or for the cost of paying third-party claims for any  
3 releases reported on or after July 1, ~~2004~~ 2005.

4 (7) For purposes of this section, occurrence shall mean  
5 an accident, including continuous or repeated exposure to  
6 conditions, which results in a release from a tank.

7 Sec. 3. Section 66-1525, Revised Statutes Supplement,  
8 2000, is amended to read:

9 66-1525. (1) Any responsible person or his or her  
10 designated representative who has taken remedial action in response  
11 to a release first reported after July 17, 1983, and on or before  
12 June 30, ~~2004~~ 2005, or against whom there is a third-party claim  
13 may apply to the department under the rules and regulations adopted  
14 and promulgated pursuant to section 66-1518 for reimbursement for  
15 the costs of the remedial action or third-party claim. Partial  
16 payment of such reimbursement to the responsible person may be  
17 authorized by the department at the approved stages prior to the  
18 completion of remedial action when a remedial action plan has been  
19 approved. If any stage is projected to take more than ninety days



20 to complete partial payments may be requested every sixty days.  
21 Such partial payment may include the eligible and reasonable costs  
22 of such plan or pilot projects conducted during the remedial  
23 action.

24 (2) No reimbursement may be made unless the department  
25 makes the following eligibility determinations:

26 (a) The tank was in substantial compliance with any rules  
27 and regulations of the United States Environmental Protection  
1 Agency, the State Fire Marshal, and the department which were  
2 applicable to the tank. Substantial compliance shall be determined  
3 by the department taking into consideration the purposes of the  
4 Petroleum Release Remedial Action Act and the adverse effect that  
5 any violation of the rules and regulations may have had on the tank  
6 thereby causing or contributing to the release and the extent of  
7 the remedial action thereby required;

8 (b) Either the State Fire Marshal or the department was  
9 given notice of the release in substantial compliance with the  
10 rules and regulations adopted and promulgated pursuant to the  
11 Environmental Protection Act and the Petroleum Products and  
12 Hazardous Substances Storage and Handling Act. Substantial  
13 compliance shall be determined by the department taking into  
14 consideration the purposes of the Petroleum Release Remedial Action  
15 Act and the adverse effect that any violation of the notice  
16 provisions of the rules and regulations may have had on the  
17 remedial action being taken in a prompt, effective, and efficient  
18 manner;

19 (c) The responsible person reasonably cooperated with the  
20 department and the State Fire Marshal in responding to the release;

21 (d) The department has approved the plan submitted by the  
22 responsible person for the remedial action in accordance with rules  
23 and regulations adopted and promulgated by the department pursuant  
24 to the Environmental Protection Act or the Petroleum Products and  
25 Hazardous Substances Storage and Handling Act or that portion of  
26 the plan for which payment or reimbursement is requested. However,  
27 responsible persons may undertake remedial action prior to approval  
1 of a plan by the department or during the time that remedial action  
2 at a site was suspended at any time after April 1995 because the  
3 fund was insufficient to pay reimbursements and be eligible for  
4 reimbursement at a later time if the responsible person complies  
5 with procedures provided to the responsible party by the department  
6 or set out in rules and regulations adopted and promulgated by the  
7 Environmental Quality Council;

8 (e) The costs for the remedial action were actually  
9 incurred by the responsible person or his or her designated  
10 representative after May 27, 1989, and were eligible and  
11 reasonable;

12 (f) If reimbursement for a third-party claim is involved,  
13 the cause of action for the third-party claim accrued after April  
14 26, 1991, and the Attorney General was notified by any person of

15 the service of summons for the action within ten days of such  
16 service; and

17 (g) The responsible person or his or her designated  
18 representative has paid the amount specified in subsection (1) or  
19 (2) of section 66-1523.

20 (3) The State Fire Marshal shall review each application  
21 prior to consideration by the department and provide to the  
22 department any information the State Fire Marshal deems relevant to  
23 subdivisions (2)(a) through (g) of this section. The State Fire  
24 Marshal shall issue a determination with respect to an applicant's  
25 compliance with rules and regulations adopted and promulgated by  
26 the State Fire Marshal. The State Fire Marshal shall issue a  
27 compliance determination to the department within thirty days after  
1 receiving an application from the department.

2 (4) The department may withhold taking action on an  
3 application during the pendency of an enforcement action by the  
4 state or federal government related to the tank or a release from  
5 the tank.

6 (5) Reimbursements made for a remedial action may be  
7 reduced as much as one hundred percent for failure by the  
8 responsible person to comply with applicable statutory or  
9 regulatory requirements. In determining the amount of the  
10 reimbursement reduction, the department shall consider:

11 (a) The extent of and reasons for noncompliance;

12 (b) The likely environmental impact of the noncompliance;  
13 and

14 (c) Whether noncompliance was negligent, knowing, or  
15 willful.

16 (6) Except as provided in subsection (4) of this section,  
17 the department shall notify the responsible person of its approval  
18 or denial of the remedial action plan within one hundred twenty  
19 days after receipt of a remedial action plan which contains all the  
20 required information. If after one hundred twenty days the  
21 department fails to either deny, approve, or amend the remedial  
22 action plan submitted, the proposed plan shall be deemed approved.  
23 If the remedial action plan is denied, the department shall provide  
24 the reasons for such denial.

25 Sec. 4. Section 66-1529.02, Revised Statutes Supplement,  
26 2000, is amended to read:

27 66-1529.02. (1) The department may undertake remedial  
1 actions in response to a release first reported after July 17,  
2 1983, and on or before June 30, ~~2004~~ 2005, with money available in  
3 the fund if:

4 (a) The responsible person cannot be identified or  
5 located;

6 (b) An identified responsible person cannot or will not  
7 comply with the remedial action requirements; or

8 (c) Immediate remedial action is necessary, as determined  
9 by the Director of Environmental Quality, to protect human health

10 or the environment.

11 (2) The department may pay the costs of a third-party  
12 claim meeting the requirements of subdivision (2)(f) of section  
13 66-1525 with money available in the fund if the responsible person  
14 cannot or will not pay the third-party claim.

15 (3) Reimbursement for any damages caused by the  
16 department or a person acting at the department's direction while  
17 investigating or inspecting or during remedial action on property  
18 other than property on which a release or suspected release has  
19 occurred shall be considered as part of the cost of remedial action  
20 involving the site where the release or suspected release occurred.  
21 The costs shall be reimbursed from money available in the fund. If  
22 such reimbursement is deemed inadequate by the party claiming the  
23 damages, the party's claim for damages caused by the department  
24 shall be filed as provided in section 76-705.

25 (4) All expenses paid from the fund under this section,  
26 court costs, and attorney's fees may be recovered in a civil action  
27 in the district court of Lancaster County. The action may be  
1 brought by the county attorney or Attorney General at the request  
2 of the director against the responsible person. All recovered  
3 expenses shall be deposited into the fund."

4 2. In the Standing Committee amendments, AM0998:

5 a. Renumber sections 2 to 6 as sections 5 to 9,  
6 respectively;

7 b. On page 1, line 5, strike "3" and insert "6"; and

8 c. On page 6, line 13, strike "section" and insert  
9 "sections 66-1519, 66-1523, 66-1525, 66-1529.02, and".

10 3. Renumber the remaining section accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 444.** Title read. Considered.

Senator Schimek asked unanimous consent to be excused until she returns.  
No objections. So ordered.

The Standing Committee amendment, AM0747, found on page 863, was  
adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and  
not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 7 present and not  
voting, and 6 excused and not voting.

### STANDING COMMITTEE REPORTS

#### Revenue

**LEGISLATIVE BILL 206.** Placed on General File as amended.  
Standing Committee amendment to LB 206:

AM1185

- 1 1. On page 2, line 14, strike "one-half" and insert  
2 "one-fourth".

**LEGISLATIVE BILL 277.** Placed on General File as amended.  
Standing Committee amendment to LB 277:

AM1120

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. Section 77-2715.02, Revised Statutes  
4 Supplement, 2000, is amended to read:  
5 77-2715.02. (1) Whenever the primary rate is changed by  
6 the Legislature under section 77-2715.01, the Tax Commissioner  
7 shall update the rate schedules required in subsection (2) of this  
8 section to reflect the new primary rate and shall publish such  
9 updated schedules.  
10 (2) The following rate schedules are hereby established  
11 for the Nebraska individual income tax and shall be in the  
12 following form:  
13 (a) The income amounts for columns A and E shall be:  
14 (i) ~~\$0, \$2,400, \$17,000, and \$26,500, for single returns~~  
15 \$0, \$2,000, \$16,000, and \$24,800 for single returns and for each  
16 spouse electing for separate calculation of tax liability under  
17 subsection (4) of section 77-2732;  
18 (ii) \$0, \$4,000, \$30,000, and \$46,750, for married filing  
19 joint returns;  
20 (iii) \$0, \$3,800, \$24,000, and \$35,000, for  
21 head-of-household returns;  
22 (iv) \$0, \$2,000, \$15,000, and \$23,375, for married filing  
23 separate returns; and  
24 (v) \$0, \$500, \$4,700, and \$15,150, for estates and  
1 trusts;  
2 (b) The amount in column C shall be the total amount of  
3 the tax imposed on income less than the amount in column A;  
4 (c) The amount in column D shall be the rate on the  
5 income in excess of the amount in column E;  
6 (d) The primary rate set by the Legislature shall be  
7 multiplied by the following factors to compute the tax rates for  
8 column D. The factors for the brackets, from lowest to highest  
9 bracket, shall be .6784, .9432, 1.3541, and 1.8054;  
10 (e) The amounts for column C shall be rounded to the  
11 nearest dollar, and the amounts in column D shall be rounded to  
12 hundredths of one percent; and  
13 (f) One rate schedule shall be established for each  
14 federal filing status.  
15 (3) The tax rate schedules shall use the format set forth  
16 in this subsection.  
17 A B C D E  
18 Taxable income but not pay plus of the

19 over over amount over  
20 (4) The tax rate applied to other federal taxes included  
21 in the computation of the Nebraska individual income tax shall be  
22 eight times the primary rate.

23 (5) The Tax Commissioner shall prepare, from the rate  
24 schedules, tax tables which can be used by a majority of the  
25 taxpayers to determine their Nebraska tax liability. The design of  
26 the tax tables shall be determined by the Tax Commissioner. The  
27 size of the tax table brackets may change as the level of income  
1 changes. The difference in tax between two tax table brackets  
2 shall not exceed fifteen dollars. The Tax Commissioner may build  
3 the personal exemption credit and standard deduction amounts into  
4 the tax tables.

5 (6) The Tax Commissioner may require by rule and  
6 regulation that all taxpayers shall use the tax tables if their  
7 income is less than the maximum income included in the tax tables.  
8 Sec. 2. Section 77-2716.01, Revised Statutes Supplement,  
9 2000, is amended to read:

10 77-2716.01. (1) Every individual shall be allowed to  
11 subtract from his or her income tax liability an amount for  
12 personal exemptions. The amount allowed to be subtracted shall be  
13 the credit amount for the year as provided in this section  
14 multiplied by the number of exemptions allowed on the federal  
15 return. For tax year 1993, the credit amount shall be sixty-five  
16 dollars; for tax year 1994, the credit amount shall be sixty-nine  
17 dollars; for tax year 1995, the credit amount shall be sixty-nine  
18 dollars; for tax year 1996, the credit amount shall be seventy-two  
19 dollars; for tax year 1997, the credit amount shall be eighty-six  
20 dollars; for tax year 1998, the credit amount shall be eighty-eight  
21 dollars; for tax year 1999, and each year thereafter, the credit  
22 amount shall be adjusted for inflation by the method provided in  
23 section 151 of the Internal Revenue Code of 1986, as amended. The  
24 eighty-eight-dollar credit amount shall be adjusted for cumulative  
25 inflation since 1998. If any credit amount is not an even dollar  
26 amount, the amount shall be rounded to the nearest dollar. The  
27 amount allowed for each personal exemption shall be reduced, but  
1 not below zero, by five dollars for each five thousand dollars, or  
2 portion thereof, that federal adjusted gross income exceeds ninety  
3 thousand dollars for married filing joint returns, fifty-four  
4 thousand dollars for single returns and married electing for  
5 separate calculation returns, seventy-five thousand dollars for  
6 head-of-household returns, and for married filing separate returns,  
7 one-half the amount stated in this subsection for married filing  
8 joint returns. For nonresident individuals and partial-year  
9 resident individuals, the personal exemption credit shall be  
10 subtracted as specified in subsection (3) of section 77-2715. For  
11 tax year 1994 and each tax year thereafter, the income levels  
12 stated in this subsection shall be adjusted for inflation by the  
13 method provided in section 151 of the Internal Revenue Code of

14 1986, as amended. If any income level in this subsection is not a  
15 multiple of one thousand dollars, the amount shall be rounded to  
16 the next highest multiple of one thousand dollars.

17 (2) Every individual who did not itemize deductions on  
18 his or her federal return shall be allowed to subtract from federal  
19 adjusted gross income a standard deduction equal to the federal  
20 standard deduction for the filing status used on the federal return  
21 except as the amount is adjusted under section 77-2716.03 and  
22 except for individuals filing single returns. Every individual  
23 filing a single return who did not itemize deductions on his or her  
24 federal return shall be allowed to subtract from federal adjusted  
25 gross income a standard deduction equal to four thousand dollars as  
26 adjusted under this subsection. For tax year 2003 and each tax  
27 year thereafter, the standard deduction for individuals filing  
1 single returns shall be adjusted for inflation by the method  
2 provided in section 151 of the Internal Revenue Code of 1986, as  
3 amended.

4 (3) Every husband and wife electing separate calculation  
5 of tax liability shall each be allowed to subtract an amount equal  
6 to the federal standard deduction for single individuals or shall  
7 each be allowed to claim his or her portion of the itemized  
8 deductions as allocated in section 77-2732. One spouse may not  
9 subtract the standard deduction and the other spouse claim the  
10 itemized deductions. For purposes of the adjustment under section  
11 77-2716.03, the adjustment shall be made assuming each spouse filed  
12 a single return.

13 (4) Every individual who itemized deductions on his or  
14 her federal return shall be allowed to subtract from federal  
15 adjusted gross income the greater of either the standard deduction  
16 allowed in ~~subsection (2)~~ subsections (2) or (3) of this section or  
17 the amount before the federal disallowance of his or her federal  
18 itemized deductions, except for the amount deducted on the federal  
19 return for state or local income taxes paid and the amount of any  
20 adjustment required under section 77-2716.03.

21 Sec. 3. Section 77-2732, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 77-2732. (1) If the federal tax liability of husband or  
24 wife is determined on separate federal returns, their tax  
25 liabilities in this state shall be separately determined.

26 (2) Except as provided in ~~subsection (3)~~ subsections (3)  
27 and (4) of this section, if the federal tax liability of husband  
1 and wife is determined on a joint federal return, their tax  
2 liability shall be determined in this state jointly and their tax  
3 liability shall be joint and several.

4 (3) If the federal tax liability of husband and wife is  
5 determined on a joint federal return and either husband or wife is  
6 a nonresident individual or partial-year resident individual and  
7 the other a resident individual, separate taxes shall be determined  
8 on their separate tax liabilities in this state on such forms as

9 the Tax Commissioner shall prescribe and their tax liability shall  
10 be separate unless both elect to determine their joint tax  
11 liability in this state as if both were resident individuals, in  
12 which case their tax liability shall be joint and several. If a  
13 husband and wife file a joint federal income tax return but  
14 determine their tax liabilities in this state separately, they  
15 shall compute their tax liabilities in this state as if their  
16 federal tax liabilities had been determined separately.

17 (4) A husband and wife may elect to have their income tax  
18 liability calculated separately on the same return developed by the  
19 Tax Commissioner. The election shall result in the separate  
20 calculation of income tax liability which is then summed, resulting  
21 in the total joint liability of the married couple. The  
22 calculation for alternative minimum tax shall be performed using  
23 the income, deductions, and credits of both the husband and wife  
24 combined and any liability shall be added to the combined liability  
25 of both. All credits shall be applied against the joint liability.  
26 Upon election, the following items shall be allocated to each  
27 spouse's separate tax calculations as follows:

1 (a) Income shall be allocated to the spouse who earned  
2 the income or who owned the property that produced the income.  
3 Income from property held jointly shall be allocated equally  
4 between the spouses;

5 (b) Adjustments to federal adjusted gross income provided  
6 in section 77-2716 shall be allocated to the spouse earning the  
7 income or owning the property that results in the adjustment.  
8 Adjustments resulting from property held jointly shall be allocated  
9 equally between the spouses;

10 (c) Federal itemized deductions allowed under section  
11 77-2716.01 with respect to a trade or business shall be allocated  
12 to the spouse to whom the expense is attributable; and

13 (d) Other federal itemized deductions allowed under  
14 section 77-2716.01 shall be allocated equally between the spouses.

15 (5) During the time a claim for credit or refund may be  
16 filed pursuant to section 77-2793, a husband and wife electing to  
17 be taxed as if both were residents of this state may revoke the  
18 election by each filing a separate return on such forms and in such  
19 manner as may be required by the Tax Commissioner.

20 Sec. 4. This act becomes operative for all taxable years  
21 beginning or deemed to begin on or after January 1, 2002, under the  
22 Internal Revenue Code of 1986, as amended.

23 Sec. 5. Original section 77-2732, Reissue Revised  
24 Statutes of Nebraska, and sections 77-2715.02 and 77-2716.01,  
25 Revised Statutes Supplement, 2000, are repealed."

**LEGISLATIVE BILL 78.** Indefinitely postponed.  
**LEGISLATIVE BILL 201.** Indefinitely postponed.  
**LEGISLATIVE BILL 202.** Indefinitely postponed.  
**LEGISLATIVE BILL 506.** Indefinitely postponed.

**LEGISLATIVE BILL 509.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

### Education

**LEGISLATIVE BILL 797.** Placed on General File as amended.  
Standing Committee amendment to LB 797:

AM1043

- 1 1. Strike original section 6.
- 2 2. On page 13, lines 12 through 14, strike the new
- 3 matter.
- 4 3. On page 19, line 13; and page 20, line 10, after
- 5 "school" insert "fiscal".
- 6 4. On page 37, line 2, after "7601" insert ", as such
- 7 section existed on the effective date of this act".
- 8 5. On page 91, lines 19 and 21, strike "board of
- 9 education" and insert "school board".
- 10 6. On page 94, line 15, strike "79-413".
- 11 7. Renumber the remaining sections accordingly.

(Signed) Ron Raikes, Chairperson

### SELECT COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 809.** Placed on Select File as amended.  
(E & R amendment, AM7076, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

**LEGISLATIVE BILL 706.** Placed on Select File as amended.

E & R amendment to LB 706:

AM7078

- 1 1. On page 2, line 10, strike "graphical" and insert
- 2 "graphic".

**LEGISLATIVE BILL 408.** Placed on Select File as amended.

E & R amendment to LB 408:

AM7081

- 1 1. In the Standing Committee amendments, AM0481, on page
- 2 10, lines 1 and 18, strike "with".
- 3 2. On page 1, line 5, after the third comma insert
- 4 "24-701"; and in line 13 strike "and" and insert "to provide an
- 5 operative date;" and before the period insert "; and to declare an
- 6 emergency".
- 7 3. On page 8, line 19; and page 14, line 13, strike "10"
- 8 and insert "11".
- 9 4. On page 35, line 7; and page 38, line 24, strike "22"



10 and insert "23".

11 5. On page 47, line 3, strike "29" and insert "30".

**LEGISLATIVE BILL 438.** Placed on Select File as amended.

(E & R amendment, AM7083, 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 657.** Placed on Select File as amended.

E & R amendment to LB 657:

AM7080

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 "Section 1. The Legislature recognizes that the more  
 4 populous cities of the state serve medical, educational,  
 5 recreational, transportation, and retail needs of the entire state  
 6 and that infrastructure costs and needs are great. The governing  
 7 bodies of such cities have a duty to identify projects which  
 8 benefit from development funds made available by the Legislature.  
 9 The creation of the City of the Primary Class Development Fund  
 10 under section 2 of this act and the City of the Metropolitan Class  
 11 Development Fund under section 3 of this act shall be used to meet  
 12 such needs.  
 13 Sec. 2. There is hereby created the City of the Primary  
 14 Class Development Fund. Amounts credited to the fund pursuant to  
 15 section 77-2602 shall, upon appropriation by the Legislature, be  
 16 first expended to support the design and development of the  
 17 Antelope Valley project and financing costs related thereto for the  
 18 Antelope Valley Study as outlined in the Environmental Impact  
 19 Statement and Comprehensive Plan Amendment 94-60 to the 1994  
 20 Lincoln/Lancaster County Comprehensive Plan. Any money in the fund  
 21 available for investment shall be invested by the state investment  
 22 officer pursuant to the Nebraska Capital Expansion Act and the  
 23 Nebraska State Funds Investment Act.  
 24 Sec. 3. There is hereby created the City of the  
 1 Metropolitan Class Development Fund. Amounts credited to the fund  
 2 pursuant to section 77-2602 shall, upon appropriation by the  
 3 Legislature, be first expended to support the design and  
 4 development of the redevelopment projects within the riverfront  
 5 redevelopment plan designated for the area along the Missouri River  
 6 generally north of Interstate 480 to Interstate 680 by the city of  
 7 Omaha, except that each fiscal year there shall be no distribution  
 8 from the fund until the finance director of the city certifies that  
 9 other funds have been encumbered for that calendar year by the city  
 10 to pay the cost of the combined sewer separation program project  
 11 east of Seventy-second Street in the city of Omaha. Such  
 12 certification shall be required only until such sewer separation  
 13 project is completed or until no cigarette tax money is available  
 14 to the fund. The amount certified shall be at least seven million

15 dollars each calendar year until 2007 and at least four million  
16 dollars each calendar year thereafter. The sewer separation  
17 project has such a significant impact on the health and welfare of  
18 such a large percentage of the population and on public health in  
19 general that the project is a matter of statewide concern. Any  
20 money in the fund available for investment shall be invested by the  
21 state investment officer pursuant to the Nebraska Capital Expansion  
22 Act and the Nebraska State Funds Investment Act.  
23 Sec. 4. (1) Cities of the primary class and cities of  
24 the metropolitan class may by ordinance issue their bonds and  
25 refunding bonds to finance and refinance the acquisition,  
26 construction, improving, and equipping of the projects authorized  
27 by sections 1 to 3 of this act and provide for the payment of the  
1 same as specified in this section. Bonds, except refunding bonds,  
2 authorized by this section may only be issued once, and such  
3 issuance must occur within two years after the operative date of  
4 this act. An issuer shall be permitted to pledge the amounts on  
5 deposit or to be deposited in the City of the Primary Class  
6 Development Fund or the City of the Metropolitan Class Development  
7 Fund, as applicable, as and when appropriated by the Legislature,  
8 to the registered owners of any bonds issued to finance the  
9 acquisition, construction, improving, or equipping of projects as  
10 approved in sections 1 to 3 of this act as long as the lien of such  
11 pledge does not attach until funds are actually deposited into the  
12 issuer's respective fund, and in no event shall such a pledge be  
13 construed as an obligation of the Legislature to appropriate such  
14 funds. Any such pledge shall be valid and binding from the time  
15 when the pledge is made. The money so pledged and thereafter  
16 received by the issuer or deposited into its respective fund shall  
17 immediately be subject to the lien of such pledge without any  
18 physical delivery thereof or further act, and the lien of any such  
19 pledge shall be valid and binding as against all parties having  
20 claims of any kind in tort, contract, or otherwise against the  
21 issuer, irrespective of whether the parties have notice thereof.  
22 Neither the ordinance nor any other instrument by which a pledge is  
23 created need be recorded.  
24 (2) Such bonds may be sold by the issuer in such manner  
25 and for such price as the mayor and city council determine, at a  
26 discount, at par, or at a premium, at private negotiated sale or at  
27 public sale. The bonds shall have a stated maturity of fifteen  
1 years or less and shall bear interest at such rate or rates and  
2 otherwise be issued by ordinance adopted by the mayor and city  
3 council with such other terms and provisions as are established,  
4 permitted, or authorized by applicable state laws, notwithstanding  
5 any provisions of a home rule charter. In addition to the pledge  
6 of the amounts on deposit or to be deposited in the City of the  
7 Primary Class Development Fund or the City of the Metropolitan  
8 Class Development Fund, as the case may be and as appropriate,  
9 permitted by subsection (1) of this section, such bonds may also be

10 secured as to payment in whole or in part by a pledge, as shall be  
11 determined by the issuer, (a) from the income, proceeds, and  
12 revenue, if any, of the facilities financed with proceeds of such  
13 bonds, and (b) from its revenue and income, including its sales,  
14 use, or occupation tax revenue, fees, or receipts, as may be  
15 determined by the issuer. The issuer may further secure such bonds  
16 by a mortgage or deed of trust encumbering all or any portion of  
17 the facilities financed with the proceeds of such bonds and by a  
18 bond insurance policy or other credit support facility. No general  
19 obligation bonds, except refunding bonds, shall be issued until  
20 authorized by a majority of the issuer's electors voting on the  
21 question as to the issuance of the bonds at a statewide regular  
22 primary election or at a special election duly called for such  
23 purpose.

24 (3) The face of all such bonds shall plainly state that  
25 the bonds and the interest thereon shall not constitute nor give  
26 rise to an indebtedness, obligation, or pecuniary liability of the  
27 state nor a charge against the general credit, revenue, or taxing  
1 power of the state. Bonds issued in accordance with the provisions  
2 of this section are declared to be issued for an essential public  
3 and governmental purpose and, together with interest thereon and  
4 income therefrom, shall be exempt from all state income taxes.

5 (4) For purposes of this section, general obligation bond  
6 means any bond or refunding bond which is payable from the proceeds  
7 of an ad valorem tax.

8 Sec. 5. Section 77-2602, Revised Statutes Supplement,  
9 2000, is amended to read:

10 77-2602. (1) Every person engaged in distributing or  
11 selling cigarettes at wholesale in this state shall pay to the Tax  
12 Commissioner of this state a special privilege tax. This shall be  
13 in addition to all other taxes. It shall be paid prior to or at  
14 the time of the sale, gift, or delivery to the retail dealer in the  
15 several amounts as follows: On each package of cigarettes  
16 containing not more than twenty cigarettes, thirty-four cents per  
17 package; and on packages containing more than twenty cigarettes,  
18 the same tax as provided on packages containing not more than  
19 twenty cigarettes for the first twenty cigarettes in each package  
20 and a tax of one-twentieth of the tax on the first twenty  
21 cigarettes on each cigarette in excess of twenty cigarettes in each  
22 package. Commencing July 1, 1994, and continuing until July 1,  
23 2009, the State Treasurer shall place the equivalent of twenty-one  
24 cents of such tax less three million dollars each fiscal year of  
25 proceeds of such tax in the General Fund. Commencing July 1, 2009,  
26 the State Treasurer shall place the equivalent of twenty-one cents  
27 of such tax in the General Fund. For purposes of this section, the  
1 equivalent of a specified number of cents of the tax shall mean  
2 that portion of the proceeds of the tax equal to the specified  
3 number divided by thirty-four. The State Treasurer shall  
4 distribute the remaining proceeds of such tax in the following

5 order:

6 (a) First, beginning July 1, 1980, the State Treasurer  
7 shall place the equivalent of one cent of such tax in the Nebraska  
8 Outdoor Recreation Development Cash Fund. For fiscal year  
9 distributions occurring after FY1998-99, the distribution under  
10 this subdivision shall not be less than the amount distributed  
11 under this subdivision for FY1997-98. Any money needed to increase  
12 the amount distributed under this subdivision to the FY1997-98  
13 amount shall reduce the twenty-one-cent distribution to the General  
14 Fund;

15 (b) Second, beginning July 1, 1993, the State Treasurer  
16 shall place the equivalent of three cents of such tax in the  
17 Department of Health and Human Services Finance and Support Cash  
18 Fund to carry out sections 81-637 to 81-640. For fiscal year  
19 distributions occurring after FY1998-99, the distribution under  
20 this subdivision shall not be less than the amount distributed  
21 under this subdivision for FY1997-98. Any money needed to increase  
22 the amount distributed under this subdivision to the FY1997-98  
23 amount shall reduce the twenty-one-cent distribution to the General  
24 Fund;

25 (c) Third, beginning July 1, ~~1997~~ 2001, and continuing  
26 until all the purposes of the Deferred Building Renewal Act have  
27 been fulfilled, the State Treasurer shall place the equivalent of  
1 ~~seven~~ five cents of such tax in the Building Renewal Allocation  
2 Fund. The Legislature shall appropriate each fiscal year all sums  
3 inuring to the fund, plus interest earnings for the Task Force for  
4 Building Renewal to be used to carry out its duties and to fulfill  
5 the purposes of the Deferred Building Renewal Act. Unexpended  
6 balances existing at the end of each fiscal year shall be, and are  
7 hereby, reappropriated. For fiscal year distributions occurring  
8 after FY1998-99, the distribution under this subdivision shall not  
9 be less than five-sevenths of the amount distributed under this  
10 subdivision for FY1997-98. Any money needed to increase the amount  
11 distributed under this subdivision to five-sevenths of the  
12 FY1997-98 amount shall reduce the twenty-one-cent distribution to  
13 the General Fund;

14 (d) Fourth, the State Treasurer shall place the  
15 difference between the equivalent of thirteen cents of such tax and  
16 the sum of the amounts distributed pursuant to subdivisions (a)  
17 through (c) and (f) through (h) of this subsection in a special  
18 fund to be known as the Nebraska Capital Construction Fund;

19 (e) Fifth, beginning July 1, 1994, and continuing until  
20 July 1, 2009, the State Treasurer shall place in the Municipal  
21 Infrastructure Redevelopment Fund the sum of three million dollars  
22 each fiscal year to carry out the Municipal Infrastructure  
23 Redevelopment Fund Act. The Legislature shall appropriate the sum  
24 of three million dollars each year for fiscal year 1994-95 through  
25 fiscal year 2008-09; ~~and~~

26 (f) Sixth, beginning July 1, 2001, the State Treasurer

27 shall place the equivalent of two cents of such tax in the  
 1 Information Technology Infrastructure Fund;  
 2 (g) Seventh, beginning July 1, 2001, and continuing until  
 3 June 30, 2016, the State Treasurer shall place one million dollars  
 4 each fiscal year in the City of the Primary Class Development Fund;  
 5 and  
 6 (h) Eighth, beginning July 1, 2001, and continuing until  
 7 June 30, 2016, the State Treasurer shall place one million five  
 8 hundred thousand dollars each fiscal year in the City of the  
 9 Metropolitan Class Development Fund.

10 (2) The Legislature hereby finds and determines that the  
 11 projects funded from the Municipal Infrastructure Redevelopment  
 12 Fund and the Building Renewal Allocation Fund are of critical  
 13 importance to the State of Nebraska. It is the intent of the  
 14 Legislature that the allocations and appropriations made by the  
 15 Legislature to such funds or, in the case of allocations for the  
 16 Municipal Infrastructure Redevelopment Fund, to the particular  
 17 municipality's account not be reduced until all contracts and  
 18 securities relating to the construction and financing of the  
 19 projects or portions of the projects funded from such funds or  
 20 accounts of such funds are completed or paid or, in the case of the  
 21 Municipal Infrastructure Redevelopment Fund, the earlier of such  
 22 date or July 1, 2009, and that until such time any reductions in  
 23 the cigarette tax rate made by the Legislature shall be  
 24 simultaneously accompanied by equivalent reductions in the amount  
 25 dedicated to the General Fund from cigarette tax revenue. Any  
 26 provision made by the Legislature for distribution of the proceeds  
 27 of the cigarette tax for projects or programs other than those to  
 1 (a) the General Fund, (b) the Nebraska Outdoor Recreation  
 2 Development Cash Fund, (c) the Department of Health and Human  
 3 Services Finance and Support Cash Fund, (d) the Municipal  
 4 Infrastructure Redevelopment Fund, (e) the Building Renewal  
 5 Allocation Fund, and (f) the Information Technology Infrastructure  
 6 Fund, (g) the City of the Primary Class Development Fund, and (h)  
 7 the City of the Metropolitan Class Development Fund shall not be  
 8 made a higher priority than or an equal priority to any of the  
 9 programs or projects specified in subdivisions (a) through (f) (h)  
 10 of this subsection.

11 Sec. 6. This act becomes operative on July 1, 2001.  
 12 Sec. 7. Original section 77-2602, Revised Statutes  
 13 Supplement, 2000, is repealed.  
 14 Sec. 8. Since an emergency exists, this act takes effect  
 15 when passed and approved according to law."  
 16 2. On page 1, line 3, after the second semicolon insert  
 17 "to provide for bonds;"

**LEGISLATIVE BILL 657A.** Placed on Select File.

**LEGISLATIVE BILL 668.** Placed on Select File as amended.

E & R amendment to LB 668:  
AM7082

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "section" insert "; and to declare an emergency".

**LEGISLATIVE BILL 750.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB 671:  
AM1095

- 1 1. On page 3, line 2, strike "through the Internet,"
- 2 and after "liquor" insert "from another state"; and in line 3
- 3 strike the first "person" and insert "consumer".
- 4 2. On page 10, line 12, strike "who" through "transport"
- 5 and show as stricken; strike beginning with "Department" in line 19
- 6 through "1967" in line 20, show as stricken, and insert
- 7 "commission"; and in line 24 strike "department and the" and show
- 8 as stricken.

Senator Chambers filed the following amendment to LB 113:  
AM1175

(Amendments to E & R amendments, AM7077)

- 1 1. On page 3, lines 1 and 19; and page 20, line 15,
- 2 after "Act" insert ", as the act existed on the effective date of
- 3 this act".
- 4 2. On page 20, line 27, after "321" insert ", as such
- 5 section existed on the effective date of this act".
- 6 3. On page 24, line 11, strike "Federal Controlled
- 7 Dangerous Substances Act", show as stricken, and insert "federal
- 8 Controlled Substances Act, as the act existed on the effective date
- 9 of this act".

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 668A.** Introduced by Kremer, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 668, Ninety-seventh Legislature, First Session, 2001; to provide for transfers; and to declare an emergency.

### GENERAL FILE

**LEGISLATIVE BILL 808.** Title read. Considered.

**PRESIDENT MAURSTAD PRESIDING**

Senators Dw. Pedersen, Landis, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, AM0632, printed separately and referred to on page 766, 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 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 772.** Title read. Considered.

Senators Bromm and Tyson asked unanimous consent to be excused. No objections. So ordered.

The Special Committee amendment, AM0968, found on page 1032, was considered.

Senator Coordsen renewed his pending amendment, AM1081, found on page 1138, to the Special Committee amendment.

The Coordsen amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Special Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Senator Hilgert asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Bromm filed the following amendment to LB 827:  
AM1192

(Amendments to Standing Committee amendments, AM0499)

- 1 1. Insert the following new sections:
- 2 "Sec. 5. An original action or appeal concerning a
- 3 violation of any provision of sections 1 to 7 of this act by an
- 4 agency or political subdivision of the state shall follow the
- 5 procedures set forth in section 75-132.01.
- 6 Sec. 18. Section 75-132.01, Revised Statutes Supplement,

7 2000, is amended to read:  
 8 75-132.01. (1) Notwithstanding the provisions of section  
 9 75-131, the commission shall have exclusive original jurisdiction  
 10 over any action concerning a violation of any provision of (a)  
 11 section 75-109, 75-604, 75-609, 75-609.01, or 86-801 to 86-810 by a  
 12 telecommunications company or (b) sections 1 to 7 of this act by an  
 13 agency or political subdivision of the state.  
 14 (2) After all administrative remedies before the  
 15 commission have been exhausted, any interested party to an action  
 16 may appeal in accordance with the Administrative Procedure Act.  
 17 ~~(2)~~ (3) If the commission enters an order declining  
 18 jurisdiction under subsection (1) of this section, any interested  
 19 person may petition the district court of the county in which such  
 20 alleged violation has occurred. If it appears to the court, after  
 21 a hearing, that a provision of such sections has been violated, the  
 22 court may issue an injunction or other proper process to restrain  
 23 the telecommunications company and its directors, officers,  
 1 employees, or agents or the agency or political subdivision of the  
 2 state from continuing such violation and may order additional  
 3 relief. Any party to the case shall have the right to appeal the  
 4 decision of the district court to the Court of Appeals under the  
 5 rules provided by law for appeals in civil cases.  
 6 ~~(3)~~ (4) For purposes of this section, telecommunications  
 7 company has the same meaning as in section 86-802."  
 8 2. In the Standing Committee amendments, AM0499:  
 9 a. On page 1, line 14, after "fee" insert ", except as  
 10 authorized in sections 81-1120.01 to 81-1120.28, 85-401 to 85-418,  
 11 and 85-1501 to 85-1542"; and  
 12 b. On page 19, line 16, after "70-625" insert ",  
 13 75-132.01,".  
 14 3. Renumber the remaining sections and correct internal  
 15 references accordingly.

Senators Wickersham and Vrtiska filed the following amendment to  
LB 657:  
 AM1199

- 1 1. On page 3, line 12, after the comma insert
- 2 "thirty-six cents per package from July 1, 2001, through June 30,
- 3 2016, and on and after July 1, 2016,".

### UNANIMOUS CONSENT - Add Cointroducers

Senators Jones, Bruning, and Baker asked unanimous consent to have their names added as cointroducers to LB 277. No objections. So ordered.

Senator Kristensen asked unanimous consent to have his name added as cointroducer to LB 823 and LB 824. No objections. So ordered.



**VISITORS**

Visitors to the Chamber were 55 fourth grade students and teacher from North Park Elementary School, Columbus; 9 students and teacher from Parkview Christian School, Lincoln; and Joel Sartore from Lincoln, Olya Evanitsky and Jeff MacGregor from New York City.

The Doctor of the Day was Dr. Scott Wilson from Lincoln.

**ADJOURNMENT**

At 4:49 p.m., on a motion by Senator Jones, the Legislature adjourned until 9:00 a.m., Thursday, March 29, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-FIFTH DAY - MARCH 29, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 29, 2001

**PRAYER**

The prayer was offered by Pastor Earl Higgins, First United Methodist Church, Hastings, 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 Landis and McDonald who were excused; and Senators Beutler, Brown, Dierks, Hilgert, D. Pederson, Robak, Schimek, Schrock, Tyson, Vrtiska, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fourth day was approved.

**SELECT COMMITTEE REPORT  
Enrollment and Review**

**LEGISLATIVE BILL 768.** Placed on Select File as amended.  
E & R amendment to LB 768:  
AM7084

- 1 1. On page 1, line 4, strike "sections 32-606" and
- 2 insert "section".
- 3 2. On page 2, line 5, strike "candidates" and insert
- 4 "candidate".

(Signed) Philip Erdman, Chairperson

**AMENDMENT - Print in Journal**

Senator Price filed the following amendment to LB 808:

AM1202

(Amendments to Standing Committee amendments, AM0632)

1 1. Insert the following new sections:

2 "Section 1. Section 13-303, Revised Statutes Supplement,  
3 2000, is amended to read:

4 13-303. The county boards of counties and the governing  
5 bodies of cities and villages may establish an emergency medical  
6 service, including the provision of scheduled and unscheduled  
7 ambulance service, as a governmental service either within or  
8 without the county or municipality, as the case may be. The county  
9 board or governing body may contract with any city, person, firm,  
10 or corporation licensed as an emergency medical service for  
11 emergency medical care by out-of-hospital emergency care providers.  
12 Each may enter into an agreement with the other under the  
13 Interlocal Cooperation Act or Joint Public Agency Act for the  
14 purpose of establishing an emergency medical service or may provide  
15 a separate service for itself. Public funds may be expended  
16 therefor, and a reasonable service fee may be charged to the user.  
17 Before any such service is established under the authority of this  
18 section, the county board or the governing bodies of cities and  
19 villages shall hold a public hearing after giving at least ten  
20 days' notice thereof, which notice shall include a brief summary of  
21 the general plan for establishing such service, including an  
22 estimate of the initial cost and the possible continuing cost of  
23 operating such service. If the board or governing body after such  
1 hearing determines that an emergency medical service for emergency  
2 medical care by out-of-hospital emergency care providers is needed,  
3 it may proceed as authorized in this section. The authority  
4 granted in this section shall be cumulative and supplementary to  
5 any existing powers heretofore granted. Any county board of  
6 counties and the governing bodies of cities and villages may pay  
7 their cost for such service out of available general funds or may  
8 levy a tax for the purpose of providing the service, which levy  
9 shall be in addition to all other taxes and shall be in addition to  
10 restrictions on the levy of taxes provided by statute, except that  
11 when a fire district provides the service the county shall pay the  
12 cost for the county service by levying a tax on that property not  
13 in a fire district providing the service. The levy shall be  
14 subject to section 77-3443.

15 Sec. 2. Section 23-3547, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 23-3547. Each local hospital district shall have and  
18 exercise the following powers:

19 (1) To have and use a corporate seal and alter it at  
20 pleasure;

21 (2) To sue and be sued in all courts and places and in  
22 all actions and proceedings whatever;

23 (3) To purchase, receive, have, take, hold, lease, use,

24 and enjoy property of every kind and description within and outside

25 the district and to control, dispose of, convey, and encumber the  
26 same and create a leasehold interest in such property for the  
27 benefit of the district;

1 (4) To exercise the right of eminent domain for the  
2 purpose of acquiring real or personal property of every kind  
3 necessary to the exercise of any of the powers of the district,  
4 which power shall be exercised in the manner provided in sections  
5 76-704 to 76-724;

6 (5) To administer any trust declared or created for  
7 hospitals of the district and receive by gift, devise, or bequest  
8 and hold in trust or otherwise property situated in this state or  
9 elsewhere and, when not otherwise provided, dispose of the same for  
10 the benefit of such hospitals;

11 (6) To employ legal counsel to advise the board of  
12 directors in all matters pertaining to the business of the district  
13 and to perform such functions in respect to the legal affairs of  
14 the district as the board may direct;

15 (7) To employ such officers and employees, including  
16 architects and consultants, as the board of directors deems  
17 necessary to carry on properly the business of the district;

18 (8) To prescribe the duties and powers of the manager,  
19 secretary, and other officers and employees of any such hospitals,  
20 to determine the number of and appoint all such officers and  
21 employees, and to fix their compensation. Such officers and  
22 employees shall hold their offices or positions at the pleasure of  
23 such boards;

24 (9) To do any and all things which an individual might do  
25 which are necessary for and to the advantage of a hospital;

26 (10) To establish, maintain, lease, or operate one or  
27 more hospitals within or outside the district, or both. For  
1 purposes of the Nebraska Local Hospital District Act, hospital has  
2 the meaning provided in subdivision (10) of section 23-3594;

3 (11) To do any and all other acts and things necessary to  
4 carry out the Nebraska Local Hospital District Act; and

5 (12) To acquire, maintain, and operate ambulances or an  
6 emergency medical service, including the provision of scheduled and  
7 unscheduled ambulance service, within and outside the district.

8 Sec. 3. Section 23-3594, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 23-3594. Each hospital authority shall have and exercise  
11 the following powers:

12 (1) To have perpetual succession as a body politic and  
13 corporate, except that any county board having declared a hospital  
14 authority to be a public corporation and body politic of this state  
15 shall, upon a showing duly made and with appropriate notice given  
16 to the Secretary of State, but not sooner than upon expiration of a  
17 period of two years from and after the date upon which the record  
18 relating to formation of such hospital authority was filed with the  
19 Secretary of State pursuant to section 23-3587, enter an order

20 dissolving any hospital authority which does not then have under  
21 construction, own, lease as lessee or as lessor, or operate a  
22 hospital;  
23 (2) To have and use a corporate seal and alter it at  
24 pleasure;  
25 (3) To sue and be sued in all courts and places and in  
26 all actions and proceedings whatever;  
27 (4) To purchase, receive, have, take, hold, lease as  
1 lessee, use, and enjoy property of every kind and description  
2 within the limits of the authority and to control, dispose of, sell  
3 for a nominal or other consideration, convey, and encumber the same  
4 and create a leasehold interest in the same, as lessor, with any  
5 nonprofit person, firm, partnership, limited liability company,  
6 association, or corporation, other than a county, city, or village  
7 in this state, for the benefit of the authority;  
8 (5) To administer any trust declared or created for  
9 hospitals of the authority and to receive by gift, devise, or  
10 bequest and hold, in trust or otherwise, property situated in this  
11 state or elsewhere and, if not otherwise provided, dispose of the  
12 same for the benefit of such hospitals;  
13 (6) To employ legal counsel to advise the board of  
14 trustees in all matters pertaining to the business of the authority  
15 and to perform such functions with respect to the legal affairs of  
16 the authority as the board may direct;  
17 (7) To employ such technical experts and such officers,  
18 agents, and employees, permanent and temporary, as it may require  
19 and to determine their qualifications, duties, and compensation,  
20 such technical experts, officers, agents, and employees to hold  
21 their offices or positions at the pleasure of the board;  
22 (8) To delegate to one or more of its agents or employees  
23 such powers and duties as it deems proper;  
24 (9) To do any and all things which an individual might do  
25 which are necessary for and to the advantage of a hospital;  
26 (10) To purchase, construct, establish, or otherwise  
27 acquire and to improve, alter, maintain, and operate one or more  
1 hospitals situated within the territorial limits of the authority.  
2 The term hospital as used in the Hospital Authorities Act shall  
3 mean and include, except as used in section 23-3597, any structure  
4 or structures suitable for use as a hospital, nursing home, clinic,  
5 or other health care facility, laboratory, laundry, nurses' or  
6 interns' residences and dormitories, administration buildings,  
7 research facilities, and maintenance, storage, or utility  
8 facilities and other structures or facilities reasonably related  
9 thereto or required or useful for the operation thereof, including  
10 parking and other facilities or structures essential or convenient  
11 for the orderly operation thereof and shall also include furniture,  
12 instruments, equipment, and machinery and other similar items  
13 necessary or convenient for the operations thereof, and any  
14 hospital authority which has established or acquired a hospital may

15 also purchase, construct, or otherwise acquire and improve, alter,  
16 maintain, and operate all types of ancillary care facilities,  
17 including rehabilitation, recreational, and research facilities for  
18 children, addicted persons, disabled individuals, and elderly  
19 persons, including both residential and outpatient care and  
20 ancillary facilities for physicians, technicians, educators,  
21 psychologists, social scientists, scientists, nutritionists,  
22 administrators, interns, residents, nurses, students preparing to  
23 engage in the health service field, and other health care related  
24 personnel;

25 (11) To enter into contracts and other agreements for the  
26 purchase, construction, establishment, acquisition, management,  
27 operation, and maintenance of any hospital or any part thereof upon  
1 such terms and conditions and for such periods of time as its board  
2 of trustees may determine;

3 (12) To do any and all other acts and things necessary to  
4 carry out the Hospital Authorities Act, including the power to  
5 borrow money on its bonds, notes, debentures, or other evidences of  
6 indebtedness and to secure the same by pledges of its revenue in  
7 the manner and to the extent provided in the act and to fund or  
8 refund the same; and

9 (13) To acquire, maintain, and operate ambulances or an  
10 emergency medical service, including the provision of scheduled or  
11 unscheduled ambulance service, within and without the authority.

12 Sec. 4. Section 35-514.02, Revised Statutes Supplement,  
13 2000, is amended to read:

14 35-514.02. A rural or suburban fire protection district  
15 may establish an emergency medical service, including the provision  
16 of scheduled or unscheduled ambulance service, or provide fire  
17 protection service either within or without the district, may enter  
18 into agreements under the Interlocal Cooperation Act and the Joint  
19 Public Agency Act for the purpose of establishing an emergency  
20 medical service or providing fire protection service, may contract  
21 with any city, person, firm, corporation, or other fire protection  
22 district to provide such services, may expend funds of the  
23 district, and may charge a reasonable fee to the user. Before any  
24 such services are established under the authority of this section,  
25 the rural or suburban fire protection district shall hold a public  
26 hearing after giving at least ten days' notice, which notice shall  
27 include a brief summary of the general plan for establishing the  
1 emergency medical service or providing fire protection service,  
2 including an estimate of the initial cost and the possible  
3 continuing cost of operating the emergency medical service or fire  
4 protection service. If the board after such hearing determines  
5 that an emergency medical service or fire protection service is  
6 needed, it may proceed as authorized in this section. The  
7 authority granted in this section shall be cumulative and  
8 supplementary to any existing powers heretofore granted. Any fire  
9 protection district providing any service under this section may

10 pay the cost for the service out of available funds or may levy a  
 11 tax for the purpose of supporting an emergency medical service or  
 12 providing fire protection service, which levy shall be in addition  
 13 to any other tax for such fire protection district and shall be  
 14 subject to section 77-3443. When a fire protection district levies  
 15 a tax for the purpose of supporting an emergency medical service,  
 16 the taxpayers of such district shall be exempt from any tax levied  
 17 under section 13-303. The board of a fire protection district  
 18 which provides fire protection service outside of the district may  
 19 charge a political subdivision with which the district has entered  
 20 into an agreement for such service on a per-call basis for such  
 21 service."

22 2. On page 28, line 11, after "sections" insert "23-3547  
 23 and 23-3594, Reissue Revised Statutes of Nebraska, and sections  
 24 13-303, 35-514.02,".

25 3. Renumber the remaining sections and correct internal  
 26 references accordingly.

### **MOTION - Approve Appointments**

Senator Smith moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 1218: Accountability and Disclosure Commission - Napoleon P. Agonor and State Emergency Response Commission - Steven Danon, Darrell Eastin, Lon Fields, Keith Mueller, Dalcyce Ronnau, and Harlan Schafer.

Voting in the affirmative, 28:

Aguilar	Baker	Bromm	Bruning	Burling
Byars	Coordsen	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hudkins	Janssen
Jensen	Kremer	Kristensen	Maxwell	Preister
Price	Quandahl	Raikes	Redfield	Smith
Stuhr	Suttle	Tyson		

Voting in the negative, 0.

Present and not voting, 10:

Bourne	Brashear	Chambers	Connealy	Cudaback
Jones	Kruse	Pedersen, Dw.	Thompson	Wehrbein

Excused and not voting, 11:

Beutler	Brown	Hilgert	Landis	McDonald
Pederson, D.	Robak	Schimek	Schrock	Vrtiska
Wickersham				



The appointments were confirmed with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 664.** Title read. Considered.

Senator Bourne renewed his pending amendment, AM0854, found on page 1010.

### SENATOR DW. PEDERSEN PRESIDING

Senator Kristensen 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 moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Senator Jones requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 22:

Baker	Bromm	Brown	Bruning	Burling
Byars	Cudaback	Dierks	Engel	Erdman
Foley	Hudkins	Janssen	Jensen	Jones
Kremer	Kruse	Pedersen, Dw.	Pederson, D.	Quandahl
Smith	Tyson			

Voting in the negative, 16:

Aguilar	Bourne	Brashear	Chambers	Connealy
Coordsen	Cunningham	Hartnett	Price	Raikes
Redfield	Schimek	Stuhr	Suttle	Thompson
Wickersham				

Present and not voting, 4:

Beutler	Maxwell	Schrock	Vrtiska
---------	---------	---------	---------

Absent and not voting, 2:

Preister	Wehrbein
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Excused and not voting, 5:

Hilgert          Kristensen          Landis          McDonald          Robak

The motion to cease debate failed with 22 ayes, 16 nays, 4 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Suttle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a record vote on the Bourne amendment.

Voting in the affirmative, 21:

Aguilar	Beutler	Bourne	Brashear	Bruning
Chambers	Connealy	Cudaback	Foley	Hartnett
Hilgert	Kristensen	Maxwell	Pedersen, Dw.	Preister
Price	Raikes	Schimek	Smith	Suttle
Wickersham				

Voting in the negative, 23:

Baker	Bromm	Burling	Byars	Coordsen
Cunningham	Dierks	Engel	Erdman	Hudkins
Janssen	Jensen	Jones	Kremer	Kruse
Pederson, D.	Redfield	Schrock	Stuhr	Thompson
Tyson	Vrtiska	Wehrbein		

Present and not voting, 2:

Brown          Quandahl

Excused and not voting, 3:

Landis          McDonald          Robak

The Bourne amendment lost with 21 ayes, 23 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senators Kristensen and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 15 nays, 4 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 486A.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 486, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

### **AMENDMENTS - Print in Journal**

Senators Kremer and Coordsen filed the following amendment to LB 313A: AM1170

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated (1) \$92,158
- 4 from the General Fund for FY2000-01, (2) \$3,092,158 from the
- 5 General Fund for FY2001-02, and (3) \$8,135,258 from the General
- 6 Fund for FY2002-03 to the State Department of Education, for
- 7 Program 25, to aid in carrying out the provisions of Legislative
- 8 Bill 313, Ninety-seventh Legislature, First Session, 2001.
- 9 There is included in the amount shown for FY2000-01
- 10 \$92,158 General Funds which are hereby appropriated to the Tax
- 11 Equity and Educational Opportunities Fund, which fund is hereby
- 12 appropriated to provide state aid incentive payments to public
- 13 school districts pursuant to the Tax Equity and Educational
- 14 Opportunities Support Act. There is included in the amount shown
- 15 for FY2001-02 \$3,092,158 General Funds which are hereby
- 16 appropriated to the Tax Equity and Educational Opportunities Fund,
- 17 which fund is hereby appropriated to provide state aid incentive
- 18 payments to public school districts pursuant to the Tax Equity and
- 19 Educational Opportunities Support Act. There is included in the
- 20 amount shown for FY2002-03 \$8,135,258 General Funds which are
- 21 hereby appropriated to the Tax Equity and Educational Opportunities
- 22 Fund, which fund is hereby appropriated to provide state aid
- 23 incentive payments to public school districts pursuant to the Tax
- 1 Equity and Educational Opportunities Support Act.
- 2 No expenditures for permanent and temporary salaries and
- 3 per diems for state employees shall be made from funds appropriated
- 4 in this section.
- 5 Sec. 2. Since an emergency exists, this act takes effect

6 when passed and approved according to law."

Senator D. Pederson filed the following amendment to LB 750:  
AM1187

- 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."

### GENERAL FILE

**LEGISLATIVE BILL 678.** Title read. Considered.

Senator Maxwell renewed his pending amendment, FA120, found on page 1181.

The Maxwell amendment 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 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 486.** Title read. Considered.

The Standing Committee amendment, AM1077, found on page 1186, was considered.

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

### VISITORS

Visitors to the Chamber were Loe Rose Mbise and Mwamini Mwenegoha from Tanzania and Mary Bauerle from Lincoln; Donna, Kierra, Janet, and Logan Schuster and Marian Goodenkaut from Table Rock; 8 students and teacher from St. Mary's Catholic School, Lincoln; 20 members of the Holdrege and Alma Rotary Clubs; Judy Brinkman, Senator Byars' sister-in-law, and 29 fourth grade students and teachers from Freeman Public School, Adams; 25 fourth grade students and teachers from Sutton; and Doug Samuelson from Grand Island.

### RECESS

At 12:01 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 Landis and McDonald who were excused; and Senators Beutler, Dierks, Hartnett, Janssen, Jensen, Kruse, Dw. Pedersen, Price, Robak, and Wickersham who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 486.** The Standing Committee amendment, AM1077, found on page 1186 and considered in this day's Journal, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Senator Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

**SENATOR COORDSEN PRESIDING**

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

**SENATOR CUDABACK PRESIDING**

Senator Chambers offered the following amendment:

FA143

Amend AM1077

P. 2, line 8, strike "No grant shall be for more than one year."

**PRESIDENT MAURSTAD PRESIDING**

Senators Jones and Schimek 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 15 ayes, 0 nays, and 34 not voting.

The Chambers amendment was adopted with 39 ayes, 0 nays, 5 present and not voting, and 5 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 22A.** 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 22, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 399A.** Introduced by Cunningham, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 399, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 440A.** 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 440, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 580A.** Introduced by Tyson, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 580, Ninety-seventh Legislature, First Session, 2001; to provide for a reduction in appropriations; and to declare an emergency.

**AMENDMENT - Print in Journal**

Senators Bromm and Wickersham filed the following amendment to LB 827:

AM1205

(Amendments to Standing Committee amendments, AM0499)

1 1. On page 3, line 17, after the period insert "It is  
 2 the intent of the Legislature that two hundred fifty thousand  
 3 dollars shall be appropriated to the fund to be used for startup  
 4 costs and seed money for FY2001-02. The Public Service Commission  
 5 may receive gifts, contributions, property, and equipment from  
 6 public and private sources for purposes of the fund. The fund  
 7 shall consist of money appropriated by the Legislature and gifts,  
 8 grants, or bequests from any source, including federal, state,  
 9 public, and private sources."; and in line 18 strike "Public  
 10 Service Commission" and insert "commission".

**GENERAL FILE**

**LEGISLATIVE BILL 671.** Title read. Considered.

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

Senator Janssen renewed his pending amendment, AM1095, found on page 1254.

The Janssen amendment was adopted with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 31 ayes, 3 nays, 11 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 671A.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 3 nays, 11 present and not voting, and 4 excused and not voting.

Senators Janssen and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 667.** Title read. Considered.

The Standing Committee amendment, AM0570, found on page 736, was considered.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

FA145

- 1 1. Strike original section 2 and insert the following
- 2 new sections:
- 3 "Section 1. Section 46-636, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 46-636. The Legislature finds that the pumping of water
- 6 for irrigation purposes from water wells located within fifty feet
- 7 of the bank of a channel of any natural stream may have a direct
- 8 effect on the surface flow of such stream.
- 9 Sec. 2. Section 46-637, Revised Statutes Supplement,
- 10 2000, is amended to read:
- 11 46-637. The use of water described in section 46-636 may
- 12 only be made after securing a permit from the Department of Natural
- 13 Resources for such use. If the applicant is an individual, the
- 14 application for a permit shall include the applicant's social

15 security number. In approving or disapproving applications for  
 16 such permits, the Director of Natural Resources shall take into  
 17 account the effect that such pumping may have on the amount of  
 18 water in the stream and its ability to meet the requirements of  
 19 appropriators from the stream. This section does not apply to (1)  
 20 water wells located within fifty feet of the bank of a channel of  
 21 any natural stream which were in existence on July 1, 2000, and (2)  
 22 replacement water wells as defined in section 46-602 that are  
 23 located within fifty feet of the banks of a channel of a stream if  
 24 the water wells being replaced were originally constructed prior to  
 1 July 1, 2000, and were located within fifty feet of the bank a  
 2 channel of any natural stream.  
 3 Sec. 4. Original section 46-636, Reissue Revised  
 4 Statutes of Nebraska, and sections 46-637 and 46-656.25, Revised  
 5 Statutes Supplement, 2000, are repealed.  
 6 Sec. 5. Since an emergency exists, this act takes effect  
 7 when passed and approved according to law.".

Senator Redfield asked unanimous consent to be excused until she returns.  
 No objections. So ordered.

The first Standing Committee amendment was adopted with 25 ayes, 0 nays,  
 18 present and not voting, and 6 excused and not voting.

The second Standing Committee amendment is as follows:  
 FA146

- 8 2. On page 5, strike beginning with "the" in line 2
- 9 through "court" in line 3 and insert "January 1, 2001".
- 10 3. Renumber the remaining section accordingly.

Senators Aguilar, Janssen, and Bruning asked unanimous consent to be  
 excused. No objections. So ordered.

Senators Engel, Tyson, and Byars asked unanimous consent to be excused  
 until they return. No objections. So ordered.

#### **SENATOR DW. PEDERSEN PRESIDING**

Pending.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 241A.** 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 241, Ninety-seventh  
 Legislature, First Session, 2001.



## AMENDMENT - Print in Journal

Senator Brashear filed the following amendment to LB 489:  
AM1213

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

3 Sec. 2. When the discovery rules promulgated by the  
4 Supreme Court authorize discovery from a nonparty without a  
5 deposition, a subpoena shall be issued by the clerk of the court  
6 before whom the action is pending upon request of a party. An  
7 attorney as an officer of the court may also issue and sign such a  
8 subpoena on behalf of a court in which the attorney is authorized  
9 to practice. The subpoena shall be served in the time and manner  
10 required by the discovery rules. Such discovery rules shall not be  
11 construed to permit discovery by subpoena if the information is  
12 protected by statute or if that procedure conflicts with any other  
13 statute.

14 Sec. 3. Section 25-1332, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 25-1332. The motion shall be served at least ten days  
17 before the time fixed for the hearing. The adverse party prior to  
18 the day of hearing may serve opposing affidavits. The judgment  
19 sought shall be rendered forthwith if the pleadings, depositions,  
20 and admissions on file, together with the affidavits, if any, and  
21 the evidence admitted at the hearing show that there is no genuine  
22 issue as to any material fact and that the moving party is entitled  
23 to a judgment as a matter of law. The evidence that may be  
24 received on a motion for summary judgment includes depositions,  
1 answers to interrogatories, admissions, stipulations, and  
2 affidavits. A summary judgment, interlocutory in character, may be  
3 rendered on the issue of liability alone although there is a  
4 genuine issue as to the amount of damages.

5 Sec. 4. Section 25-1701, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 25-1701. On motion of a party against whom a claim has  
8 been asserted in a civil action by a nonresident of this state,  
9 after reasonable notice, and upon finding that security for costs  
10 is reasonable and proper, the court may order the opposing party to  
11 furnish a surety in an amount determined by the court to be  
12 sufficient to cover all costs likely to accrue in the action. A  
13 party ordered to furnish a surety may elect to furnish a cash bond  
14 in the same amount. In case a surety is furnished, the surety  
15 shall be a resident of this state or an incorporated surety company  
16 authorized by the laws of this state to transact such business.  
17 The surety shall be bound for the payment of all costs which may be  
18 adjudged against the party asserting the claim in the court in  
19 which the action is brought or heard. In all cases in which the  
20 plaintiff is a nonresident of the county in which the action is to  
21 be brought, before commencing such action the plaintiff must

22 furnish a sufficient surety for costs; or such plaintiff may at his  
23 option furnish a cash bond by depositing with the judge or clerk of  
24 the court wherein the action is brought, such sum in cash as shall,  
25 at the filing of the suit, be by such judge or clerk, deemed  
26 probably sufficient to cover the costs likely to accrue in said  
27 action. In case a surety is furnished, the surety must be a  
1 resident of the county where the action is to be brought, except  
2 where such surety is an incorporated surety company authorized by  
3 the laws of this state to transact such business, and must be  
4 approved by the clerk. His obligation shall be complete upon  
5 endorsement of the summons or signing his name on the complaint as  
6 surety for costs. He shall be bound for the payment of all costs  
7 which may be adjudged against the plaintiff in the court in which  
8 the action is brought or in any other to which it may be carried,  
9 and for costs of the plaintiff's witnesses, whether the plaintiff  
10 obtained judgment or not.

11 Sec. 5. Section 25-1702, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 25-1702. An action in A claim for which security for  
14 costs is required by ordered under section 25-1701, or in which a  
15 cash bond has been fixed, and has not been given, shall be  
16 dismissed on motion and notice by the defendant at any proper time  
17 before judgment, unless in a reasonable time to be allowed by the  
18 court such security for costs be is given or a cash bond be is  
19 furnished.

20 Sec. 6. The court may order new or additional security  
21 at any time upon notice and on reasonable and proper terms.

22 Sec. 7. Section 25-1705, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 25-1705. After final judgment has been rendered in an  
25 action in which security for costs has been given, as required by  
26 this chapter, the court, on motion of the defendant, or any other  
27 person having a right to such costs, or any part thereof, after ten  
1 days' notice of such motion, may enter up judgment in the name of  
2 the defendant or his legal representatives, against the surety for  
3 costs, his executors or administrators, for the amount of the costs  
4 adjudged against the plaintiff, or so much thereof as may be  
5 unpaid. Executions may be issued on such judgment, as in other  
6 cases, for the use and benefit of the persons entitled to such  
7 costs. In the event that a cash bond has been given, the court  
8 shall, on motion of the defendant, or any other person having a  
9 right to such costs, or any part thereof, after ten days' notice of  
10 such motion, enter judgment for the amount of costs adjudged  
11 against the plaintiff, or so much thereof as may be unpaid, and  
12 shall proceed to pay the same from said the cash bond; and any  
13 surplus remaining after such costs have been paid and satisfied,  
14 shall be returned to the plaintiff party who posted the cash bond.

15 Sec. 8. Section 29-2248, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 29-2248. The association shall:

18 (1) Encourage development and implementation of uniform  
19 criteria for sentencing criminals;

20 (2) ~~Convene from time to time for the purpose of holding~~  
21 Participate in planning and presenting institutes and seminars for  
22 all judges in this state who sentence criminals or juveniles to  
23 discuss problems related to sentencing criminals or juveniles;

24 (3) ~~Conduct, from time to time,~~ Participate in planning  
25 and presenting orientation programs for new judges, such programs  
26 to include discussions of sentencing alternatives, procedures, and  
27 purposes;

1 (4) Visit from time to time correctional facilities of  
2 this state;

3 (5) Encourage creation and development of community  
4 resources of value to the probation system;

5 (6) Conduct such other programs of whatever nature of  
6 interest to its members; ~~and~~

7 (7) Exercise all powers and perform all duties necessary  
8 and proper to carry out its responsibilities; ~~and~~

9 (8) Participate in planning and presenting institutes and  
10 seminars for all county employees who work in the judicial branch  
11 of government.

12 Sec. 9. Section 30-2402, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 30-2402. Except as provided in ~~section 30-24,125~~  
15 sections 30-24,125 and 30-24,129, to be effective to prove the  
16 transfer of any property or to nominate an executor, a will must be  
17 declared to be valid by an order of informal probate by the  
18 registrar or an adjudication of probate by the court, except that a  
19 duly executed and unrevoked will which has not been probated may be  
20 admitted as evidence of a devise if (1) no court proceeding  
21 concerning the succession or administration of the estate has  
22 occurred and (2) either the devisee or his or her successors and  
23 assigns possessed the property devised in accordance with the  
24 provisions of the will, or the property devised was not possessed  
25 or claimed by anyone by virtue of the decedent's title during the  
26 time period for testacy proceedings. Every will, when proved as  
27 provided in ~~this code~~ the Nebraska Probate Code, shall have a  
1 certificate of such proof endorsed thereon or annexed thereto,  
2 signed by the registrar, judge, or clerk magistrate of the county  
3 court and attested by the seal of the court. Every will so  
4 certified, and the record thereof, or a transcript of such record,  
5 certified by the judge or clerk magistrate of the county court and  
6 attested by the seal of the court, may be read in evidence in all  
7 courts of this state without further proof. An affidavit executed  
8 pursuant to section 30-24,129 prior to the effective date of this  
9 act is valid and effective to prove such transfer.

10 Sec. 10. Original sections 25-224, 25-1332, 25-1701,  
11 25-1702, 25-1705, 29-2248, and 30-2402, Reissue Revised Statutes of

12 Nebraska, are repealed.

13 Sec. 11. The following sections are outright repealed:

14 Sections 25-1703 and 25-1704, Reissue Revised Statutes of  
15 Nebraska.".

### MOTION - Print in Journal

Senator Chambers filed the following motion to LB 486:  
Indefinitely postpone LB 486.

### AMENDMENTS - Print in Journal

Senator Kristensen filed the following amendment to LB 827:  
AM1224

(Amendments to E & R amendments, AM0499)

- 1 1. Insert the following new section:
- 2 "Sec. 6. The Local Community Assistance Fund is created.
- 3 The fund shall be used to provide telecommunications, video,
- 4 internet, or other related services to local communities or service
- 5 areas and shall emphasize services to individuals who demonstrate
- 6 financial need and services which provide educational opportunities
- 7 and resources to children. Money in the fund shall be distributed
- 8 to qualified applicants by the Public Service Commission pursuant
- 9 to section 9 of this act. 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. On page 2, strike beginning with "the" in line 22
- 14 through "infrastructure" in line 27 and insert "either the Nebraska
- 15 Internet Enhancement Fund or the Local Community Assistance Fund as
- 16 determined by the lessor. For fiber optic cable installed by an
- 17 agency or political subdivision prior to January 1, 2001, profit
- 18 earned means the lease price less both the cost of the excess dark
- 19 fiber in direct proportion to the total cost of installing the
- 20 fiber optic cable and a reasonable rate of return which is
- 21 substantially similar to the rate of return included in the price
- 22 of unbundled telecommunications network elements and which is
- 23 typically allowed in the provision of electricity by private,
- 1 investor-owned utilities. For fiber optic cable installed by an
- 2 agency or political subdivision on or after January 1, 2001, profit
- 3 earned means the lease price less the cost of the excess dark fiber
- 4 in direct proportion to the total cost of installing the fiber
- 5 optic cable".
- 6 3. On page 4, line 17, after "applications" insert "for
- 7 funding from the Nebraska Internet Enhancement Fund"; and in line
- 8 21 after "(4)" insert "The commission shall establish a system to
- 9 prioritize applications for funding from the Local Community
- 10 Assistance Fund. Highest priority shall be given to applicants
- 11 which are located in the geographic area that generated the funding

12 proceeds and which will be used to provide services described in  
 13 section 6 of this act.

14 (5)".

15 4. Renumber the remaining sections and correct internal  
 16 references accordingly.

Senator Beutler filed the following amendment to LB 667:  
 AM1206

1 1. On page 4, line 27, after "is" insert "or was".

Senator Beutler filed the following amendment to LB 667:  
 AM1207

1 1. On page 4, line 27, after "of" insert "(i)" and after  
 2 "compact" insert "or decree existing on the effective of this act,  
 3 (ii) interstate water litigation to which the State of Nebraska is  
 4 a named party, or (iii) an interstate water compact or agreement  
 5 entered into on or after the effective date of this act"; and in  
 6 line 27 strike beginning with "or" through "defendant".

7 2. On page 5, line 3, strike "such litigation" and  
 8 insert "the litigation described in subdivision (c)(i) or (ii) of  
 9 this subsection"; and in line 4 after "act" insert "or constructed  
 10 after the date on which an agreement under subdivision (c)(iii) of  
 11 this subsection is entered into".

#### UNANIMOUS CONSENT - Add Cointroducers

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 486. No objections. So ordered.

Senator Jones asked unanimous consent to have his name added as cointroducer to LB 664. No objections. So ordered.

Senator Hilgert asked unanimous consent to have his name added as cointroducer to LB 82. No objections. So ordered.

#### VISITORS

Visitors to the Chamber were sixth grade students and sponsors from Arthur School District #32; 17 fourth grade students and teacher from Pleasanton; 15 second through sixth grade students and teachers from Little Kingdom Daycare, Lincoln; 48 fourth grade students and teachers from Pierce; students and faculty representatives from Nebraska Wesleyan University, Union College, Dana College, University of Nebraska at Omaha, University of Nebraska at Kearney, Creighton University, and Chadron State College; Youth Advisory Board from Gretna, Bellevue-West and Platteview High Schools; 21 fourth grade students and teacher from Overton; and Ray and Florence Weidner from Omaha.

**ADJOURNMENT**

At 4:58 p.m., on a motion by Senator Preister, the Legislature adjourned until 9:00 a.m., Friday, March 30, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**FIFTY-SIXTH DAY - MARCH 30, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, March 30, 2001

**PRAYER**

The prayer was offered by Pastor Rod Church, First Congregational 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 Senator McDonald who was excused; and Senator Landis who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fifth day was approved.

**MOTION - Approve Appointments**

Senator Raikes moved the adoption of the report of the Education Committee for the following appointments found on page 1157: Nebraska Educational Telecommunications Commission - Mary Harbaugh and Sheila Stearns.

Voting in the affirmative, 34:

Aguilar	Bourne	Brashear	Bromm	Brown
Bruning	Burling	Coordsen	Cunningham	Dierks
Engel	Erdman	Hartnett	Hilgert	Hudkins
Janssen	Kremer	Kristensen	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 13:

Baker	Beutler	Byars	Chambers	Connealy
Cudaback	Foley	Jensen	Jones	Kruse
Redfield	Robak	Vrtiska		

Excused and not voting, 2:

Landis            McDonald

The appointments were confirmed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 668A.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 772A.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

### SELECT FILE

**LEGISLATIVE BILL 83A.** Advanced to E & R for engrossment.

### 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 52 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 52.** With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 8-1101, 44-425, 44-2138, 44-4405, 44-4811, 44-5805, 44-5906, 44-6119.01, 44-6140, 44-6303, 44-6606, and 59-1803, Reissue Revised Statutes of Nebraska, and sections 8-1111, 44-1525, and 44-6021, Revised Statutes Supplement, 2000; to adopt the Privacy of Insurance Consumer Information



Act; to provide and change provisions relating to sharing of information by the Department of Insurance and confidential information; to adopt the Viatical Settlements Act; to regulate viatical settlement contracts; to exempt viatical settlement contracts from securities regulation; to change provisions relating to charitable gift annuities; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

Connealy      McDonald

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 55.** With Emergency.

A BILL FOR AN ACT relating to financial arrangements; to amend section 9-109, Uniform Commercial Code; to adopt the Structured Settlements Transfers Protection Act; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bourne	Brashear
Brown	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kruse	Landis
Maxwell	Pedersen, Dw.	Pederson, D.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 1:

Foley

Present and not voting, 3:

Bromm          Chambers          Kristensen

Excused and not voting, 1:

McDonald

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 101.**

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend section 14-2104, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the board of directors; 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	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Robak
Schimek	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 2:

Erdman Redfield

Present and not voting, 2:

Chambers Schrock

Excused and not voting, 1:

McDonald

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

**LEGISLATIVE BILL 114.**

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-168.06, 53-180.02, 53-180.04, and 53-180.05, Reissue Revised Statutes of Nebraska, and sections 53-101 and 53-103, Revised Statutes Supplement, 2000; to define a term; to change provisions relating to the sale, possession, and consumption of alcoholic liquor; to change provisions relating to enforcement of violations of provisions on sales to minors; to authorize minors to assist law enforcement officers as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 46:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 2:

Chambers Robak

Excused and not voting, 1:

McDonald

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 170 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 170. With Emergency.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 49-1201 and 77-1377, Reissue Revised Statutes of Nebraska, and sections 77-101, 77-1311, 77-1315, 77-1327, 77-1342, 77-1343, 77-1344, 77-1347, 77-1355, 77-1361 to 77-1363, 77-1371, 77-1510, 77-5004, 77-5007, 77-5013, 77-5016, 77-5023, 77-5024, 77-5026 to 77-5028, and 79-1016, Revised Statutes Supplement, 2000; to change provisions relating to property tax assessment and valuation; to define a term; to provide and change powers and duties; to change qualifications for members of the Tax Equalization and Review Commission; to change procedures relating to appeals to the commission; to eliminate provisions relating to taxation of irrigation works and formal equalization plans; to harmonize provisions; to repeal the original sections; to outright repeal section 46-267, Reissue Revised Statutes of Nebraska, and sections 77-1372 and 77-5012, Revised Statutes Supplement, 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	Bourne	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Pederson, D.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 1:

Brashear

Present and not voting, 1:

Coordsen

Excused and not voting, 1:

McDonald

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 170A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 170, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bourne	Bromm
Brown	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Pederson, D.
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, 2:

Brashear      Chambers

Excused and not voting, 1:

McDonald

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 240.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-10,110, Revised Statutes Supplement, 2000; to provide for qualified zone academy undertakings 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Pederson, D.
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, 2:

Chambers      Hilgert

Excused and not voting, 1:

McDonald

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 759.**

A BILL FOR AN ACT relating to early childhood education; to amend sections 79-1101 and 79-1104, Reissue Revised Statutes of Nebraska, and section 79-1103, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to a pilot project program; 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	Bourne	Brashear
---------	-------	---------	--------	----------

Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Pederson, D.	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, 1:

Burling

Excused and not voting, 1:

McDonald

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 52, 55, 101, 114, 170, 170A, 240, and 759.

### **SELECT FILE**

**LEGISLATIVE BILL 827.** E & R amendment, AM7072, found on page 1145, was adopted.

Senators Bromm and Wickersham withdrew their pending amendment, AM0894, found on page 1074.

Senator Bromm renewed his pending amendment, AM1192, found on page 1255.

Senator Foley asked unanimous consent to be excused until he returns. 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.

Senators Bromm and Wickersham renewed their pending amendment, AM1205, found on page 1270.

Senators Vrtiska, Redfield, Landis, and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

#### **SENATOR CUDABACK PRESIDING**

Senator Suttle asked unanimous consent to be excused. No objections. So ordered.

Senator Bromm moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Bromm-Wickersham amendment was adopted with 28 ayes, 8 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Kristensen withdrew his pending amendment, AM1224, found on page 1276.

Senator Beutler moved to indefinitely postpone LB 827.

Laid over.

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 30, 2001, at 10:10 a.m., were the following: LBs 52e, 55e, 101, 114, 170e, 170Ae, 240e, and 759.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 740A.** 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 740, Ninety-seventh Legislature, First Session, 2001.

#### **AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB 808:  
AM1223

(Amendments to Standing Committee amendments, AM0632)

- 1 1. On page 4, line 10, strike beginning with "modified"
- 2 through "1996", show as stricken, and insert "defined in section
- 3 49-801.01".



4 2. On page 5, line 10, after "Code" insert "as defined  
5 in section 49-801.01".

Senator Chambers filed the following amendment to LB 750:  
AM1197

1 1. On page 2, lines 22 and 23; and page 6, line 26,  
2 strike "and the regulations interpreting such section".  
3 2. On page 3, line 9, strike "and the regulations  
4 interpreting such section" and show as stricken; in line 20 after  
5 the semicolon insert:  
6 "(13) Section 529 of the Internal Revenue Code means such  
7 section of the code and the regulations interpreting such section,  
8 as such section and regulations existed on the effective date of  
9 this act"; and in line 21 strike "(13)", show as stricken, and  
10 insert "(14)".  
11 3. On page 6, lines 8 and 9, strike "and the regulations  
12 interpreting such section.", show as stricken, and insert an  
13 underscored period.  
14 4. On page 10, line 12, strike "and regulations  
15 interpreting such section.", show as stricken, and insert an  
16 underscored comma.

Senator Chambers filed the following amendment to LB 827:  
FA148

Add a new section

"Any member of the Nebraska Public Service Commission whose candidate committee has accepted a political contribution of any kind from any entity or any director or employee of such entity which has financial interests in or related to fiber optics, shall recuse himself or herself from regulatory actions of the commission relative to fiber optics."

Senator Chambers filed the following amendment to LB 827:  
FA149

Add a new section

"It shall be official misconduct in office for any official elected to a statewide regulatory body to accept political contributions of any kind from entities subject to the regulatory jurisdiction of such body or from any director or employee of any such entity."

## RESOLUTION

**LEGISLATIVE RESOLUTION 53.** Introduced by Erdman, 47.

WHEREAS, Andy Messner, Nik Rhiley, Ted Cecava, Brad Slaughter, and Matt Schilz, all of Ogallala, each earned the Boy Scouts' highest honor and rank of Eagle Scout and were awarded Eagle Awards on Sunday, February 25, 2001; and

WHEREAS, all five have been active members of Ogallala's Boy Scout Troop 258 for almost thirteen years; and

WHEREAS, for their Eagle Scout projects: Messner installed benches and concrete at Ogallala's Collister Park; Cecava built a retaining wall at Legion Field; Schilz constructed and placed mile markers along an Ogallala bike path; Slaughter installed benches at the Western Diamonds Sports Complex; and Rhiley constructed the entry slab at Ogallala's new hospital; and

WHEREAS, these young men, all seniors at Ogallala High School, were recognized by the Boy Scouts for their years of hard work, service to community, and commitment to their Scouting duties; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Andy Messner, Nik Rhiley, Ted Cecava, Brad Slaughter, and Matt Schilz have all achieved great success as exemplary members of the Scouting program and each has represented his troop and community with excellence.

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

1. That the Legislature congratulates Andy Messner, Nik Rhiley, Ted Cecava, Brad Slaughter, and Matt Schilz on their achievement of the elite rank of Eagle Scout and recognizes their outstanding community service efforts in Ogallala.

2. That a copy of this resolution be sent to Andy Messner, Nik Rhiley, Ted Cecava, Brad Slaughter, and Matt Schilz and each of their families.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 461.** E & R amendment, AM7073, found on page 1146, was adopted.

Senator Chambers renewed his pending amendment, AM1087, found on page 1228.

The Chambers amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Bromm renewed his pending amendment, AM1189, found on page 1237.

Senators Brashear, Hartnett, Robak, and Kristensen asked unanimous consent to be excused. No objections. So ordered.

Senator Raikes asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 92.** Advanced to E & R for engrossment.  
**LEGISLATIVE BILL 92A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 773.** E & R amendment, AM7079, printed separately and referred to on page 1230, was adopted.

Senator Burling moved to indefinitely postpone LB 773.

Laid over.

**LEGISLATIVE BILL 113.** E & R amendment, AM7077, printed separately and referred to on page 1230, was adopted.

Senators Jensen, Brown, and Byars offered the following amendment:  
 AM1262

1 1. On page 1, line 14, strike "and"; and in line 18  
 2 after "effects" insert "; and  
 3 (5) The following warning:  
 4 WARNING: Not intended for use by anyone under the age of  
 5 18. Do not use this product if you are pregnant or nursing.  
 6 Consult a health care professional before using this product if you  
 7 have heart disease, thyroid disease, diabetes, high blood pressure,  
 8 depression or other psychiatric condition, glaucoma, difficulty in  
 9 urinating, prostate enlargement, or seizure disorder, if you are  
 10 using a monoamine oxidase inhibitor (MAOI) or any other  
 11 prescription drug, or you are using an over-the-counter drug  
 12 containing ephedrine, pseudoephedrine, or phenylpropanolamine  
 13 (ingredients found in certain allergy, asthma, cough/cold, and  
 14 weight control products). Discontinue use and call a health care  
 15 professional immediately if you experience rapid heartbeat,  
 16 dizziness, severe headache, shortness of breath, or other similar  
 17 symptoms."

The Jensen et al. amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Chambers renewed his pending amendment, AM1175, found on page 1254.

The Chambers amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 113A.** Advanced to E & R for engrossment.  
**LEGISLATIVE BILL 56.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 706.** E & R amendment, AM7078, found on page 1248, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 408.** E & R amendment, AM7081, found on page 1248, was adopted.

Senator Bruning offered the following amendment:

AM1221

1 1. Insert the following new section:  
2 "Sec. 12. Section 30-3209, Revised Statutes Supplement,  
3 2000, is amended to read:  
4 30-3209. (1) Corporate trustees authorized by Nebraska  
5 law to exercise fiduciary powers and holding retirement or pension  
6 funds for the benefit of employees or former employees of cities,  
7 villages, school districts, public power districts, or other  
8 governmental or political subdivisions may invest and reinvest such  
9 funds in such securities and investments as are authorized for  
10 trustees, guardians, conservators, personal representatives, or  
11 administrators under the laws of Nebraska. Retirement or pension  
12 funds of such cities, villages, districts, or subdivisions may be  
13 invested in annuities issued by life insurance companies authorized  
14 to do business in Nebraska. Except as provided in subsection (2)  
15 of this section, any other retirement or pension funds of cities,  
16 including cities operating under home rule charters, villages,  
17 school districts except as provided in section 79-9,107, public  
18 power districts, and all other governmental or political  
19 subdivisions may be invested and reinvested, as the governing body  
20 of such city, village, school district, public power district, or  
21 other governmental or political subdivision may determine, in the  
22 following classes of securities and investments: (a) Bonds, notes,  
23 or other obligations of the United States or those guaranteed by or  
24 for which the credit of the United States is pledged for the  
1 payment of the principal and interest or dividends thereof; (b)  
2 bonds or other evidences of indebtedness of the State of Nebraska  
3 and full faith and credit obligations of or obligations  
4 unconditionally guaranteed as to principal and interest by any  
5 other state of the United States; (c) bonds, notes, or obligations  
6 of any municipal or political subdivision of the State of Nebraska  
7 which are general obligations of the issuer thereof and revenue  
8 bonds or debentures of any city, county, or utility district of  
9 this state when the earnings available for debt service have, for a  
10 five-year period immediately preceding the date of purchase,  
11 averaged not less than one and one-half times such debt service  
12 requirements; (d) bonds and debentures issued either singly or  
13 collectively by any of the twelve federal land banks, the twelve  
14 intermediate credit banks, or the thirteen banks for cooperatives  
15 under the supervision of the Farm Credit Administration; (e)  
16 certificates of deposit of banks which are members of the Federal  
17 Deposit Insurance Corporation or capital stock financial  
18 institutions, and if the amount deposited exceeds the amount of

19 insurance available thereon, then the excess shall be secured in  
20 the same manner as for the deposit of public funds; (f) accounts  
21 with building and loan associations or federal savings and loan  
22 associations in the State of Nebraska to the extent that such  
23 accounts are insured by the Federal Deposit Insurance Corporation;  
24 (g) bonds or other interest-bearing obligations of any corporation  
25 organized under the laws of the United States or any state thereof  
26 if (i) at the time the purchase is made, they are given, by at  
27 least one statistical organization whose publication is in general  
1 use, one of the three highest ratings given by such organization  
2 and (ii) not more than five percent of the fund shall be invested  
3 in the obligations of any one issuer; (h) direct short-term  
4 obligations, generally classified as commercial paper, of any  
5 corporation organized or existing under the laws of the United  
6 States or any state thereof with a net worth of ten million dollars  
7 or more; and (i) preferred or common stock of any corporation  
8 organized under the laws of the United States or of any state  
9 thereof with a net worth of ten million dollars or more if (i) not  
10 more than fifty percent of the total investments at the time such  
11 investment is made is in this class and not more than five percent  
12 is invested in each of the first five years and (ii) not more than  
13 five percent thereof is invested in the securities of any one  
14 corporation. Notwithstanding the percentage limits stated in this  
15 subsection, the cash proceeds of the sale of such preferred or  
16 common stock may be reinvested in any securities authorized under  
17 this subdivision. No city, village, school district, public power  
18 district, or other governmental subdivision or the governing body  
19 thereof shall be authorized to sell any securities short, buy on  
20 margin, or buy, sell, or engage in puts and calls. The provisions  
21 of section 77-2366 shall apply to deposits in capital stock  
22 financial institutions.

23 (2) Notwithstanding the limitations prescribed in  
24 subsection (1) of this section, trustees holding retirement or  
25 pension funds for the benefit of employees or former employees of  
26 any city of the metropolitan class, ~~or~~ metropolitan utilities  
27 district, or county in which a city of the metropolitan class is  
1 located shall invest such funds in investments of the nature which  
2 individuals of prudence, discretion, and intelligence acquire or  
3 retain in dealing with the property of another. Such investments  
4 shall not be made for speculation but for investment, considering  
5 the probable safety of their capital as well as the probable income  
6 to be derived. The trustees shall not buy on margin, buy call  
7 options, or buy put options. The trustees may lend any security if  
8 cash, United States Government obligations, or United States  
9 Government agency obligations with a market value equal to or  
10 exceeding the market value of the security lent are received as  
11 collateral. If shares of stock are purchased under this  
12 subsection, all proxies may be voted by the trustees. The asset  
13 allocation restrictions set forth in subsection (1) of this section

14 shall not be applicable to the funds of pension or retirement  
 15 systems administered by or on behalf of a city of the metropolitan  
 16 class, or metropolitan utilities district, or county in which a  
 17 city of the metropolitan class is located."

18 2. On page 48, line 14, after the last comma insert

19 "30-3209,".

20 3. Renumber the remaining sections and correct internal

21 references accordingly.

The Bruning amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Chambers offered the following amendment:

AM1251

1 1. In the Standing Committee amendments, AM0481, on page  
 2 5, lines 2 and 5, after "Code" insert "as defined in section  
 3 49-801.01".

4 2. On page 2, line 10; page 13, line 10; page 24, lines  
 5 7 and 11; page 30, line 4; page 32, lines 14 and 17; page 37, line  
 6 4; and page 40, line 22, after "Code" insert "as defined in section  
 7 49-801.01".

The Chambers amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

Senators Aguilar, Beutler, Engel, Hilgert, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 486.** Senator Chambers renewed his pending motion, found on page 1276, to indefinitely postpone.

Senators Bromm, D. Pederson, and Schimek asked unanimous consent to be excused until they return. 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.

Senator Bruning requested a record vote on the Chambers motion to indefinitely postpone.

Voting in the affirmative, 16:

Bourne	Brown	Bruning	Burling	Chambers
Connealy	Hilgert	Jensen	Kruse	Landis
Pedersen, Dw.	Preister	Raikes	Redfield	Thompson
Wickersham				

Voting in the negative, 12:

Byars	Coordsen	Cunningham	Erdman	Foley
Hudkins	Kremer	Price	Smith	Stuhr
Tyson	Wehrbein			

Present and not voting, 7:

Baker	Cudaback	Janssen	Maxwell	Quandahl
Schrock	Vrtiska			

Excused and not voting, 14:

Aguilar	Beutler	Brashear	Bromm	Dierks
Engel	Hartnett	Jones	Kristensen	McDonald
Pederson, D.	Robak	Schimek	Suttle	

The Chambers motion to indefinitely postpone prevailed with 16 ayes, 12 nays, 7 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

## RESOLUTION

**LEGISLATIVE RESOLUTION 54.** Introduced by Thompson, 14.

WHEREAS, the Papillion-La Vista High School forensics team won the 2001 Class A state championship; and

WHEREAS, nine members of the Papillion-La Vista High School forensics team advanced to the final rounds in their events; and

WHEREAS, Adem Weldon, Kari Rezac, Laura Cummings, Chris Foster, and Danielle O'Farrell all earned first-place medals in their respective events; and

WHEREAS, Coach Bev Ruff and the members of the Papillion-La Vista High School forensics team achieved this outstanding accomplishment through their creativity, drive, and determination.

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

1. That the Legislature recognizes and congratulates the Papillion-La Vista High School forensics team for their outstanding accomplishment.

2. That a copy of this resolution be sent to the Papillion-La Vista High School forensics team and head coach Bev Ruff.

Laid over.

## BILL ON FIRST READING

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

**LEGISLATIVE BILL 640A.** 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 640, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

## STANDING COMMITTEE REPORT

### Revenue

**LEGISLATIVE BILL 620.** Placed on General File as amended.  
Standing Committee amendment to LB 620:  
AM1184

- 1 1. Strike original sections 30 and 33 and insert the
- 2 following new sections:
- 3 "Sec. 24. Qualified employee leasing company means a
- 4 company which places all employees of a client-lessee on its
- 5 payroll and leases such employees to the client-lessee on an
- 6 ongoing basis for a fee and, by written agreement between the
- 7 employee leasing company and a client-lessee, grants to the
- 8 client-lessee input into the hiring and firing of the employees.
- 9 Sec. 31. (1) A company which has signed an agreement
- 10 under section 34 of this act may receive, in lieu of any wage
- 11 benefit credit otherwise allowed by the Invest Nebraska Act, the
- 12 incentive provided in this section if the agreement is for a
- 13 project which will result in the investment in qualified property
- 14 of at least two hundred million dollars and the hiring of at least
- 15 five hundred new employees. Such two hundred million dollar
- 16 investment and hiring of at least five hundred new employees shall
- 17 be considered a required level of investment and employment for
- 18 this section and for the recapture of the incentives of this
- 19 section only.
- 20 (2) When the company has met the required levels of
- 21 employment and investment contained in this section, the company
- 22 shall be entitled to either the wage benefit credit provided in
- 23 section 29 of this act or an investment tax credit equal to fifteen
- 24 percent of the investment made in qualified property at the
- 1 project. The company shall be required to state which option it
- 2 will seek benefits under in the application for benefits under the
- 3 act.
- 4 (3) The investment tax credit prescribed in this section
- 5 shall be allowable for investments made during each year of the
- 6 entitlement period that the company is at or above the required
- 7 levels of employment and investment. The credit shall also be
- 8 allowable during the first year of the entitlement period for
- 9 investment in qualified property at the project after the date of
- 10 the application and before the required levels of employment and
- 11 investment were met.
- 12 (4) The investment tax credit prescribed in this section
- 13 shall be established by filing the forms required by the Tax
- 14 Commissioner with the income tax return for the year. The credits
- 15 may be used to reduce the company's Nebraska income tax liability.
- 16 The credits shall be applied in the order in which they were first



17 allowed. Any decision on how part of the credit is applied shall  
18 not limit how the remaining credit could be applied under this  
19 section. The credit may be carried over until fully utilized,  
20 except that the credit may not be carried over more than eight  
21 years after the end of the entitlement period. If a credit is  
22 subsequently recaptured under section 35 of this act, the credit  
23 shall be treated as if it had never been allowed.

24 (5) The investment tax credit shall not be transferable,  
25 except that any credit to be taken against the income tax liability  
26 of the company and allowable to a partnership, a limited liability  
27 company, a subchapter S corporation, a cooperative, or an estate or  
1 trust may be distributed to the partners, members, shareholders,  
2 patrons, or beneficiaries in the same manner as income is  
3 distributed for use against their income tax liabilities.

4 Sec. 34. (1) The board shall determine whether to  
5 approve the company's application by majority vote based on its  
6 determination as to whether the project will sufficiently help  
7 enable the state to accomplish the purposes of the Invest Nebraska  
8 Act. The board shall be governed by and shall take into  
9 consideration all of the following factors in making its  
10 determination:

11 (a) The timing, number, wage levels, employee benefit  
12 package, and types of new jobs to be created by the project;

13 (b) The type of industry in which the company and the  
14 project would be engaged;

15 (c) The timing, amount, and types of investment in  
16 qualified property to be made at the project; and

17 (d) Whether the board believes the project would occur in  
18 this state regardless of whether the application was approved.

19 (2) The weight given to each factor shall be determined  
20 by each board member individually for each application. The  
21 decision of the board shall be made in open meeting and is not  
22 confidential.

23 (3) A project shall be considered eligible under the act  
24 and may be approved by the board only if the application defines a  
25 project consistent with the purposes contained in section 2 of this  
26 act in one or more qualified business activities within this state  
27 that will result in (a) the investment in qualified property of at  
1 least twenty million dollars and the hiring of a number of new  
2 employees of at least fifty. The investment and new employees for  
3 such project shall count towards attaining and maintaining such  
4 thresholds only if the qualified property is located in, and the  
5 employee's principal place of employment for the company is located  
6 in one or more Nebraska counties having a population of less than  
7 one hundred thousand individuals as of the end of the base-year.  
8 For this purpose, the population shall be conclusively determined  
9 by the Department of Revenue, (b) the investment in qualified  
10 property of at least fifty million dollars and the hiring of a  
11 number of new employees of at least five hundred, (c) the

12 investment in qualified property of at least one hundred million  
13 dollars and the hiring of a number of new employees of at least two  
14 hundred fifty, or (d) the investment in qualified property of at  
15 least two hundred million dollars and the hiring of a number of new  
16 employees of at least five hundred.

17 (4) The board may approve as many projects as qualify  
18 under subdivisions (3)(a), (b), and (c) of this section. The board  
19 shall only approve one project that qualifies under subdivision  
20 (3)(d) of this section for each calendar year that new applications  
21 are made. The new investment and employment shall occur within  
22 seven years, meaning by the end of the sixth year after the end of  
23 the year the application was filed, and shall be maintained for the  
24 entire entitlement period. These thresholds shall constitute the  
25 required levels of employment and investment for purposes of the  
26 act.

27 (5)(a) An individual, other than a base-year employee,  
1 shall be considered an employee whose compensation is included in  
2 the calculation of the wage benefit credit only if the compensation  
3 paid by the company to such employee for the year is (i) for  
4 companies qualifying under the twenty million dollar investment and  
5 fifty new employee threshold under subdivision (3)(a) of this  
6 section, at least one hundred percent of the Nebraska average  
7 annual wage, (ii) for companies qualifying under the fifty million  
8 dollar investment and five hundred new employee threshold under  
9 subdivision (3)(b) of this section or the one hundred million  
10 dollar investment and two hundred fifty new employee threshold  
11 under subdivision (3)(c) of this section, at least one hundred ten  
12 percent of the Nebraska average annual wage; and (iii) for the  
13 companies applying under the two hundred million dollar investment  
14 and five hundred new employee threshold of subdivision (3)(d) of  
15 this section, at least one hundred twenty percent of the Nebraska  
16 average annual wage.

17 (b) For the purposes of subdivision (a) of this  
18 subsection, compensation paid by the company to such employee for  
19 the year shall be the amount paid for the entire year for regular  
20 hours worked, not including overtime, bonuses, or any other  
21 irregular payments. If the employee works for less than a year,  
22 the compensation paid will be annualized solely for the purpose of  
23 comparison with the Nebraska average annual wage.

24 (6) If the project application is approved by the board,  
25 the company and the state shall enter into a written agreement,  
26 which shall be executed on behalf of the state by the Tax  
27 Commissioner. In the agreement the company shall agree to complete  
1 the project and the state shall designate the approved plans of the  
2 company as a project and, in consideration of the company's  
3 agreement, agree to allow the wage benefit credit and the  
4 investment tax credit, as applicable, as provided for in the act.  
5 The application, and all supporting documentation, to the extent  
6 approved, shall be considered a part of the agreement. The

7 agreement shall contain such terms and conditions as the board  
8 shall specify in order to carry out the legislative purposes of the  
9 act. The agreement shall contain provisions to allow the  
10 Department of Revenue to verify that the required levels of  
11 employment and investment have been attained and maintained. The  
12 agreement shall contain provisions to require verification that the  
13 required levels have been attained before any credits are used.  
14 The agreement shall contain such other conditions or requirements,  
15 if any, for the company as established by the department to carry  
16 out the purposes of the act.

17 (7) Any investment or employment which is eligible for  
18 benefits under the Quality Jobs Act shall not be included in a  
19 project under the Invest Nebraska Act. A project under the Invest  
20 Nebraska Act may involve the same location as another project under  
21 the Invest Nebraska Act or under the Quality Jobs Act, except that  
22 no new employment or new investment shall be included in more than  
23 one project for either the meeting of the employment or investment  
24 requirements or the creation of tax incentives. When projects  
25 overlap and the project application does not otherwise clearly  
26 specify, the company shall specify in which project the employment  
27 and investment belongs. Any employment or investment which is  
1 eligible for benefits under the Invest Nebraska Act may also be  
2 included in, and create incentives for, a project under the  
3 Employment and Investment Growth Act, the Employment Expansion and  
4 Investment Incentive Act, and the Rural Economic Opportunities Act,  
5 to the extent otherwise allowable under such respective acts.

6 (8) In order to provide the degree of certainty necessary  
7 to enable a project to proceed, and notwithstanding any provision  
8 of Nebraska statute or common law to the contrary, to the extent  
9 any such right of appeal or challenge otherwise exists, no appeal  
10 or challenge of the board's decision by any person shall be filed  
11 after the expiration of thirty days after the board's decision."

12 2. On page 2, line 1, strike "39" and insert "40"; in  
13 line 11 strike "27" and insert "28"; in line 27 after "means"  
14 insert "(a)".

15 3. On page 3, line 1, after the comma insert "(b)"; and  
16 in line 8 after "taxes" insert ", and (c) any cooperative exempt  
17 from such taxes under section 521 of the Internal Revenue Code of  
18 1986, as amended".

19 4. On page 4, line 1, after the period insert "An  
20 employee of a qualified employee leasing company shall be  
21 considered to be an employee of the client-lessee if the employee  
22 performs services for the client-lessee. A qualified employee  
23 leasing company shall provide the Department of Revenue access to  
24 the records of employees leased to the client-lessee."

25 5. On page 5, line 8, after "by" insert "all"; in line  
26 11 strike "of"; and in line 12 after "company" insert "applied for  
27 benefits".

- 1 6. On page 8, strike beginning with "public" in line 2  
2 through "and" on line 3.
- 3 7. On page 10, line 15, after "transferable" insert ",  
4 except that any credit to be taken against the income tax liability  
5 of the company and allowable to a partnership, a limited liability  
6 company, a subchapter S corporation, or a cooperative may be  
7 distributed to the partners, members, shareholders, or patrons in  
8 the same manner as income is distributed for use against their  
9 income tax liabilities".
- 10 8. On page 20, after line 25 insert the following new  
11 subsection:  
12 "(5) When recapture occurs with regard to any  
13 partnership, limited liability company, subchapter S corporation,  
14 joint venture, or cooperative, the partnership, limited liability  
15 company, subchapter S corporation, joint venture, or cooperative  
16 shall be liable for payment of the required recapture.".
- 17 9. On page 23, line 15, before "There" insert "There  
18 shall be no project applications for projects described in  
19 subdivision (3)(d) of section 34 of this act filed on or after  
20 January 1, 2004, without further authorization of the Legislature,  
21 except that all such project applications and all such project  
22 agreements pending, approved, or entered into before such date  
23 shall continue in full force and effect.".
- 24 10. Renumber the remaining sections and correct internal  
25 references accordingly.

(Signed) William R. Wickersham, Chairperson

### **AMENDMENT - Print in Journal**

Senator Landis filed the following amendment to LB 362:  
(Amendment, AM1219, may be found in the Bill Books. The amendment  
has been printed separately and is on file in the Bill Room - Room 1102.)

### **MOTION - Print in Journal**

Senator Dw. Pedersen filed the following motion to LB 462:  
Place LB 462 on General File pursuant to Rule 3, Section 20(b).

### **MOTION - Adjournment**

Senator Stuhr moved to adjourn until 9:00 a.m., Monday, April 2, 2001.  
The motion failed with 14 ayes, 15 nays, 6 present and not voting, and 14  
excused and not voting.

### **UNANIMOUS CONSENT - Members Excused**

Senators Wickersham, Tyson, and Jensen asked unanimous consent to be  
excused. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 516.** Title read. Considered.

Senators Byars and Smith renewed their pending amendment, AM1059, found on page 1162.

The Byars-Smith amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Senators Vrtiska and Janssen asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 38.** Title read. Considered.

The Standing Committee amendment, AM0319, found on page 757, was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Kristensen filed the following amendment to LB 827:  
AM1006

(Amendments to Standing Committee amendments, AM0499)

- 1 1. Insert the following new section:
- 2 "Sec. 5. (1) After the effective date of this act, no
- 3 agency or political subdivision of the state shall construct any
- 4 dark fiber facility unless such construction is done in accordance
- 5 with subsections (2) and (3) of this section. If an agency or
- 6 political subdivision has commenced construction of a dark fiber
- 7 facility prior to or on the effective date of this act, the
- 8 provisions of this section shall not apply to that construction
- 9 project.
- 10 (2) Any agency or political subdivision of the state
- 11 proposing to construct a dark fiber facility shall file an
- 12 application with the Public Service Commission. The application
- 13 shall state: (a) Where such facility will be constructed, (b) the
- 14 capacity of the facility to be constructed, (c) the public interest
- 15 requiring the facility to be constructed, (d) the amount of
- 16 capacity being constructed which will be immediately utilized and
- 17 the amount of capacity which will be deemed excess, (e) the period
- 18 of time the agency or political subdivision estimates that excess
- 19 capacity will remain unused by the agency or political subdivision,

20 (f) the deficiency of existing facilities or technologies which  
 21 requires the construction of the proposed facility, and (g) any  
 22 other information the commission deems necessary.

23 (3) The commission may, after notice and hearing, deny,  
 1 modify, or approve the application. The commission may approve the  
 2 application upon a determination that: (a) The facility proposed  
 3 to be constructed is essential and necessary to the provision of  
 4 services which the agency or political subdivision is statutorily  
 5 authorized to provide, (b) there is no existing alternative  
 6 facilities or technologies available to meet the existing needs of  
 7 the agency or political subdivision, and (c) the application is in  
 8 the public interest. If the commission determines that an  
 9 application is in the public interest but that the amount of dark  
 10 fiber capacity proposed to be constructed exceeds the reasonable  
 11 current and future needs of the agency or political subdivision,  
 12 the commission shall approve the application but shall reduce the  
 13 capacity of the facility to be constructed.

14 (4) No later than January 1, 2002, the commission shall  
 15 adopt and promulgate rules and regulations consistent with and  
 16 necessary to implement this section."

17 2. On page 1, lines 3 and 18; page 3, line 19; page 5,  
 18 line 2; page 11, line 8; page 13, line 10; and page 17, line 19,  
 19 strike "7" and insert "8".

20 3. On page 1, strike line 11; and in line 12 after "act"  
 21 insert "; and

22 (d) Construct any dark fiber facility pursuant to section  
 23 5 of this act".

24 4. On page 3, line 12, after "act" insert "or the  
 25 denial, modification, or approval of an application filed under  
 26 section 5 of this act".

27 5. On page 5, line 5; and page 6, line 10, strike "12"  
 1 and insert "13".

2 6. On page 19, line 12, strike "8" and insert "9".

3 7. Renumber the remaining sections accordingly.

Senator Kristensen filed the following amendment to LB 827:  
 AM1231

(Amendments to Standing Committee amendments, AM0499)

1 1. Insert the following new section:  
 2 "Sec. 6. The Local Community Assistance Fund is created.  
 3 The fund shall be used to provide telecommunications, video,  
 4 internet, or other related services to local communities or service  
 5 areas and shall emphasize services to individuals who demonstrate  
 6 financial need and services which provide educational opportunities  
 7 and resources to children. Money in the fund shall be distributed  
 8 to qualified applicants by the Public Service Commission pursuant  
 9 to section 9 of this act. 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. On page 2, strike beginning with "the" in line 22  
 14 through "infrastructure" in line 27 and insert "either the Nebraska  
 15 Internet Enhancement Fund or the Local Community Assistance Fund as  
 16 determined by the lessor. For fiber optic cable installed by an  
 17 agency or political subdivision prior to January 1, 2001, profit  
 18 earned means the lease price less both the cost of the excess dark  
 19 fiber in direct proportion to the total cost of installing the  
 20 fiber optic cable and a reasonable rate of return which is  
 21 substantially similar to the rate of return included in the price  
 22 of unbundled telecommunications network elements and which is  
 23 typically allowed in the provision of electricity by private,  
 1 investor-owned utilities. For fiber optic cable installed by an  
 2 agency or political subdivision on or after January 1, 2001, profit  
 3 earned means the lease price less the cost of the excess dark fiber  
 4 in direct proportion to the total cost of installing the fiber  
 5 optic cable".

6 3. On page 4, line 17, after "applications" insert "for  
 7 funding from the Nebraska Internet Enhancement Fund"; and in line  
 8 21 after "(4)" insert "The commission shall establish a system to  
 9 prioritize applications for funding from the Local Community  
 10 Assistance Fund. Highest priority shall be given to applicants  
 11 which are located in the geographic area that generated the funding  
 12 proceeds and which will be used to provide services described in  
 13 section 6 of this act.  
 14 (5)".

15 4. Renumber the remaining sections and correct internal  
 16 references accordingly.

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 30, 2001,  
 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

Kelley, Michael A.  
 Ignition Interlock Systems of IA, Inc.

Kelly, Teresa  
 Omaha Council PTA/PTSA

Krannawitter, Brian  
 Health Education Incorporated

**VISITORS**

Visitors to the Chamber were Rob, Angela, Emily, Ryan, and Nicole Hackett from Aurora; 53 fourth grade students and teachers from Seward; Rose, Jenna, and Jerra Brown from Gordon; 15 eighth grade students and teachers from Omaha Nation School, Macy; 36 fourth grade students and teachers from Meadows Elementary School, Omaha; 60 fourth grade students and teachers from Pershing Elementary School, Lexington; and 17 fourth grade students and teacher from Humboldt.

The Doctor of the Day was Dr. Keith Brown from Gordon.

**ADJOURNMENT**

At 1:47 p.m., on a motion by Senator Landis, the Legislature adjourned until 9:00 a.m., Monday, April 2, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-SEVENTH DAY - APRIL 2, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 2, 2001

**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 Senator McDonald who was excused; and Senators Beutler, Brashear, Bromm, Cunningham, Dierks, Hartnett, Hilgert, Kristensen, Landis, Robak, and Vrtiska who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-sixth day was approved.

**REPORTS**

The following reports were received by the Legislature:

**Health and Human Services System, Nebraska**

Statistical Report of Abortions - 2000

**Roads, Department of**

Board of Public Roads Classifications and Standards Minutes for February 16, 2001

**GENERAL FILE**

**LEGISLATIVE BILL 277.** Title read. Considered.

The Standing Committee amendment, AM1120, found on page 1244, was considered.

**SENATOR CUDABACK PRESIDING**

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 31 ayes, 3 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 4 nays, 14 present and not voting, and 5 excused and not voting.

Senator Hartnett 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 593A.** 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 593, Ninety-seventh Legislature, First Session, 2001.

**LEGISLATIVE BILL 754A.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 754, Ninety-seventh Legislature, First Session, 2001.

**MOTION - Print in Journal**

Senator Baker filed the following motion to LB 486:  
Reconsider the vote to indefinitely postpone LB 486.

**GENERAL FILE**

**LEGISLATIVE BILL 398.** Title read. Considered.

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0975, printed separately and referred to on page 1229, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 277A.** Introduced by Redfield, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 277, Ninety-seventh Legislature, First Session, 2001.

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 215.** Placed on Select File as amended.  
(E & R amendment, AM7086, 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 444.** Placed on Select File as amended.  
E & R amendment to LB 444:  
AM7085

- 1 1. On page 1, line 3, after the semicolon insert "to
- 2 harmonize provisions;"

**LEGISLATIVE BILL 808.** Placed on Select File as amended.  
E & R amendment to LB 808:  
AM7088

- 1 1. In the Standing Committee amendment, AM0632:
- 2 a. On page 7, line 22, strike the first "or" and insert
- 3 "the";
- 4 b. On page 8, lines 13 and 18; and page 9, line 3,
- 5 before "department" insert "volunteer";
- 6 c. On page 8, line 22, after "the" insert "volunteer";
- 7 d. On page 10, line 4, strike "the" and show as
- 8 stricken;
- 9 e. On page 12, line 27, insert underscoring beginning
- 10 with "fire" through "district";
- 11 f. On page 21, line 4, strike "the state," and show as
- 12 stricken; and in line 5 strike the comma and show as stricken; and
- 13 g. On page 22, line 13, strike "the state," and show as
- 14 stricken; and in line 14 strike the last comma and show as
- 15 stricken.
- 16 2. On page 1, line 3, strike "35-1311 to" and insert
- 17 "35-1310, 35-1312, "; in line 10 strike "and"; in line 11 after the
- 18 first comma insert "35-1311, "; and in line 12 before the period
- 19 insert "; and to declare an emergency".

**LEGISLATIVE BILL 772.** Placed on Select File as amended.

E & R amendment to LB 772:

AM7087

- 1 1. In the Standing Committee amendments, AM0968, on page 2 7, line 12, strike "become" and insert "becomes".
- 3 2. On page 1, line 2, after "Center" insert "; to 4 provide a termination date; and to provide an operative date".

**LEGISLATIVE BILL 772A.** Placed on Select File.

**LEGISLATIVE BILL 664.** Placed on Select File.

**LEGISLATIVE BILL 678.** Placed on Select File as amended.

E & R amendment to LB 678:

AM7089

- 1 1. On page 1, line 3, strike "and"; and in line 4 after 2 "section" insert "; and to declare an emergency".

**LEGISLATIVE BILL 671.** Placed on Select File as amended.

E & R amendment to LB 671:

AM7090

- 1 1. On page 1, strike beginning with "a" in line 4 2 through line 5 and insert "for a shipping license, a fee, and a 3 tax".

**LEGISLATIVE BILL 671A.** Placed on Select File.

**LEGISLATIVE BILL 668A.** Placed on Select File.

### **Correctly Engrossed**

The following bill was correctly engrossed: LB 83A.

(Signed) Philip Erdman, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 740.** Title read. Considered.

Senator Chambers offered the following amendment:

FA150

1. P. 4, line 2 strike all of subsection (a); and in lines 10-11 strike all of section (b)

Senators Byars and Foley asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### **VISITORS**

Visitors to the Chamber were Luke Evans from Wisner; 7 fourth grade

students and teacher from St. Andrews School, Tecumseh; 34 Girl Scouts and leaders from western Nebraska; 40 twelfth grade students and teacher from Cedar Catholic High School, Hartington; 14 fourth grade students and teacher from Sword of the Spirit School, Omaha; and Randy Thomas from Lincoln.

### RECESS

At 12:00 p.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

### ROLL CALL

The roll was called and all members were present except Senator McDonald who was excused; and Senators Beutler, Bromm, Coordsen, Dierks, and Price who were excused until they arrive.

### SELECT COMMITTEE REPORTS Enrollment and Review

#### Correctly Engrossed

The following bills were correctly engrossed: LBs 92, 92A, and 461.

#### Enrollment and Review Change to LB 461

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

ER9041

1. In the Bromm amendment, AM1189, on page 11, line 5, "5 to 9" has been struck and "6 to 10" inserted; and in line 7 "6" has been struck and "7" inserted.

2. In the E & R amendments, AM7073, on page 1, line 4, "section" has been struck and "sections 66-1519, 66-1523, 66-1525, 66-1529.02, and" inserted and "to change provisions relating to petroleum release remedial action reimbursements and methyl tertiary butyl ether testing;" has been inserted after the semicolon.

(Signed) Philip Erdman, Chairperson

### AMENDMENT - Print in Journal

Senator Stuhr filed the following amendment to LB 273:  
AM1267

1. Strike the original sections and all amendments

2 thereto and insert the following sections:

3 "Section 1. For purposes of sections 1 to 4 of this act:

4 (1) Department means the Department of Agriculture;

5 (2) Hemp products means all products made from

6 industrial hemp, including, but not limited to, cloth, cordage,

7 fiber, food, fuel, paint, paper, particleboard, and plastics; seed,

8 seed meal, and seed oil for consumption; and certified seed for

9 cultivation if the seeds originate from industrial hemp varieties;

10 (3) Industrial hemp means all parts and varieties of the

11 plant *cannabis sativa*, whether growing or not, that contain a

12 tetrahydrocannabinol concentration of one percent or less by dry

13 weight, except that the tetrahydrocannabinol concentration limit of

14 one percent may be exceeded for licensed industrial hemp seed

15 research. Industrial hemp shall be excluded from the definition of

16 marijuana, as defined in section 28-401;

17 (4) Seed research means research conducted to develop or

18 recreate better strains of industrial hemp, particularly for the

19 purposes of seed production. In conducting this research, higher

20 tetrahydrocannabinol concentration varieties of industrial hemp may

21 be grown to provide breeding strains to revitalize the production

22 of a Nebraska hybrid type of industrial hemp. However, in no case

23 shall the tetrahydrocannabinol level exceed three percent by dry

24 weight; and

1 (5) Tetrahydrocannabinol means the natural or synthetic

2 equivalents of the substances contained in the plant *cannabis*

3 *sativa* or in the resinous extractives of such plant; any synthetic

4 substances, compounds, salts, or derivatives of such plant; or

5 chemicals and their isomers with similar chemical structure and

6 pharmacological activity to substances contained in such plant.

7 Sec. 2. (1) The department shall work cooperatively with

8 the University of Nebraska, utilizing the expertise of the

9 Institute of Agriculture and Natural Resources, in establishing an

10 industrial hemp research program. Research facilities of the

11 university may submit proposals for the industrial hemp research

12 program. The department with the assistance of the university,

13 shall select where the industrial hemp research program or programs

14 shall be located.

15 (2) The industrial hemp research program or programs

16 shall undertake research of industrial hemp production in the

17 state. The department shall assist the industrial hemp research

18 programs in obtaining the necessary federal permits from the United

19 State Drug Enforcement Agency or other appropriate federal agency.

20 In undertaking the industrial hemp research program or programs,

21 the university is authorized to:

22 (a) Grow industrial hemp to conduct agronomy research and

23 analysis of required soils, growing conditions, and harvest methods

24 relating to the production of industrial hemp for hemp products;

25 (b) Conduct seed research on various types of industrial

26 hemp that are best suited to be grown in Nebraska, including, but

- 27 not limited to, seed availability, creation of Nebraska hybrid  
1 types, in-the-ground variety trials, and seed production;
- 2 (c) Study the economic feasibility of developing an  
3 industrial hemp market for the various types of industrial hemp  
4 that can be grown successfully in Nebraska;
- 5 (d) Report on the estimated value-added benefits,  
6 including environmental benefits, that Nebraska businesses would  
7 reap by having an industrial hemp market of Nebraska-grown  
8 industrial hemp varieties;
- 9 (e) Study the agronomy research being conducted  
10 worldwide relating to industrial hemp varieties, production, and  
11 utilization;
- 12 (f) Research and promote Nebraska industrial hemp and  
13 hemp seed on the world market; and
- 14 (g) Study the feasibility of attracting private funding  
15 for the Nebraska industrial hemp research program or programs.
- 16 Sec. 3. (1) The authorization granted in section 2 of  
17 this act shall not subject an industrial hemp research program or  
18 the research facility where it is located to any criminal liability  
19 under the controlled substances laws of Nebraska. This exemption  
20 from criminal liability is a limited exemption that shall be  
21 strictly construed and that shall not apply to any activities of an  
22 industrial hemp research program or a research facility that are  
23 not expressly permitted in the authorization.
- 24 (2) The authorization granted in section 2 of this act  
25 shall not alter, amend, or repeal by implication any provision of  
26 Nebraska law relating to controlled substances.
- 27 Sec. 4. (1) The research facility or facilities  
1 involved in the industrial hemp research program shall notify the  
2 Nebraska State Patrol and all other local law enforcement agencies  
3 of the duration, size, and location of all industrial hemp plots.
- 4 (2) The department and the University of Nebraska may  
5 cooperatively seek funds from both public and private sources to  
6 implement sections 1 to 4 of this act.
- 7 (3) By October 1, 2002, and annually thereafter, the  
8 department and the university shall report to the Agriculture  
9 Committee of the Legislature on the status and progress of the  
10 industrial hemp research program authorized by section 2 of this  
11 act."

## GENERAL FILE

**LEGISLATIVE BILL 740.** The Chambers pending amendment, FA150, found in this day's Journal, was renewed.

The Chambers amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Chambers moved to indefinitely postpone LB 740.

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

Senator Landis requested a roll call vote on the Chambers motion to indefinitely postpone.

Voting in the affirmative, 20:

Baker	Bruning	Burling	Chambers	Engel
Erdman	Foley	Hudkins	Jones	Kremer
Kristensen	Pederson, D.	Redfield	Robak	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein

Voting in the negative, 12:

Aguilar	Bourne	Brashear	Connealy	Hilgert
Kruse	Landis	Maxwell	Pedersen, Dw.	Price
Raikes	Schimek			

Present and not voting, 14:

Bromm	Brown	Byars	Cudaback	Cunningham
Dierks	Hartnett	Janssen	Jensen	Preister
Quandahl	Schrock	Vrtiska	Wickersham	

Excused and not voting, 3:

Beutler	Coordsen	McDonald
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The Chambers motion to indefinitely postpone prevailed with 20 ayes, 12 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 335.** Title read. Considered.

The Standing Committee amendment, AM0260, found on page 778, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 335A.** Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not



voting, and 2 excused and not voting.

Senators Foley and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

### AMENDMENTS - Print in Journal

Senators Brown, Wickersham, Schimek, and Quandahl filed the following amendment to LB 142:

AM1225

(Amendments to Standing Committee amendments, AM0226)

- 1 1. On page 1, after line 20 insert the following new
- 2 paragraph:
- 3 "In order to provide economical and efficient services, a
- 4 municipality within the boundaries of a municipal county may annex
- 5 adjacent territory within the municipal county if the municipal
- 6 county consents. Consent shall be granted if the services will be
- 7 provided by the municipality within the annexed territory at less
- 8 cost than similar services provided by the municipal county."

Senator Chambers filed the following amendments to LB 75:

AM1270

- 1 1. Strike section 1 and all amendments thereto.
- 2 2. On page 3, line 4, strike "2" and insert "1".
- 3 3. Renumber the remaining sections accordingly.

AM1271

- 1 1. On page 2, line 8, strike "an incentive for" and
- 2 insert "a state-imposed scheme to bolster the profits of a select
- 3 group of investors and entrepreneurs in a favored sector of".

AM1272

- 1 1. Strike section 1 and all amendments thereto and
- 2 insert the following new section:
- 3 "Section 1. The Legislature finds and declares that
- 4 investors, producers, and purveyors of ethanol realize that the
- 5 motoring public are not accepting of ethanol as a motor fuel."

AM1273

- 1 1. Insert the following new section:
- 2 "Sec. 2. The Legislature further declares that
- 3 investors, producers, and purveyors of ethanol realize that the
- 4 motoring public are not accepting of ethanol as a motor fuel."
- 5 2. On page 3, line 4, strike "2" and insert "3".
- 6 3. Renumber the remaining sections accordingly.

AM1274

- 1 1. Strike section 1 and all amendments thereto and
- 2 insert the following new section:

3 "Section 1. The Legislature finds and declares that  
4 investors, producers, and purveyors of ethanol are desirous of  
5 garnering as much profit as possible."

## AM1275

1 1. Insert the following new section:  
2 "Sec. 2. The Legislature further declares that  
3 investors, producers, and purveyors of ethanol are desirous of  
4 garnering as much profit as possible."  
5 2. On page 3, line 4, strike "2" and insert "3".  
6 3. Renumber the remaining sections accordingly.

## AM1276

1 1. Strike section 1 and all amendments thereto and  
2 insert the following new section:  
3 "Section 1. The Legislature finds and declares that  
4 investors, producers, and purveyors of ethanol have failed through  
5 means relied on by other producers and purveyors of commercial  
6 products to persuade the motoring public to purchase ethanol, which  
7 failure has resulted in lesser profits than desired."

## AM1277

1 1. Insert the following new section:  
2 "Sec. 2. The Legislature finds and declares that  
3 investors, producers, and purveyors of ethanol have failed through  
4 means relied on by other producers and purveyors of commercial  
5 products to persuade the motoring public to purchase ethanol, which  
6 failure has resulted in lesser profits than desired."  
7 2. On page 3, line 4, strike "2" and insert "3".  
8 3. Renumber the remaining sections accordingly.

## AM1278

1 1. Strike section 1 and all amendments thereto and  
2 insert the following new section:  
3 "Section 1. The Legislature finds and declares that  
4 investors, producers, and purveyors of ethanol seek to enlist the  
5 lawmaking power of the Legislature to compel the motoring public,  
6 against the public's choice and will to purchase ethanol in order  
7 to enhance the profits of such investors, producers, and  
8 purveyors."

## AM1279

1 1. Insert the following new section:  
2 "Sec. 2. The Legislature finds and declares that  
3 investors, producers, and purveyors of ethanol seek to enlist the  
4 lawmaking power of the Legislature to compel the motoring public,  
5 against the public's choice and will to purchase ethanol in order  
6 to enhance the profits of such investors, producers, and  
7 purveyors."

- 8 2. On page 3, line 4, strike "2" and insert "3".
- 9 3. Renumber the remaining sections accordingly.

## AM1280

- 1 1. Strike section 1 and all amendments thereto and
- 2 insert the following new section:
- 3 "Section 1. The Legislature finds and declares that
- 4 investors, producers, and purveyors of ethanol seek to enlist the
- 5 lawmaking power of the Legislature to make virtually unavailable to
- 6 the motoring public, the motor fuel known as 'regular gasoline' in
- 7 order to force the motoring public to purchase ethanol in place of
- 8 regular gasoline."

## AM1281

- 1 1. Insert the following new section:
- 2 "Sec. 2. The Legislature finds and declares that
- 3 investors, producers, and purveyors of ethanol seek to enlist the
- 4 lawmaking power of the Legislature to make virtually unavailable to
- 5 the motoring public, the motor fuel known as 'regular gasoline' in
- 6 order to force the motoring public to purchase ethanol in place of
- 7 regular gasoline."
- 8 2. On page 3, line 4, strike "2" and insert "3".
- 9 3. Renumber the remaining sections accordingly.

## AM1282

- 1 1. Strike section 1 and all amendments thereto and
- 2 insert the following new section:
- 3 "Section 1. The Legislature finds and declares that some
- 4 legislators feel obliged to invoke the lawmaking power of the
- 5 Legislature to enhance the profits of investors, producers, and
- 6 purveyors of ethanol by:
- 7 (1) Disregarding the refusal of the motoring public to
- 8 accept ethanol as a motor fuel;
- 9 (2) Ignoring the failure of investors, producers, and
- 10 purveyors of ethanol to persuade the motoring public to accept and
- 11 purchase ethanol as a motor fuel;
- 12 (3) Compelling the motoring public, against the public's
- 13 choice and will to purchase ethanol as a motor fuel by making
- 14 virtually unavailable to the motoring public, the motor fuel known
- 15 as 'regular gasoline'; and
- 16 (4) Trying to shield investors, producers, and purveyors
- 17 of ethanol from the market forces of supply and demand in order to
- 18 maximize their profits."

## AM1283

- 1 1. Insert the following new section:
- 2 "Sec. 2. The Legislature finds and declares that some
- 3 legislators feel obliged to invoke the lawmaking power of the
- 4 Legislature to enhance the profits of investors, producers, and

5 purveyors of ethanol by:

- 6 (1) Disregarding the refusal of the motoring public to  
 7 accept ethanol as a motor fuel;  
 8 (2) Ignoring the failure of investors, producers, and  
 9 purveyors of ethanol to persuade the motoring public to accept and  
 10 purchase ethanol as a motor fuel;  
 11 (3) Compelling the motoring public, against the public's  
 12 choice and will to purchase ethanol as a motor fuel by making  
 13 virtually unavailable to the motoring public, the motor fuel known  
 14 as 'regular gasoline'; and  
 15 (4) Trying to shield investors, producers, and purveyors  
 16 of ethanol from the market forces of supply and demand in order to  
 17 maximize their profits."  
 18 2. On page 3, line 4, strike "2" and insert "3".  
 19 3. Renumber the remaining sections accordingly.

AM1284

- 1 1. On page 2, line 12, strike "property,".

AM1285

- 1 1. On page 2, line 13, strike "shall" and insert "is  
 2 encouraged to"; and strike beginning with the comma in line 14  
 3 through the comma in line 15.

AM1286

- 1 1. On page 2, line 13, strike "shall" and insert "is  
 2 encouraged to".

AM1287

- 1 1. Insert the following new section:  
 2 "Sec. 3. Violation of section 2 of this act shall be a  
 3 fuel foible, conviction of which shall be punished by a fine of two  
 4 cents per day for each day that such violation persists."  
 5 2. Renumber the remaining sections accordingly.

FA151

Amend AM0239

1. Page 1, line 7 strike "may" and reinstate "shall"; in lines 8-9, strike "methanol, or ethanol and methanol".

Senator Robak filed the following amendment to LB 75:

AM1301

- 1 1. Insert the following new sections:  
 2 "Section 1. Section 60-601, Revised Statutes Supplement,  
 3 2000, 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 in any motor

- 8 vehicle operated on any highway in this state.  
 9 Sec. 7. Original section 60-601, Revised Statutes  
 10 Supplement, 2000, is repealed."  
 11 2. Insert underscoring in sections 1 to 3.  
 12 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 671:  
 AM1269

- 1 1. Insert the following new section:  
 2 "Sec. 4. Section 53-177, Revised Statutes Supplement,  
 3 2000, is amended to read:  
 4 53-177. (1) No license shall be issued for the sale at  
 5 retail of any alcoholic liquor within one hundred and fifty feet of  
 6 any church, school, hospital, or home for aged or indigent persons  
 7 or for veterans, their wives or children. This prohibition does  
 8 not apply (a) to any location within such distance of one hundred  
 9 and fifty feet for which a license to sell alcoholic liquor at  
 10 retail has been granted by the Nebraska Liquor Control Commission  
 11 for two years continuously prior to making of application for  
 12 license and (b) to hotels offering restaurant service, to regularly  
 13 organized clubs, or to restaurants, food shops, or other places  
 14 where sale of alcoholic liquor is not the principal business  
 15 carried on, if such place of business so exempted was established  
 16 for such purposes prior to May 24, 1935.  
 17 (2) No alcoholic liquor, other than beer, shall be sold  
 18 for consumption on the premises within three hundred feet from the  
 19 campus of any college or university in the state, except that this  
 20 section does not prohibit a nonpublic college or university from  
 21 contracting with an individual or corporation holding a license to  
 22 sell alcoholic liquor at retail for the purpose of selling  
 23 alcoholic liquor at retail on the campus of such college or  
 24 university at events sanctioned by such college or university but  
 1 does prohibit the sale of alcoholic liquor at retail by such  
 2 licensee on the campus of such nonpublic college or university at  
 3 student activities or events. This subsection shall not apply to a  
 4 satellite location of a university, state college, or community  
 5 college. For purposes of this subsection, a satellite location of  
 6 a university, state college, or community college means a location  
 7 (a) at which a university, state college, or community college  
 8 provides educational services for students, (b) which is not  
 9 adjacent to the campus of such university, state college, or  
 10 community college, and (c) which serves not more than twenty-five  
 11 percent of the students enrolled at the university, state college,  
 12 or community college. For purposes of determining the  
 13 twenty-five-percent requirement of this subsection, a student who  
 14 attends both a satellite location of a university, state college,  
 15 or community college and the campus of a university, state college,  
 16 or community college shall be counted as being served by the  
 17 satellite location."

- 18 2. On page 10, line 27, strike "section 53-162" and  
 19 insert "sections 53-162 and 53-177".  
 20 3. Renumber the remaining section accordingly.

### SELECT FILE

**LEGISLATIVE BILL 827.** Senator Beutler withdrew his pending motion, found on page 1288, to indefinitely postpone.

Senator Chambers withdrew his pending amendments, FA148 and FA149, found on page 1289.

Senator Kristensen withdrew his pending amendment, AM1231, found on page 1302.

### SENATOR CUDABACK PRESIDING

Senators Bromm, Landis, Beutler, Tyson, and Kristensen offered the following amendment:

AM1303

- 1 1. In the Standing Committee amendments, AM0499:  
 2 a. On page 1, line 23, after the period insert "The  
 3 sales agreement may require that the agency or political  
 4 subdivision be solely responsible for the maintenance of the dark  
 5 fiber and that the buyer is responsible, on a pro-rata basis, for  
 6 any such maintenance costs.";  
 7 b. On page 2, lines 9 and 14, strike "cost" and insert  
 8 "price"; in line 11 after "carrier" insert "or the price of any  
 9 other private entity leasing dark fiber optic facilities"; in line  
 10 12 after "same" insert "or similar"; in lines 16 and 18 strike  
 11 "may" and insert "shall"; in line 19 after the semicolon insert  
 12 "(b) The commission shall not approve any lease price  
 13 which is agreed upon by the agency or political subdivision and the  
 14 lessee unless the lease requires that the agency or political  
 15 subdivision be solely responsible for the maintenance of its dark  
 16 fiber and that the lessee be responsible, on a pro-rata basis, for  
 17 any such maintenance costs."; in line 20 strike "(b)" and insert  
 18 "(c)" and strike the second "any" and insert "fifty percent of  
 19 the"; and in lines 24 and 26 strike "actual"; and  
 20 c. Strike beginning with "The" on page 2, line 27,  
 21 through "commission" on page 3, line 2, and insert "For purposes of  
 22 this subdivision, cost of infrastructure overbuilding means the  
 23 cost of each leased optic fiber, including the cost, on a pro-rata  
 24 basis, associated with the agency's or political subdivision's  
 1 installation of such fiber".  
 2 2. In the Bromm amendments, AM1192, on page 2, line 10,  
 3 after "sections" insert "79-1319".

The Bromm et al. amendment was adopted with 31 ayes, 0 nays, 14 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.

Senator Kristensen withdrew his pending amendment, AM1006, found on page 1301.

Advanced to E & R for engrossment.

### **GENERAL FILE**

**LEGISLATIVE BILL 75.** Title read. Considered.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0445, found on page 620, was considered.

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

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

FA152

Amend AM0445

P. 1, line 2, strike "2002" and insert "2005"

Senator Landis 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 18 ayes, 0 nays, and 31 not voting.

The Chambers amendment lost with 1 aye, 27 nays, 16 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

FA154

Amend AM0445

P. 1, line 2 strike "2002" and insert "2003"

Senators Aguilar and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

**PRESIDENT MAURSTAD PRESIDING**

Pending.

**AMENDMENT - Print in Journal**

Senator Connealy filed the following amendment to LB 75:  
FA153

On p. 2, line 13, after "fuel" insert:

except Retailers who operate with only one storage tank until January 1, 2006,

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 740. No objections. So ordered.

Senator Quandahl asked unanimous consent to have his name added as cointroducer to LB 277. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 26 fourth grade students and teacher from Humphrey St. Francis.

The Doctor of the Day was Dr. Joel Travis from Albion.

**ADJOURNMENT**

At 4:44 p.m., on a motion by Senator Dw. Pedersen, the Legislature adjourned until 9:00 a.m., Tuesday, April 3, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-EIGHTH DAY - APRIL 3, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 3, 2001

**PRAYER**

The prayer was offered by Reverend Stan Hughes, Chandler Acres Baptist Church, Bellevue, 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 McDonald who was excused; and Senators Beutler, Bromm, Brown, Dierks, Engel, Hilgert, Kremer, Landis, Price, Robak, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1309, line 34, strike "Suttle" and insert "Stuhr".  
The Journal for the fifty-seventh day was approved as corrected.

**GENERAL FILE**

**LEGISLATIVE BILL 489.** Title read. Considered.

The Standing Committee amendment, AM0547, found on page 715, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Senator Brashear renewed his pending amendment, AM1213, found on page 1273.

The Brashear amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not

voting, and 6 excused and not voting.

**LEGISLATIVE BILL 797.** Title read. Considered.

The Standing Committee amendment, AM1043, found on page 1248, was considered.

Senators Brashear and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment 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 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 55.** Introduced by Aguilar, 35.

WHEREAS, Joshua Gehman has earned the rank of Eagle Scout in the Boy Scouts of America, that organization's highest rank; and

WHEREAS, Joshua Gehman is a member of Boy Scout Troop 147, in Grand Island, is a member of the Order of the Arrow, and has been a camp counselor for four years; and

WHEREAS, Joshua Gehman planned and constructed runways for the new pole vault pit at Grand Island Northwest High School for his Eagle Scout project; and

WHEREAS, a Court of Honor ceremony will be held on Friday, April 6, 2001, at the United Veterans Club, at which time Joshua Gehman will receive his Eagle Scout medal.

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

1. That the Legislature commends Joshua Gehman for his dedication, hard work, and perseverance in obtaining the Eagle Scout rank.
2. That a copy of this resolution be sent to Joshua Gehman.

Laid over.

**LEGISLATIVE RESOLUTION 56.** Introduced by Thompson, 14.

PURPOSE: To review existing state law regarding the licensing of private detectives, plain clothes investigators, private detective agencies, and private security companies and their officers. Included in this study shall be a review of the applicability of current law, the adequacy of licensing fees, background checks of applicants by the Nebraska State Patrol, and the current requirements in rules and regulations by the Secretary of State for the applicants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 516A.** 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 516, Ninety-seventh Legislature, First Session, 2001.

**GENERAL FILE**

**LEGISLATIVE BILL 75.** Senator Chambers renewed his pending amendment, FA154, found on page 1319, to the Standing Committee amendment.

Senators Hartnett and Kristensen 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 13 ayes, 0 nays, and 36 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Chambers Smith	Engel	Hilgert	Jensen	Pederson, D.
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Voting in the negative, 28:

Aguilar	Beutler	Bromm	Bruning	Burling
Connealy	Coordsen	Cunningham	Dierks	Erdman
Hudkins	Janssen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Raikes	Redfield
Schimek	Schrock	Stuhr	Suttle	Thompson
Tyson	Wehrbein	Wickersham		

Present and not voting, 10:

Baker	Bourne	Brown	Byars	Cudaback
Foley	Jones	Quandahl	Robak	Vrtiska

Excused and not voting, 5:

Brashear	Hartnett	Kremer	Kristensen	McDonald
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The Chambers amendment lost with 6 ayes, 28 nays, 10 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senators Beutler and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

### SENATOR COORDSEN PRESIDING

Senators Cudaback, Schimek, and Bourne asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### UNANIMOUS CONSENT - Print in Journal

Senators Wickersham and Vrtiska filed the following amendment to LB 657:  
AM1300

(Amendments to E & R amendments, AM7080)

- 1 1. On page 1, after line 23 insert the following:
- 2 "No distribution from the fund shall be made unless the
- 3 city of the primary class provides matching funds equal to the
- 4 ratio of one dollar for each three dollars of the state
- 5 distribution. Funds derived from any state source may not be
- 6 utilized as matching funds for purposes of this section."
- 7 2. On page 2, after line 22 insert the following:
- 8 "No distribution from the fund shall be made unless the
- 9 city of the metropolitan class provides matching funds equal to the
- 10 ratio of one dollar for each three dollars of the state
- 11 distribution. Funds derived from any state source may not be
- 12 utilized as matching funds for purposes of this section."

### ANNOUNCEMENT

Senators Wickersham and Wehrbein announced that there will be a joint meeting of the Revenue and Appropriations Committees on April 11, 2001. The meeting will be in Room 1524 at 8:00 a.m. This joint meeting of the committees is required by Rule 8, Section 7.

**VISITORS**

Visitors to the Chamber were 63 fourth grade students and teachers from Norris Elementary School, Firth; Leslie Williams from Lincoln; 28 fourth grade students and teacher from Lincoln Elementary School, Norfolk; and Senator Vrtiska's daughter, Dr. Terri Vrtiska, from Rochester, Minnesota, and wife, Doris, from Table Rock.

**RECESS**

At 11:56 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., President Maurstad presiding.

**ROLL CALL**

The roll was called and all members were present except Senator McDonald who was excused; and Senators Bromm, Brown, Price, Schrock, and Vrtiska who were excused until they arrive.

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

The following bills were correctly engrossed: LBs 56, 113, 113A, 408, and 706.

**Enrollment and Review Change to LB 113**

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

ER9043

1. The Jensen-Brown-Byars amendment, AM1262, has been incorporated into the E & R amendments, AM7077.

2. In the Jensen-Brown-Byars amendment, AM1262, on page 1, line 11, "if" has been inserted after "or".

3. In the E & R amendments, AM7077, on page 29, line 10 "to prohibit certain sales and possession of ephedrine, pseudoephedrine, and phenylpropanolamine;" has been inserted after the semicolon; and the matter beginning with "to" in line 12 through the semicolon in line 13 has been struck.

**Enrollment and Review Change to LB 408**

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

ER9042

1. On page 1, line 10, "investments by certain counties," has been inserted before "and".

2. On page 2, lines 13 and 14; and page 40, lines 25 and 26, "Internal Revenue Code" has been struck, shown as stricken, and "code" inserted.

3. On page 31, line 5, "from the retirement system assets and income" has been inserted after "money".

4. On page 38, line 6, "Nebraska" has been inserted before "State".

(Signed) Philip Erdman, Chairperson

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 51 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 51.

**SELECT FILE**

**LEGISLATIVE BILL 692.** E & R amendment, AM7071, found on page 1103, was adopted.

Senator Byars asked unanimous consent to replace his pending amendment, AM0946, found on page 1045, with a substitute amendment. No objections. So ordered.

Senator Byars withdrew his pending amendment, AM0946, found on page 1045.

Senator Jensen offered the following substitute amendment:

AM1137

(Amendments to Standing Committee amendments, AM0781)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 68-1526, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 68-1526. The department shall adopt and promulgate rules
- 5 and regulations for the operation and administration of the
- 6 Nebraska Lifespan Respite Services Program, including, but not
- 7 limited to:
- 8 (1) Criteria, procedures, and timelines for designation
- 9 of the community-based private nonprofit or for-profit agencies or
- 10 public agencies that will receive funding to provide respite

11 services under community lifespan respite services programs; and  
 12 (2) A requirement that each community lifespan respite  
 13 services program publicize the telephone number and address where  
 14 families and caregivers may contact the program; and

15 (3) Procedures and guidelines for determining priorities,  
 16 eligibility standards, and eligibility criteria for the selection  
 17 of caregivers to participate in programs funded under the Nebraska  
 18 Lifespan Respite Services Program.

19 Sec. 16. It is the intent of the Legislature to  
 20 appropriate seventy-five thousand dollars in fiscal year 2001-02  
 21 and seventy-five thousand dollars in fiscal year 2002-03 from the  
 22 Nebraska Health Care Cash Fund to the Department of Justice for  
 23 enforcement of sections 69-2702 and 69-2703."

1 2. On page 2, lines 3 and 4, strike "9 to 14" and insert  
 2 "10 to 16"; in line 17 strike "in the act"; in line 24 strike "or"  
 3 and show as stricken; and in line 25 after "clinics" insert an  
 4 underscored comma and strike "for any".

5 3. On page 3, after line 2, insert the following new  
 6 subsection:

7 "(4) The Department of Health and Human Services and the  
 8 Department of Health and Human Services Finance and Support shall  
 9 report annually to the Legislature and the Governor regarding the  
 10 use of funds appropriated under the act and the outcomes achieved  
 11 from such use."

12 4. On page 5, line 5, strike "under this section" and  
 13 insert "from the fund".

14 5. On page 7, line 14, strike "and", show as stricken,  
 15 and insert an underscored comma; and in line 15 after "provider"  
 16 insert ", and one member of a racial or ethnic minority".

17 6. On page 11, line 22, strike "acute or intensive" and  
 18 insert "hospital-sponsored"; and in line 24 after "contract" insert  
 19 ". The state mental health managed care contractor may negotiate  
 20 different rates with providers as may be necessary and appropriate.  
 21 Any funds provided by the state mental health managed care  
 22 contractor for such purpose shall be offset by an equal reduction  
 23 in state cash fund and federal fund expenditures disbursed to  
 24 providers under this subdivision. Any funds not expended in fiscal  
 25 year 2001-02 shall be reappropriated".

26 7. On page 12, line 4, strike "proportionately by  
 27 population"; in line 6 after "71-5002" insert "based upon a formula  
 1 determined by the Department of Health and Human Services in  
 2 consultation with regional governing boards, providers, and other  
 3 interested parties"; in line 8 after "by" insert "the regional  
 4 governing board with the approval of"; strike beginning with  
 5 "cannot" in line 9 through "otherwise" in line 10 and insert "can  
 6 be more reasonably and beneficially provided by the regional  
 7 governing board. The department and regional governing boards  
 8 shall consult with the State Mental Health Planning and Evaluation  
 9 Council and the State Alcoholism and Drug Abuse Advisory Committee

10 on matters relating to the development and funding of services  
 11 under this subdivision"; strike beginning with "a" in line 15  
 12 through "and" in line 18 and insert "emergency protective custody  
 13 under the Nebraska Mental Health Commitment Act"; and in line 19  
 14 strike "such" and insert "an" and after "commitment" insert "by a  
 15 district court or a mental health board under section 29-1823 or  
 16 83-1037. Funds appropriated under this subdivision shall be  
 17 distributed to mental health regions defined in subdivision (6) of  
 18 section 71-5002 based on a formula established by the Department of  
 19 Health and Human Services".

20 8. On page 13, line 3, after "services" insert  
 21 "according to their length of time on the waiting list"; and in  
 22 line 4 strike "past their date of need".  
 23 9. On page 14, in lines 5 and 6, after "hundred" insert  
 24 "fifty"; and in lines 15 and 16 after "hundred" insert "ten".  
 25 10. Renumber the remaining sections and correct the  
 26 repealer accordingly.

Senator Bruning asked unanimous consent to be excused until he returns.  
 No objections. So ordered.

The Jensen amendment was adopted with 35 ayes, 0 nays, 11 present and  
 not voting, and 3 excused and not voting.

Senators Schimek and Wickersham renewed their pending amendment,  
 AM1007, found on page 1090.

Senators Dw. Pedersen and Thompson asked unanimous consent to be  
 excused until they return. No objections. So ordered.

Senator Foley requested a record vote on the Schimek-Wickersham  
 amendment.

Voting in the affirmative, 6:

Chambers	Janssen	Preister	Raikes	Schimek
Wickersham				

Voting in the negative, 32:

Aguilar	Baker	Beutler	Bourne	Bromm
Burling	Byars	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Jensen	Kremer	Kristensen
Landis	Maxwell	Pederson, D.	Price	Quandahl
Redfield	Robak	Smith	Stuhr	Suttle
Tyson	Vrtiska			

Present and not voting, 7:



Brashear      Brown      Connealy      Jones      Kruse  
Schrock      Wehrbein

Excused and not voting, 4:

Bruning      McDonald      Pedersen, Dw. Thompson

The Schimek-Wickersham amendment lost with 6 ayes, 32 nays, 7 present and not voting, and 4 excused and not voting.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senators Byars and Jensen offered the following amendment:  
(Amendment on file in the Clerk's Office - Room 2018 - AM1331.)

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

### **SENATOR CUDABACK PRESIDING**

Senator Byars offered the following amendment to his pending amendment:  
FA155

Amend AM1331

On page 6, line 21 strike "one hundred" and insert "seventy five"

Pending.

### **AMENDMENTS - Print in Journal**

Senators Hilgert, Suttle, and Jensen filed the following amendment to  
LB 398:

AM1319

(Amendments to Standing Committee amendments, AM0975)

- 1 1. Insert the following new section:
- 2 "Sec. 19. 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 or for persons covered under medicare or medicaid

16 or in an amount in excess of applicable medical insurance except to  
 17 the extent of any copay, deductible, or coinsurance portion.  
 18 In order to prosecute such lien, it shall be necessary  
 19 for such physician, chiropractor, nurse, or hospital to serve a  
 20 written notice upon the person or corporation from whom damages are  
 21 claimed that such physician, chiropractor, nurse, or hospital  
 22 claims a lien for such services and stating the amount due and the  
 23 nature of such services, except that whenever an action is pending  
 1 in court for the recovery of such damages, it shall be sufficient  
 2 to file the notice of such lien in the pending action.  
 3 A physician, chiropractor, nurse, or hospital claiming a  
 4 lien under this section shall not be liable for attorney's fees and  
 5 costs incurred by the injured person in securing the judgment,  
 6 settlement, or compromise, but the lien of the injured person's  
 7 attorney shall have precedence over the lien created by this  
 8 section.  
 9 Upon a written request and with the injured person's  
 10 consent, a lienholder shall provide medical records, answers to  
 11 interrogatories, depositions, or any expert medical testimony  
 12 related to the recovery of damages within its custody and control  
 13 at a reasonable charge to the injured person."  
 14 2. Renumber the remaining sections and correct internal  
 15 references accordingly.  
 16 3. Correct the operative date provision and repealer so  
 17 that the section added by this amendment becomes operative on its  
 18 effective date with the emergency clause.

Senators Wickersham, Vrtiska, and Janssen filed the following amendment  
 to LB 657:  
 AM1289

(Amendments to E & R amendments, AM7080)

1 1. On page 5, line 23, strike "twenty-one", show as  
 2 stricken, and insert "nineteen"; and in line 25 after the period  
 3 insert "Commencing July 1, 2009, and continuing until July 1, 2016,  
 4 the State Treasurer shall place the equivalent of nineteen cents of  
 5 such tax in the General Fund." and strike "2009", show as stricken,  
 6 and insert "2016".  
 7 2. On page 6, lines 13 and 23, strike "twenty-one-cent"  
 8 and show as stricken; and in line 25 strike the new matter and  
 9 reinstate the stricken matter.  
 10 3. On page 7, line 1, strike the new matter and  
 11 reinstate the stricken matter; in lines 9 and 11 strike  
 12 "five-sevenths of"; and in line 12 strike "twenty-one-cent" and  
 13 show as stricken.

Senators Wickersham and Vrtiska filed the following amendment to  
LB 657:  
 AM1288

(Amendments to E & R amendments, AM7080)

1 1. On page 5, line 16, strike "thirty-four", show as

- 2 stricken, and insert "thirty-six".  
 3 2. On page 6, line 3, strike "thirty-four", show as  
 4 stricken, and insert "thirty-six"; and in line 25 strike the new  
 5 matter and reinstate the stricken matter.  
 6 3. On page 7, line 1, strike the new matter and  
 7 reinstate the stricken matter; and in lines 9 and 11 strike  
 8 "five-sevenths of".

Senator Beutler filed the following amendment to LB 516:  
 AM1216

- 1 1. Insert the following new sections:  
 2 "Section 1. Section 76-902, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 76-902. The tax imposed by section 76-901 shall not  
 5 apply to:  
 6 (1) Deeds recorded prior to November 18, 1965;  
 7 (2) Deeds to property transferred by or to the United  
 8 States of America, the State of Nebraska, or any of their agencies  
 9 or political subdivisions;  
 10 (3) Deeds which secure or release a debt or other  
 11 obligation;  
 12 (4) Deeds which, without additional consideration,  
 13 confirm, correct, modify, or supplement a deed previously recorded  
 14 but which do not extend or limit existing title or interest;  
 15 (5)(a) Deeds between husband and wife, or parent and  
 16 child, without actual consideration therefor, and (b) deeds to or  
 17 from a family corporation, partnership, or limited liability  
 18 company when all the shares of stock of the corporation or interest  
 19 in the partnership or limited liability company are owned by  
 20 members of a family, or a trust created for the benefit of a member  
 21 of that family, related to one another within the fourth degree of  
 22 kindred according to the rules of civil law, and their spouses, for  
 23 no consideration other than the issuance of stock of the  
 24 corporation or interest in the partnership or limited liability  
 1 company to such family members or the return of the stock to the  
 2 corporation in partial or complete liquidation of the corporation  
 3 or deeds in dissolution of the interest in the partnership or  
 4 limited liability company. In order to qualify for the exemption  
 5 for family corporations, partnerships, or limited liability  
 6 companies, the property shall be transferred in the name of the  
 7 corporation or partnership and not in the name of the individual  
 8 shareholders, partners, or members;  
 9 (6) Tax deeds;  
 10 (7) Deeds of partition;  
 11 (8) Deeds made pursuant to mergers, consolidations,  
 12 sales, or transfers of the assets of corporations pursuant to plans  
 13 of merger or consolidation filed with the office of Secretary of  
 14 State. A copy of such plan filed with the Secretary of State shall  
 15 be presented to the register of deeds before such exemption is

- 16 granted;
- 17 (9) Deeds made by a subsidiary corporation to its parent  
18 corporation for no consideration other than the cancellation or  
19 surrender of the subsidiary's stock;
- 20 (10) Cemetery deeds;
- 21 (11) Mineral deeds;
- 22 (12) Deeds executed pursuant to court decrees;
- 23 (13) Land contracts;
- 24 (14) Deeds which release a reversionary interest, a  
25 condition subsequent or precedent, a restriction, or any other  
26 contingent interest;
- 27 (15) Deeds of distribution executed by a personal  
1 representative conveying to devisees or heirs property passing by  
2 testate or intestate succession;
- 3 (16) Deeds transferring property located within the  
4 boundaries of an Indian reservation if the grantor or grantee is a  
5 reservation Indian;
- 6 (17) Deeds transferring property into a trust if the  
7 transfer of the same property would be exempt if the transfer was  
8 made directly from the grantor to the beneficiary or beneficiaries  
9 under the trust. No such exemption shall be granted unless the  
10 register of deeds is presented with a signed statement certifying  
11 that the transfer of the property is made under such circumstances  
12 as to come within one of the exemptions specified in this section  
13 and that evidence supporting the exemption is maintained by the  
14 person signing the statement and is available for inspection by the  
15 Department of Revenue;
- 16 (18) Deeds transferring property from a trustee to a  
17 beneficiary of a trust;
- 18 (19) Deeds which convey property held in the name of any  
19 partnership or limited liability company not subject to subdivision  
20 (5) of this section to any partner in the partnership or member of  
21 the limited liability company or to his or her spouse;
- 22 (20) Leases; ~~or~~
- 23 (21) Easements; or
- 24 (22) Deeds which transfer title from a trustee to a  
25 beneficiary pursuant to a power of sale exercised by a trustee  
26 under a trust deed.
- 27 Sec. 4. Since an emergency exists, this act takes effect  
1 when passed and approved according to law."  
2 2. On page 2, line 28, after "Original" insert "section  
3 76-902, Reissue Revised Statutes of Nebraska, and".  
4 3. On page 3, line 1, strike "is" and insert "are".  
5 4. Renumber the remaining sections accordingly.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 461A.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 461, Ninety-seventh Legislature, First Session, 2001.

**AMENDMENTS - Print in Journal**

Senator Bourne filed the following amendments to LB 664:  
AM1339

- 1 1. On page 6, line 4, after "agencies" insert ", other
- 2 than school districts, educational service units, community
- 3 colleges, and the Nebraska state colleges,".

AM1306

- 1 1. On page 2, line 12, after the period insert "The
- 2 Legislature further finds that there is an overriding state
- 3 interest in promoting rate stability and adequate insurance
- 4 coverage for all Nebraskans. In order to maintain rate stability
- 5 in pooling arrangements, pooling may only occur when the group
- 6 purchasing plan consists of the same types of risks and is as
- 7 homogenous of a unit as possible. The state and local governments
- 8 wishing to pool the purchase of insurance must contemplate that the
- 9 mixing of entities with different opinions regarding coverages,
- 10 premium savings, deductibles, and loyalty commitments can often
- 11 lead to failure of a plan.".

AM1308

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 44-4306, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 44-4306. Any agreement entered into for the purpose of
- 5 establishing and operating a risk management pool shall provide:
- 6 (1) A financial plan setting forth in general terms the:
- 7 (a) Types of insurance coverage to be offered by the
- 8 pool, applicable deductible levels, and maximum level of claims
- 9 which the pool will self-insure;
- 10 (b) Amount of cash reserves to be set aside for the
- 11 payment of claims;
- 12 (c) Amount of standard insurance to be purchased by the
- 13 pool to provide coverage over and above the claims which are not to
- 14 be satisfied directly from the pool's resources; and
- 15 (d) Amount of aggregate excess insurance coverage and
- 16 specific excess insurance coverage to be purchased in a given
- 17 fiscal period; and
- 18 (2) A plan of management setting forth:
- 19 (a) The means of establishing the governing authority of
- 20 the pool. (i) The governing authority shall be a board of
- 21 directors who are elected or appointed officials of member public

22 agencies. (ii) The number of members of the board who are either  
 23 elected or appointed officials of member public agencies shall not  
 24 be less than the requisite number of members needed to transact all

1 the business of the pool;

2 (b) The responsibility of the board of directors with  
 3 regard to fixing annual contributions to the pool from members,  
 4 maintaining reserves, levying and collecting from members  
 5 assessments for deficiencies, disposing of surpluses, and  
 6 administering the pool in the event of termination or insolvency;

7 (c) A procedure by which new members may be admitted to  
 8 and existing members may leave the pool. The procedure shall  
 9 permit members to withdraw from participation in a pool, except  
 10 that the procedure shall be limited to the extent necessary so as  
 11 to promote the stability of the group. Withdrawal shall not affect  
 12 the obligations of the withdrawing member under any contract or  
 13 agreement with the pool or impair the payment of any outstanding  
 14 bonds or any interest on such bonds;

15 (d) The identification of funds and reserves by exposure  
 16 area;

17 (e) A provision requiring that all claims shall be paid  
 18 promptly;

19 (f) A provision requiring that no part of the net  
 20 earnings or assets of the pool shall inure to the benefit of any  
 21 private person;

22 (g) A provision requiring that, upon dissolution of the  
 23 pool, all of the assets of the pool will vest in member public  
 24 agencies in the manner set forth in the plan of management;

25 (h) A system or program of loss control; and

26 (i) Any other standards, procedures, or practices  
 27 necessary or desirable for the continued operation of the pool.".

1 2. On page 9, line 9, after the first comma insert  
 2 "44-4306,".

3 3. Renumber the remaining sections accordingly.

#### AM1307

1 1. Insert the following new section:

2 "Sec. 4. Section 44-4306, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:

4 44-4306. Any agreement entered into for the purpose of  
 5 establishing and operating a risk management pool shall provide:

6 (1) A financial plan setting forth in general terms the:

7 (a) Types of insurance coverage to be offered by the  
 8 pool, applicable deductible levels, and maximum level of claims  
 9 which the pool will self-insure;

10 (b) Amount of cash reserves to be set aside for the  
 11 payment of claims;

12 (c) Amount of standard insurance to be purchased by the  
 13 pool to provide coverage over and above the claims which are not to  
 14 be satisfied directly from the pool's resources; and

- 15 (d) Amount of aggregate excess insurance coverage and  
 16 specific excess insurance coverage to be purchased in a given  
 17 fiscal period; and  
 18 (2) A plan of management setting forth:  
 19 (a) The means of establishing the governing authority of  
 20 the pool. (i) The governing authority shall be a board of  
 21 directors who are elected or appointed officials of member public  
 22 agencies. (ii) The number of members of the board who are either  
 23 elected or appointed officials of member public agencies shall not  
 24 be less than the requisite number of members needed to transact all  
 1 the business of the pool;  
 2 (b) The responsibility of the board of directors with  
 3 regard to fixing annual contributions to the pool from members,  
 4 maintaining reserves, levying and collecting from members  
 5 assessments for deficiencies, disposing of surpluses, and  
 6 administering the pool in the event of termination or insolvency;  
 7 (c) A procedure verifying that the members of the risk  
 8 management pool are of the same types of risk and as homogenous of  
 9 a unit as possible;  
 10 (d) A procedure by which new members may be admitted to  
 11 and existing members may leave the pool. The procedure shall  
 12 permit members to withdraw from participation in a pool.  
 13 Withdrawal shall not affect the obligations of the withdrawing  
 14 member under any contract or agreement with the pool or impair the  
 15 payment of any outstanding bonds or any interest on such bonds;  
 16 ~~(d)~~ (e) The identification of funds and reserves by  
 17 exposure area;  
 18 (e) (f) A provision requiring that all claims shall be  
 19 paid promptly;  
 20 ~~(f)~~ (g) A provision requiring that no part of the net  
 21 earnings or assets of the pool shall inure to the benefit of any  
 22 private person;  
 23 ~~(g)~~ (h) A provision requiring that, upon dissolution of  
 24 the pool, all of the assets of the pool will vest in member public  
 25 agencies in the manner set forth in the plan of management;  
 26 ~~(h)~~ (i) A system or program of loss control; and  
 27 ~~(i)~~ (j) Any other standards, procedures, or practices  
 1 necessary or desirable for the continued operation of the pool."  
 2 2. On page 9, line 9, after the first comma insert  
 3 "44-4306,".  
 4 3. Renumber the remaining sections accordingly.

AM1313

- 1 1. Insert the following new section:  
 2 "Sec. 4. Section 44-4307, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 44-4307. (1) A risk management pool shall not provide  
 5 any form of group self-insurance to its members until it has  
 6 received a certificate of authority to do so from the Department of

7 Insurance. Such certificate shall expire on the last day of April  
8 in each year and shall be renewed annually thereafter if the risk  
9 management pool has continued to comply with the Intergovernmental  
10 Risk Management Act and the rules and regulations of the Department  
11 of Insurance adopted and promulgated thereunder.

12 (2) The Department of Insurance shall issue a certificate  
13 of authority to a risk management pool if the Director of Insurance  
14 determines:

15 (a) That the pool's financial plan and plan of management  
16 and any amendments thereto satisfy the requirements of section  
17 44-4306;

18 (b) That the pool has adequate surplus and reserves and  
19 will receive adequate financial contributions from its members in  
20 order to operate in a manner which is not hazardous to the public;

21 (c) That the pool's management plan demonstrates that the  
22 plan will consist of only similar risks and that the pool's members  
23 will be as homogenous of a unit as possible; and

24 (e) (d) That any individual, corporation, partnership,  
1 limited liability company, or other entity engaged by the pool to  
2 provide services in connection with its management or operation is  
3 capable of running the affairs of the pool, is of good character  
4 and known business ability, and has a practical knowledge of the  
5 executive duties of conducting a risk management pool.

6 (3) The filing fee for a certificate of authority issued  
7 pursuant to the Intergovernmental Risk Management Act shall be one  
8 thousand dollars."

9 2. On page 9, line 9, after the first comma insert  
10 "44-4307,".

11 3. Renumber the remaining sections accordingly.

#### AM1312

1 1. Insert the following new section:

2 "Sec. 4. Section 44-4307, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 44-4307. (1) A risk management pool shall not provide  
5 any form of group self-insurance to its members until it has  
6 received a certificate of authority to do so from the Department of  
7 Insurance. Such certificate shall expire on the last day of April  
8 in each year and shall be renewed annually thereafter if the risk  
9 management pool has continued to comply with the Intergovernmental  
10 Risk Management Act and the rules and regulations of the Department  
11 of Insurance adopted and promulgated thereunder.

12 (2) The Department of Insurance shall issue a certificate  
13 of authority to a risk management pool if the Director of Insurance  
14 determines:

15 (a) That the pool's financial plan and plan of management  
16 and any amendments thereto satisfy the requirements of section  
17 44-4306;

18 (b) That at least one hundred eighty days' notice has



19 been given to any other pool that may be affected by the formation  
20 of the pool;

21 (c) That the pool has adequate surplus and reserves and  
22 will receive adequate financial contributions from its members in  
23 order to operate in a manner which is not hazardous to the public;  
24 and

1 (e) (d) That any individual, corporation, partnership,  
2 limited liability company, or other entity engaged by the pool to  
3 provide services in connection with its management or operation is  
4 capable of running the affairs of the pool, is of good character  
5 and known business ability, and has a practical knowledge of the  
6 executive duties of conducting a risk management pool.

7 (3) The filing fee for a certificate of authority issued  
8 pursuant to the Intergovernmental Risk Management Act shall be one  
9 thousand dollars."

10 2. On page 9, line 9, after the first comma insert  
11 "44-4307,".

12 3. Renumber the remaining sections accordingly.

AM1311

1 1. Insert the following new section:

2 "Sec. 4. Section 44-4307, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 44-4307. (1) A risk management pool shall not provide  
5 any form of group self-insurance to its members until it has  
6 received a certificate of authority to do so from the Department of  
7 Insurance. Such certificate shall expire on the last day of April  
8 in each year and shall be renewed annually thereafter if the risk  
9 management pool has continued to comply with the Intergovernmental  
10 Risk Management Act and the rules and regulations of the Department  
11 of Insurance adopted and promulgated thereunder.

12 (2) The Department of Insurance shall issue a certificate  
13 of authority to a risk management pool if the Director of Insurance  
14 determines:

15 (a) That the pool's financial plan and plan of management  
16 and any amendments thereto satisfy the requirements of section  
17 44-4306;

18 (b) That formation of the pool will not render any other  
19 pool unstable;

20 (c) That the pool has adequate surplus and reserves and  
21 will receive adequate financial contributions from its members in  
22 order to operate in a manner which is not hazardous to the public;  
23 and

24 (e) (d) That any individual, corporation, partnership,  
1 limited liability company, or other entity engaged by the pool to  
2 provide services in connection with its management or operation is  
3 capable of running the affairs of the pool, is of good character  
4 and known business ability, and has a practical knowledge of the  
5 executive duties of conducting a risk management pool.

- 6 (3) The filing fee for a certificate of authority issued  
7 pursuant to the Intergovernmental Risk Management Act shall be one  
8 thousand dollars."  
9 2. On page 9, line 9, after the first comma insert  
10 "44-4307,".  
11 3. Renumber the remaining sections accordingly.

## AM1310

- 1 1. Insert the following new section:  
2 "Sec. 4. Section 44-4309, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 44-4309. (1) A member of a risk management pool may  
5 voluntarily terminate its participation in the pool by giving  
6 written notice to the other members of the pool and the Director of  
7 Insurance at least ninety days prior to the desired termination  
8 date. Such voluntary termination shall be approved by the Director  
9 of Insurance if he or she finds that the terminating member and the  
10 remaining members of the pool are in good standing and have met all  
11 requirements of the laws of this state, any rules or regulations  
12 adopted and promulgated by the Department of Insurance pursuant to  
13 the Intergovernmental Risk Management Act, and any bylaws of the  
14 risk management pool. The Director of Insurance may deny  
15 termination if, after review, the director determines that  
16 termination would not be in the best interest of the pool.  
17 (2) A member of a risk management pool may be  
18 involuntarily terminated as a member of the pool if the Director of  
19 Insurance finds, after due notice and hearing, that the member (a)  
20 has failed to pay any contribution or assessment due to the pool,  
21 (b) has failed to discharge any other obligation it owes to the  
22 pool, or (c) has failed to comply with any laws of this state, any  
23 rules or regulations adopted and promulgated by the Department of  
24 Insurance pursuant to the Intergovernmental Risk Management Act, or  
1 any bylaw of the risk management pool. Such hearing may be  
2 initiated by the Director of Insurance on his or her own initiative  
3 or at the request of the pool's board of directors.  
4 (3) Any member of a risk management pool which  
5 voluntarily terminates its membership in the pool or which is  
6 involuntarily terminated as a member of the pool shall nevertheless  
7 remain liable subsequent to the date of termination for all  
8 contractual obligations it has entered into with the pool on or  
9 before the date of termination."  
10 2. On page 9, line 9, after the first comma insert  
11 "44-4309,".  
12 3. Renumber the remaining sections accordingly.

## AM1315

- 1 1. Insert the following new section:  
2 "Sec. 4. Section 44-4309, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 44-4309. (1) A member of a risk management pool may  
5 voluntarily terminate its participation in the pool by giving  
6 written notice to the other members of the pool and the Director of  
7 Insurance at least ninety days prior to the desired termination  
8 date. A member of a pool may not voluntarily terminate its  
9 participation in the pool unless all of the participant/employees  
10 of the member have had an opportunity to vote on the issue and a  
11 majority of the participant/employees choose to terminate  
12 participation. Such voluntary termination shall be approved by the  
13 Director of Insurance if he or she finds that the terminating  
14 member and the remaining members of the pool are in good standing  
15 and have met all requirements of the laws of this state, any rules  
16 or regulations adopted and promulgated by the Department of  
17 Insurance pursuant to the Intergovernmental Risk Management Act,  
18 and any bylaws of the risk management pool.

19 (2) A member of a risk management pool may be  
20 involuntarily terminated as a member of the pool if the Director of  
21 Insurance finds, after due notice and hearing, that the member (a)  
22 has failed to pay any contribution or assessment due to the pool,  
23 (b) has failed to discharge any other obligation it owes to the  
24 pool, or (c) has failed to comply with any laws of this state, any  
1 rules or regulations adopted and promulgated by the Department of  
2 Insurance pursuant to the Intergovernmental Risk Management Act, or  
3 any bylaw of the risk management pool. Such hearing may be  
4 initiated by the Director of Insurance on his or her own initiative  
5 or at the request of the pool's board of directors.

6 (3) Any member of a risk management pool which  
7 voluntarily terminates its membership in the pool or which is  
8 involuntarily terminated as a member of the pool shall nevertheless  
9 remain liable subsequent to the date of termination for all  
10 contractual obligations it has entered into with the pool on or  
11 before the date of termination."

12 2. On page 9, line 9, after the first comma insert  
13 "44-4309,".

14 3. Renumber the remaining sections accordingly.

AM1314

1 1. Insert the following new section:  
2 "Sec. 4. Section 44-4309, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 44-4309. (1) A member of a risk management pool may  
5 voluntarily terminate its participation in the pool by giving  
6 written notice to the other members of the pool and the Director of  
7 Insurance at least ninety days prior to the desired termination  
8 date. Such voluntary termination shall be approved by the Director  
9 of Insurance if he or she finds that the terminating member and the  
10 remaining members of the pool are in good standing and have met all  
11 requirements of the laws of this state, any rules or regulations  
12 adopted and promulgated by the Department of Insurance pursuant to

13 the Intergovernmental Risk Management Act, and any bylaws of the  
14 risk management pool.

15 (2) A member of a risk management pool may be  
16 involuntarily terminated as a member of the pool if the Director of  
17 Insurance finds, after due notice and hearing, that the member (a)  
18 has failed to pay any contribution or assessment due to the pool,  
19 (b) has failed to discharge any other obligation it owes to the  
20 pool, ~~or~~ (c) has engaged in conduct or an activity that has placed  
21 the stability of the pool in jeopardy, or (d) has failed to comply  
22 with any laws of this state, any rules or regulations adopted and  
23 promulgated by the Department of Insurance pursuant to the  
24 Intergovernmental Risk Management Act, or any bylaw of the risk  
1 management pool. Such hearing may be initiated by the Director of  
2 Insurance on his or her own initiative or at the request of the  
3 pool's board of directors.

4 (3) Any member of a risk management pool which  
5 voluntarily terminates its membership in the pool or which is  
6 involuntarily terminated as a member of the pool shall nevertheless  
7 remain liable subsequent to the date of termination for all  
8 contractual obligations it has entered into with the pool on or  
9 before the date of termination."

10 2. On page 9, line 9, after the first comma insert  
11 "44-4309,".

12 3. Renumber the remaining sections accordingly.

#### AM1309

1 1. On page 8, line 8, strike "five-tenths of" and insert  
2 "(1)"; and in line 11 strike "and" and insert ", which shall be  
3 retained by the Department of Insurance for the costs associated  
4 with regulatory oversight duties prescribed pursuant to the  
5 Intergovernmental Risk Management Act and (2)".  
6 2. On page 9, line 3, strike "such payments", show as  
7 stricken and insert "the payments under subdivision (2) of this  
8 section".

### STANDING COMMITTEE REPORT Education

**LEGISLATIVE BILL 833.** Placed on General File as amended.  
(Standing Committee amendment, AM1338, may be found in the Bill  
Books. The amendment has been printed separately and is on file in the Bill  
Room - Room 1102.)

(Signed) Ron Raikes, Chairperson

#### SELECT FILE

**LEGISLATIVE BILL 692.** Senator Byars withdrew his pending  
amendment, FA155, found in this day's Journal.

Senators Byars and Jensen withdrew their pending amendment, AM1331, on

file and referred to in this day's Journal.

Senator Byars offered the following amendment:  
AM1344

(Amendments to Standing Committee amendments, AM0781)

1 1. Strike section 11 and insert the following new  
2 sections:

3 "Section 1. Section 71-1626, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 71-1626. For purposes of sections 71-1626 to 71-1636 and  
6 sections 3 to 10 of this act:

7 (1) Core public health functions means assessment, policy  
8 development, and assurance designed to protect and improve the  
9 health of persons within a geographically defined community by (a)  
10 emphasizing services to prevent illness, disease, and disability,  
11 (b) promoting effective coordination and use of community  
12 resources, and (c) extending health services into the community,  
13 including public health nursing, disease prevention and control,  
14 public health education, and environmental health services;

15 (2) A county County, district, or city-county health  
16 department shall mean means a state-approved local full-time public  
17 health service (1) (a) utilizing local, state, federal, and other  
18 funds or any combination thereof, (2) (b) employing qualified  
19 public health medical, nursing, environmental health, health  
20 education, and other essential personnel who work under the  
21 direction and supervision of a full-time qualified medical director  
22 or of a full-time qualified lay administrator, are well-trained in  
23 public health work, and are assisted at least part time by at least  
1 one medical consultant who shall be a licensed physician, and (3)  
2 (c) conducted in conformity with the rules, regulations, and  
3 policies of the Department of Health and Human Services, the  
4 Department of Health and Human Services Regulation and Licensure,  
5 and the Department of Health and Human Services Finance and  
6 Support. The medical director or lay administrator shall be called  
7 the health director; and

8 (3) Local public health department means a county,  
9 district, or city-county health department.

10 Sec. 2. Section 71-1627, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 71-1627. Any county or group of counties may establish a  
13 county or district A local public health department with shall have  
14 a health director at its head, who shall be is required to give his  
15 or her entire time to the duties of the office, and such other  
16 necessary qualified full or part-time health officers,  
17 environmental health specialists, public health nurses, health  
18 educators, and clerical assistants as may be necessary to carry on  
19 the activities pertinent to a county or district the health  
20 department.

21 Sec. 3. It is the intent of the Legislature that all  
22 persons residing in the State of Nebraska have access to public

23 health services. It is the intent of the Legislature that local  
24 public health departments be established statewide and work  
25 collaboratively with local providers and community organizations in  
26 order to assure the full range of public health services as  
27 prescribed by the Centers for Disease Control and Prevention of the  
1 United States Department of Health and Human Services. The  
2 Legislature declares that each local public health department  
3 should be able to carry out core public health functions. Core  
4 public health functions include assessment and policy development,  
5 prevention of illness and disease, and assurance of services  
6 including public health nursing, health education, and  
7 environmental health services.

8 Sec. 4. (1) Beginning July 1, 2001, and ending June 30,  
9 2002:

10 (a) The county board of a county which does not have or  
11 is not a part of a local public health department may apply to the  
12 Department of Health and Human Services for five thousand dollars  
13 to be used solely for the development of (i) a plan for the  
14 establishment of a local public health department if the county has  
15 more than fifty thousand residents or (ii) an interlocal agreement  
16 between counties for the establishment of a local public health  
17 department if at least three contiguous counties are involved and  
18 the counties involved have a total of at least thirty thousand  
19 residents; and

20 (b) The county board of a county which has or is part of  
21 a local public health department may apply to the Department of  
22 Health and Human Services for five thousand dollars to be used  
23 solely for the development of an interlocal agreement for the  
24 establishment of a local public health department with at least two  
25 other counties if the counties involved have a total of at least  
26 thirty thousand residents.

27 (2) An application under subsection (1) of this section  
1 may be made jointly by two or more counties for the development of  
2 an interlocal agreement, and each county which is a party to the  
3 application shall receive five thousand dollars under such  
4 subsection.

5 (3) An application shall include, but not be limited to,  
6 (a) the name of the county or counties making the application, (b)  
7 the number of residents of the county or group of counties, and (c)  
8 the projected date of implementation of the plan or agreement.

9 Sec. 5. Beginning July 1, 2002, the county board of a  
10 county with less than fifty thousand residents may begin the  
11 process of developing an interlocal agreement pursuant to  
12 subdivisions (4)(a)(ii) of section 4 of this act or may petition to  
13 become a part of an existing interlocal agreement for a local  
14 public health department with any adjoining group of counties. As  
15 part of the petition, the county board may agree to abide by the  
16 existing interlocal agreement or may ask for negotiation of a new  
17 interlocal agreement. If the governing authority of the local

18 public health department denies the petition, the county board may  
19 appeal to the Director of Regulation and Licensure or his or her  
20 designee. The director may review the application, including the  
21 terms of the existing or new agreement, and make a determination as  
22 to whether the petition should be granted and fair and reasonable  
23 terms in regards to the agreement. If the director determines that  
24 the petition should be granted but the governing authority refuses  
25 to accept the petition or refuses to accept the terms determined to  
26 be fair and reasonable, the director shall prohibit any future  
27 payment of funds to the local public health department under  
1 section 21 of this act.

2 Sec. 6. (1) Each local public health department shall  
3 carry out the core public health functions within its  
4 geographically defined community.  
5 (2) Each local public health department shall include  
6 the essential elements in carrying out the core public health  
7 functions to the extent applicable within its geographically  
8 defined community and to the extent funds are available. The  
9 essential elements include, but are not limited to, (a) monitoring  
10 health status to identify community health problems, (b) diagnosing  
11 and investigating health problems and health hazards in the  
12 community, (c) informing, educating, and empowering people about  
13 health issues, (d) mobilizing community partnerships to identify  
14 and solve health problems, (e) developing policies and rules that  
15 support individual and community health efforts, (f) enforcing  
16 laws, rules, and regulations that protect public health and the  
17 environment and ensure safety, (g) linking people to needed medical  
18 and mental health services and assuring the provision of health  
19 care when not otherwise available, (h) assuring a competent  
20 workforce within the health care industry and the public health  
21 departments, (i) evaluating effectiveness, accessibility, and  
22 quality of services within the health care industry and the public  
23 health departments, and (j) researching to gain new insights and  
24 innovative solutions to health problems.

25 Sec. 7. Each local public health department shall  
26 prepare an annual report regarding the core public health functions  
27 carried out by the department in the prior fiscal year. The report  
1 shall be submitted to the State Board of Health and the Department  
2 of Health and Human Services by October 1. The department shall  
3 compile the reports and submit the results to the Health and Human  
4 Services Committee of the Legislature by December 1.

5 Sec. 8. The Department of Health and Human Services  
6 shall employ two full-time persons with expertise in the public  
7 health field to provide technical expertise in carrying out core  
8 public health functions and essential elements and coordinate the  
9 dissemination of materials to the local public health departments.

10 Sec. 9. The Department of Health and Human Services  
11 shall establish a satellite office of minority health in each  
12 congressional district to coordinate and administer state policy

13 relating to minority health. Each office shall implement a  
14 minority health initiative which shall target, but not be limited  
15 to, infant mortality, adolescent and preadolescent abstinence-only  
16 pregnancy prevention, cardiovascular disease, obesity, diabetes,  
17 and asthma. Each office shall assist each county, within the  
18 respective district, which has a minority population equal to or  
19 exceeding five percent of the total population of the county as  
20 determined by the most recent federal decennial census. Any  
21 congressional district which has a minority population over  
22 seventy-five thousand inhabitants shall dedicate its prorated  
23 allocation in the following manner: Seventy percent to a federally  
24 qualified health clinic which serves primarily African Americans,  
25 or a federally qualified health clinic look-alike, and thirty  
26 percent to federally qualified health clinics or federally  
27 qualified health clinic look-alike which serve primarily  
1 Spanish-speaking persons and Native Americans. Each office shall  
2 prepare an annual report regarding the implementation of the  
3 minority health initiative in the prior fiscal year. The report  
4 shall be submitted to the State Board of Health and the department  
5 by October 1. The department shall submit the report to the Health  
6 and Human Services Committee of the Legislature by December 1.  
7 Sec. 10. (1) The Nebraska Public Health Fund is created.  
8 The Department of Health and Human Services shall use one hundred  
9 thousand dollars in fiscal year 2001-02 and one hundred thousand  
10 dollars in fiscal year 2002-03 to employ two full-time experts in  
11 the public health field. The department shall distribute the  
12 remainder of the fund to counties for the establishment of local  
13 public health departments pursuant to section 4 of this act and to  
14 local public health departments pursuant to subsections (2) and (3)  
15 of this section.  
16 (2) The department shall reserve two million dollars of  
17 the fund in each fiscal year for purposes of this subsection. One  
18 hundred thousand dollars of the fund shall be distributed each  
19 fiscal year to each local public health department established  
20 under sections 71-1626 to 71-1636 and sections 3 to 10 of this act  
21 which is composed of at least three contiguous counties and has at  
22 least thirty thousand and not more than fifty thousand residents  
23 within its geographically defined community. One hundred  
24 twenty-five thousand dollars of the fund shall be distributed each  
25 fiscal year to each local public health department established  
26 under sections 71-1626 to 71-1636 and sections 3 to 10 of this act  
27 which has more than fifty thousand and not more than one hundred  
1 thousand residents within its geographically defined community.  
2 One hundred fifty thousand dollars of the fund shall be distributed  
3 each fiscal year to each local public health department established  
4 under sections 71-1626 to 71-1636 and sections 3 to 10 of this act  
5 which has more than one hundred thousand residents within its  
6 geographically defined community. Each local public health  
7 department shall use such funds for establishment, management, and



8 operation of such department and its core public health functions.  
9 The Health and Human Services Committee of the Legislature shall  
10 annually review the number of local public health departments  
11 accessing funds pursuant to this subsection.

12 (3) The department shall allocate a percentage of the  
13 remainder of the fund after distributions under subsection (1) of  
14 this section to each county on a per capita basis as determined by  
15 the most recent federal decennial census. The funds for each  
16 county shall be distributed to the local public health department  
17 of the county if the county has more than fifty thousand residents  
18 or the local public health department of which the county is a part  
19 if the department is composed of at least three counties and has at  
20 least thirty thousand residents within its geographically defined  
21 community. If a county does not have or is not a part of such a  
22 local public health department, the county's share of funds under  
23 this subsection shall be held in the fund for the remainder of the  
24 fiscal year and may be distributed to the county at any time during  
25 such year if the county establishes a local public health  
26 department pursuant to section 4 of this act or enters an  
27 interlocal agreement to establish or become a part of a local

1 public health department pursuant to section 4 or 5 of this act.  
2 At the end of each fiscal year, any money remaining in the fund  
3 shall not lapse but shall be included in the allocation under this  
4 subsection for the next fiscal year.

5 (4) Any money in the fund available for investment shall  
6 be invested by the state investment officer pursuant to the  
7 Nebraska Capital Expansion Act and the Nebraska State Funds  
8 Investment Act.

9 Sec. 21. (1) It is the intent of the Legislature to  
10 appropriate from the Nebraska Health Care Cash Fund as follows:  
11 (a) Six million dollars in fiscal year 2001-02 and six  
12 million dollars in fiscal year 2002-03 to the Nebraska Public  
13 Health Fund;

14 (b)(i) One million dollars shall be allocated to a  
15 federally qualified clinic or a federally qualified health clinic  
16 look-alike in a congressional district which has a minority  
17 population of over seventy-five thousand inhabitants pursuant to  
18 section 9 of this act and (ii) one million five hundred eighty  
19 thousand dollars in fiscal year 2001-02 and one million two hundred  
20 eighty thousand dollars in fiscal year 2002-03 to the Department of  
21 Health and Human Services for minority public health services in  
22 counties having a minority population equal to or exceeding five  
23 percent of the total population of the county in the first and  
24 third congressional districts as determined by the most recent  
25 federal decennial census. The department shall distribute the  
26 funds on a per capita basis for the purpose of implementing a  
27 statewide minority health initiative which may target infant  
1 mortality, adolescent and preadolescent abstinence-only pregnancy  
2 prevention, cardiovascular disease, obesity, diabetes, and asthma;

- 3 and  
 4 (c) Two hundred twenty thousand dollars in fiscal year  
 5 2001-02 and two hundred twenty thousand dollars in fiscal year  
 6 2002-03 to the Department of Health and Human Services to establish  
 7 and operate a satellite office of minority health in the second and  
 8 third congressional districts to coordinate and administer state  
 9 policy relating to minority health.  
 10 (2) No county shall reduce its expenditures for public  
 11 health services due to receipt of funding under this section. If  
 12 the department determines that a county has violated this  
 13 subsection, the department shall reduce the county's share of funds  
 14 under this section by the amount the county reduced its  
 15 expenditures."  
 16 2. Renumber the remaining sections and correct internal  
 17 references and the repealer accordingly.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler offered the following amendment to the Byars pending amendment:

FA156

Amend AM1344

On page 5, line 1 after "21" insert "and section 10"

The Beutler amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senators Kristensen and Chambers offered the following amendment to the Byars pending amendment:

AM1343

(Amendments to AM1344)

- 1 1. On page 9, line 19, strike "two" and insert "five".  
 2 2. Insert the following new amendments:  
 3 "2. On page 8, line 6, after the period insert 'Seven  
 4 hundred thousand dollars of the fund shall be used annually for  
 5 grants awarded by the council to improve racial and ethnic minority  
 6 health.'  
 7 3. On page 14, line 25, after the period insert 'Seven  
 8 hundred thousand dollars shall be allocated annually from the fund  
 9 for research for the improvement of racial and ethnic minority  
 10 health.'"  
 11 3. Renumber the remaining amendment accordingly.

The Kristensen-Chambers amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The Byars amendment, as amended, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senators Bromm, Stuhr, Jensen, and Byars offered the following amendment:

AM1345

- 1 1. In the Standing Committee amendments, AM0781:
- 2 a. On page 11, line 17, after the second "subdivision"
- 3 insert ". The Director of Finance and Support shall ensure that
- 4 funds appropriated under this subdivision are allocated and
- 5 distributed solely for such purpose"; and
- 6 b. On page 12, line 10, after "otherwise" insert ". The
- 7 regional governing boards shall ensure that such services are
- 8 equitably provided in all counties within the region based on
- 9 need".
- 10 2. In AM1137, on page 3, strike beginning with the
- 11 semicolon in line 21 through line 22 and insert a period.

The Bromm et al. amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 692A.** E & R amendment, AM7074, found on page 1157, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 668.** E & R amendment, AM7082, found on page 1253, was adopted.

Senator Hilgert renewed his pending amendment, AM1182, found on page 1233.

Senator Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

The Hilgert 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 668A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 750.** Senator D. Pederson renewed his pending amendment, AM1187, found on page 1268.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The D. Pederson amendment was adopted with 28 ayes, 0 nays, 17 present

and not voting, and 4 excused and not voting.

Senator Chambers renewed his pending amendment, AM1197, found on page 1289.

The Chambers 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 768.** E & R amendment, AM7084, found on page 1259, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 215.** E & R amendment, AM7086, printed separately and referred to on page 1307, was adopted.

Senator Bromm offered the following amendment:  
AM1333

(Amendments to E & R amendments, AM7086)

- 1 1. On page 1, line 11, after the second "property"
- 2 insert "which is being used primarily for residential purposes".

Senator Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Beutler offered the following amendment:  
FA157

1. On page 6, line 18, after the period insert "This subsection does not limit the duties and obligations provided in section 76-2418 or in subsection (9) of section 76-2,120 with respect to buyers agents.

The Beutler amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:  
FA158

P. 27, line 17, after "origin" insert "sexual orientation"; on page 31, line 24, after "origin" insert "sexual orientation"

Senators Stuhr, Brashear, Byars, Baker, Vrtiska, Bruning, and Engel asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Chambers amendment was adopted with 26 ayes, 8 nays, 5 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

### **ANNOUNCEMENT**

Senator Wickersham announced the Committee on Revenue will be meeting in Executive Session, Wednesday, April 4th, at 8:30 a.m., in Room 2022.

### **VISITORS**

Visitors to the Chamber were State Legislators, Executive Branch officials, and legislative staffers from Niger; 34 sixth grade students and teachers from North Ward Elementary School, Superior; and 63 fourth grade students and teachers from Norris Elementary School, Firth.

### **ADJOURNMENT**

At 4:51 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, April 4, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**FIFTY-NINTH DAY - APRIL 4, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**FIFTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 4, 2001

**PRAYER**

The prayer was offered by Senator Foley.

**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 McDonald who was excused; and Senators Brown, Coordsen, Hartnett, Kristensen, Dw. Pedersen, Price, and Tyson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-eighth day was approved.

**UNANIMOUS CONSENT - Member Excused**

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 438.** E & R amendment, AM7083, printed separately and referred to on page 1249, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 671.** E & R amendment, AM7090, found on page 1308, was adopted.

Senator Beutler renewed his pending amendment, AM1269, found on page 1317.

Senator Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Beutler withdrew his amendment.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 671A.** Advanced to E & R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 277A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 242.** Title read. Considered.

Senators Preister and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Raikes offered the following amendment:

AM1076

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 49-1493, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 49-1493. The individuals listed in subdivisions (1)
- 5 through ~~(11)~~ (12) of this section shall file with the commission a
- 6 statement of financial interests as provided in sections 49-1496
- 7 and 49-1497 for the preceding calendar year on or before April 1 of
- 8 each year in which such individual holds such a position. An
- 9 individual who leaves office shall, within thirty days after
- 10 leaving office, file a statement covering the period since the
- 11 previous statement was filed. Disclosure of the interest named in
- 12 sections 49-1496 to 49-1498 shall be made by:
- 13 (1) An individual holding a state executive office as
- 14 provided in Article IV of the Constitution of Nebraska, including
- 15 the Governor, Lieutenant Governor, Secretary of State, Auditor of
- 16 Public Accounts, State Treasurer, Attorney General, Tax
- 17 Commissioner, and heads of such other executive departments as set
- 18 forth in the Constitution or as may be established by law;
- 19 (2) An individual holding the office of Commissioner of
- 20 Education, member of the State Board of Education, member of the
- 21 Board of Regents of the University of Nebraska with the exception
- 22 of student members, or member of the Coordinating Commission for
- 23 Postsecondary Education;
- 24 (3) A member of the Board of Parole;
- 1 (4) A member of the Public Service Commission;
- 2 (5) A member of the Legislature;



- 3 (6) A member of the board of directors or an officer of a  
 4 district organized under the provisions of Chapter 70;  
 5 (7) A member of any board or commission of the state or  
 6 any county which examines or licenses a business or which  
 7 determines rates for or otherwise regulates a business;  
 8 (8) A member of a land-use planning commission, zoning  
 9 commission, or authority of the state or any county with a  
 10 population of more than one hundred thousand inhabitants;  
 11 (9) An elected official of a city of the primary or  
 12 metropolitan class;  
 13 (10) An elected county official;  
 14 ~~(11) A member of a school board;~~ and  
 15 ~~(11)~~ (12) An official or employee of the state designated  
 16 by rules and regulations of the commission who is responsible for  
 17 taking or recommending official action of a nonministerial nature  
 18 with regard to:  
 19 (a) Contracting or procurement;  
 20 (b) Administering or monitoring grants or subsidies;  
 21 (c) Land-use planning or zoning;  
 22 (d) Inspecting, licensing, regulating, or auditing any  
 23 person; or  
 24 (e) Any similar action.  
 25 Sec. 15. Section 79-544, Revised Statutes Supplement,  
 26 2000, is amended to read:  
 27 79-544. No member of a school board of a Class I, II,  
 1 III, IV, or VI school district shall be employed as a teacher by  
 2 the school district on which board he or she serves as a board  
 3 member."  
 4 2. On page 17, line 17, after "49-1401" insert "  
 5 49-1493, 79-544,".  
 6 3. Renumber the remaining sections and correct internal  
 7 references accordingly.

Senators Aguilar and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Erdman offered the following amendment to the Raikes pending amendment:

FA160

Amend AM1076

On page 3 line 1 strike "as a teacher"

On page 2 strike all the language in line 14

Senator Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Erdman withdrew his amendment.

Senator Erdman offered the following amendment to the Raikes pending amendment:

FA161

Amend AM1076

On page 3, line 1 strike "as a teacher"

The Erdman amendment lost with 18 ayes, 11 nays, 14 present and not voting, and 6 excused and not voting.

Senator Baker offered the following amendment to the Raikes pending amendment:

FA163

Amend AM1076

Strike line 14 on page 2

Senator Baker withdrew his amendment.

The Raikes amendment, AM1076, was adopted with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

Senator Quandahl offered the following amendment:

AM1358

1 On page 12, strike beginning with "This" in line 7 through "(6)" in 2 line 11; and in line 11 after "a" insert "member of the Legislature 3 or".

Senator Quandahl withdrew his amendment.

Senator Chambers offered the following amendment:

FA165

Amend AM1076

On page 2, line 14, after "board;" insert "University of Nebraska at Lincoln Head Football Coach"

Pending.

## MESSAGE FROM THE GOVERNOR

April 4, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 52e, 55e, 101, 114, 170e, 170Ae, and 759 were received in my office on March 30, 2001.

These bills were signed by me on April 4, 2001, and delivered to the Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

**AMENDMENT - Print in Journal**

Senator Jensen filed the following amendment to LB 152:  
AM1209

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 3. Section 81-664, Reissue Revised Statutes of
- 3 Nebraska, as amended by section 34, Legislative Bill 209,
- 4 Ninety-seventh Legislature, First Session, 2001, is amended to
- 5 read:
- 6 81-664. For purposes of sections 81-663 to 81-675:
- 7 (1) Aggregate data means data contained in the medical
- 8 record and health information registries maintained by the
- 9 department which is compiled in a statistical format and which does
- 10 not include patient-identifying data;
- 11 (2) Approved researcher means an individual or entity
- 12 which is approved by the department pursuant to section 81-666 to
- 13 obtain access to data contained in the medical record and health
- 14 information registries maintained by the department to assist in
- 15 the scientific or medical research for the prevention, cure, or
- 16 control of a disease or injury process;
- 17 (3) Case-specific data means data contained in the
- 18 medical record and health information registries concerning a
- 19 specific individual other than patient-identifying data;
- 20 (4) Department means the Department of Health and Human
- 21 Services Regulation and Licensure;
- 22 (5) Medical record and health information registry means
- 23 the system of reporting certain medical conditions occurring in
- 1 this state, as prescribed by law, which are reported and recorded
- 2 in order to achieve the goals of prevention, cure, and control
- 3 through research and education, and includes the birth defects
- 4 registry established in section 71-646, the cancer registry
- 5 established in sections 81-642 to 81-650, and the brain injury
- 6 registry established in sections 81-653 to 81-661, and the
- 7 Parkinson's Disease Registry established in section 7 of this act;
- 8 (6) Patient-identifying data means the patient's name,
- 9 address, record number, symbol, or other identifying particular
- 10 assigned to or related to an individual patient; and
- 11 (7) Research means study specific to the diseases or
- 12 injuries for which access to data is requested and which is
- 13 dedicated to the prevention, cure, or control of the diseases or
- 14 injuries.

15 Sec. 4. Sections 4 to 20 of this act shall be known and  
16 may be cited as the Parkinson's Disease Registry Act.

17 Sec. 5. It is the intent of the Legislature to require  
18 the establishment and maintenance of a Parkinson's Disease Registry  
19 for the State of Nebraska. The purpose of the registry is to  
20 provide a central data bank of accurate, historical and current  
21 information for research purposes. The Parkinson's Disease  
22 Registry Act will provide for screening and collecting patient and  
23 family data that may be useful in detecting the incidence of and  
24 possible risk factors concerning Parkinson's disease and related  
25 movement disorders. The act will also aid in planning for health  
26 care requirements and education needs.

27 Sec. 6. For purposes of the Parkinson's Disease Registry  
1 Act:

2 (1) Aggregate data means data contained in the  
3 Parkinson's Disease Registry which is compiled in a statistical  
4 format and which does not include patient-identifying data;

5 (2) Approved researcher means an individual or entity who  
6 is approved by the department in accordance with section 81-666 to  
7 obtain access to data contained in the Parkinson's Disease Registry  
8 to assist in scientific or medical research for the prevention,  
9 cure, or control of Parkinson's disease;

10 (3) Case-specific data means data contained in the  
11 Parkinson's Disease Registry concerning a specific individual other  
12 than patient-identifying data;

13 (4) Department means the Department of Health and Human  
14 Services Regulation and Licensure;

15 (5) Parkinson's disease means a chronic, progressive  
16 disorder in which there is a lack of the chemical dopamine in the  
17 brain as a direct result of the destruction of the  
18 dopamine-producing cells in the portion of the brain called the  
19 substantia nigra. Clinical features of the disease include tremor  
20 at rest, slow movements, rigidity, and unsteady or shuffling gait  
21 and may be indicated by improvement after using medications used  
22 for Parkinson's disease;

23 (6) Patient-identifying data means the patient's name,  
24 address, record number, symbol, or other identifying particular  
25 assigned to or related to an individual; and

26 (7) Related movement disorder means a disorder that  
27 resembles Parkinson's disease in some way, such as another kind of  
1 tremor.

2 Sec. 7. The department shall establish and maintain the  
3 Parkinson's Disease Registry. The registry shall consist of a  
4 compilation of cases of Parkinson's disease and related movement  
5 disorders occurring among residents of this state reported and  
6 recorded to achieve the goals of statistical identification for  
7 research, planning for health care requirements, and education of  
8 health care providers and persons with Parkinson's disease and  
9 related movement disorders and shall include information the

10 department deems necessary and appropriate for the statistical  
11 identification and planning for treatment and education of health  
12 care providers and persons diagnosed with Parkinson's disease and  
13 related movement disorders.

14 Sec. 8. The department shall:

15 (1) Adopt and promulgate rules and regulations, including  
16 a uniform system of classification of Parkinson's disease which is  
17 consistent with medically and clinically accepted standards and  
18 definitions for use in reporting by medical personnel treating the  
19 disease;

20 (2) Execute any contracts that the department deems  
21 necessary to carry out the Parkinson's Disease Registry Act;

22 (3) Receive and record the data obtained from an  
23 individual reporting under subsection (2) of section 9 of this act  
24 and medical records reported under sections 9 and 10 of this act;

25 (4) Compile and publish a statistical report annually or  
26 at reasonable intervals containing information obtained from  
27 patient data to provide accessible information useful to medical  
1 personnel, researchers, and the public; and

2 (5) Comply with all necessary requirements to obtain  
3 funds or grants.

4 Sec. 9. (1) If a resident of this state is diagnosed  
5 with Parkinson's disease or a related movement disorder within this  
6 state in the office of a physician licensed under the Uniform  
7 Licensing Law, the physician shall report the diagnosis and  
8 pertinent information to the department within sixty days after the  
9 diagnosis.

10 (2) An individual resident of this state who has been  
11 diagnosed with Parkinson's disease or a related movement disorder  
12 by a licensed physician may file a report with the department  
13 providing relevant information. The department shall provide for  
14 validation of individual reports.

15 (3) A report under this section shall contain the  
16 following information about the person diagnosed with Parkinson's  
17 disease or a related movement disorder:

18 (a) Name;

19 (b) Social security number;

20 (c) Date of birth;

21 (d) Gender;

22 (e) Address at time of diagnosis;

23 (f) Current address;

24 (g) Date of diagnosis;

25 (h) Physician;

26 (i) Identification of reporting source; and

27 (j) Any additional information the department  
1 demonstrates is reasonable to implement the Parkinson's Disease  
2 Registry Act.

3 Sec. 10. The pharmacist in charge of each pharmacy  
4 located within the state or doing business in the state shall file

5 a semiannual report with the department listing persons to whom the  
6 pharmacist has dispensed drugs on the list of drugs required to be  
7 reported under this section for Parkinson's disease. The report  
8 shall include the name, address, and social security number of the  
9 person for whom the drugs were prescribed and the name and address  
10 of the prescribing physician. The department shall issue a list of  
11 drugs used for the treatment of Parkinson's disease to be reported  
12 under this section, shall review and revise the list annually, and  
13 shall distribute the list to each pharmacy located within the state  
14 or doing business in the state.

15 Sec. 11. All data and information developed or collected  
16 pursuant to the Parkinson's Disease Registry Act and the release of  
17 data from the Parkinson's Disease Registry shall be subject to and  
18 comply with sections 81-663 to 81-675. For purposes of the  
19 Parkinson's Disease Registry, data may be released either as Class  
20 I data or Class II data or as Class III data or Class IV data as  
21 classified in section 81-667.

22 Sec. 12. Any physician, pharmacist, or medical  
23 professional participating in good faith in the reporting of  
24 information required under the Parkinson's Disease Registry Act is  
25 immune from liability, civil, criminal, or otherwise, that might  
26 result from divulging such information. Neither the department nor  
27 any of its officials or employees shall be liable civilly or  
1 criminally for the release of information contained in the  
2 Parkinson's Disease Registry or for the conduct or activities of  
3 any individual or entity permitted access to data of the  
4 Parkinson's Disease Registry if done pursuant to sections 81-663 to  
5 81-675.

6 Sec. 13. Nothing in sections 81-663 to 81-675 shall be  
7 deemed to compel any individual to submit to any medical  
8 examination or supervision by the department, any of its authorized  
9 representatives, or an approved researcher. No person who seeks  
10 information or obtains data pursuant to such sections shall contact  
11 a patient or such patient's family without first obtaining the  
12 permission of a physician actively involved in the care of such  
13 patient.

14 Sec. 14. Nothing in the Parkinson's Disease Registry Act  
15 requires a physician or pharmacist to deny medical treatment or  
16 services to an individual who refuses to provide the information  
17 necessary to make the reports required under section 9 or 10 of  
18 this act.

19 Sec. 15. Any physician or pharmacist required to make  
20 reports under section 9 or 10 of this act is immune from liability,  
21 civil, criminal, or otherwise, for filing an incomplete report as a  
22 result of the failure of an individual to provide the information  
23 necessary to make such report.

24 Sec. 16. The initial reports required under section 10  
25 of this act shall be made within thirty days after January 1 of the  
26 year following issuance by the department of the list of drugs to

27 be reported under section 10 of this act.

1 Sec. 17. Any private or public entity, individual, or  
2 approved researcher who wrongfully discloses confidential data  
3 obtained from the medical record and health information registries  
4 or uses such information with the intent to deceive shall be guilty  
5 of a Class IV misdemeanor for each offense.

6 Sec. 18. Any person or entity which fails to make  
7 reports in good faith as provided by the Parkinson's Disease  
8 Registry Act shall be guilty of a Class V misdemeanor for each  
9 offense.

10 Sec. 19. (1) On and after the effective date of this  
11 act, for purposes of the Parkinson's Disease Registry Act:

12 (a) Any rules, regulations, and orders of the Department  
13 of Health and Human Services Regulation and Licensure adopted  
14 pursuant to the former Parkinson's Disease Registry Act, as such  
15 act existed prior to February 14, 2001, and in effect on February  
16 13, 2001, shall be revived and continue in effect until revised,  
17 amended, repealed, or nullified pursuant to law;

18 (b) Any contracts entered into by the department prior to  
19 February 14, 2001, and in effect on February 13, 2001, in  
20 connection with the duties and functions of the former act are  
21 recognized and may be revived upon the agreement of all contract  
22 parties. If revived, the department shall succeed to all rights  
23 and obligations under such contracts;

24 (c) Any cash funds, custodial funds, gifts, trusts,  
25 grants, and appropriations of funds which were available for use by  
26 the department for purposes of the former act shall continue to be  
27 available for use by the department if such funds continue to  
1 exist; and

2 (d) Any documents created, information compiled, or  
3 property used by the department under the former act shall continue  
4 to be available to and may be used by the department.

5 (2) For purposes of this section, former act means the  
6 Parkinson's Disease Registry Act, as such act existed prior to  
7 February 14, 2001, which act was outright repealed in LB 209,  
8 Ninety-seventh Legislature, First Session, 2001.

9 Sec. 20. The Parkinson's Disease Registry Act terminates  
10 on June 30, 2003, or if no requests are received for two years from  
11 approved researchers to obtain access to data contained in the  
12 Parkinson's Disease Registry, the act terminates two years after  
13 the date of the last request, whichever occurs sooner, unless  
14 renewed or reestablished by the Legislature."

15 2. On page 1, line 2, after "2000" insert ", and section  
16 81-664, Reissue Revised Statutes of Nebraska, as amended by section  
17 34, Legislative Bill 209, Ninety-seventh Legislature, First  
18 Session, 2001"; and in lines 3 and 4 strike "eliminate a  
19 termination date" and insert "adopt the Parkinson's Disease  
20 Registry Act; to provide penalties; to provide for and eliminate  
21 termination dates; to harmonize provisions".

- 22 3. On page 4, line 10, after the last comma insert "and  
 23 section 81-664, Reissue Revised Statutes of Nebraska, as amended by  
 24 section 34, Legislative Bill 209, Ninety-seventh Legislature, First  
 25 Session, 2001,".
- 26 4. Renumber the remaining sections accordingly.

**MOTION - Place LB 462 on General File**

Senator Dw. Pedersen renewed his pending motion, found on page 1300, to place LB 462 on General File pursuant to Rule 3, Section 20(b).

Senator Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 9 nays, and 12 not voting.

Senator Dw. Pedersen requested a record vote on his motion to place on General File.

Voting in the affirmative, 31:

Aguilar	Baker	Brashear	Bruning	Burling
Byars	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Maxwell	Pedersen, Dw.	Preister	Quandahl	Redfield
Schrock	Smith	Stuhr	Tyson	Vrtiska
Wehrbein				

Voting in the negative, 13:

Beutler	Bourne	Connealy	Janssen	Landis
Pederson, D.	Price	Raikes	Robak	Schimek
Suttle	Thompson	Wickersham		

Present and not voting, 3:

Brown	Chambers	Kruse
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Excused and not voting, 2:

Bromm	McDonald
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The Dw. Pedersen motion to place on General File prevailed with 31 ayes, 13 nays, 3 present and not voting, and 2 excused and not voting.



**VISITORS**

Visitors to the Chamber were 11 fifth through eighth grade students and teacher from Broadwater; 35 second grade students and teachers from St. Bonaventure School, Columbus; Miranda and Sue Knobbe, and Penny, Morgan, and Molly Strand from Imperial; 13 third and fourth grade students and teacher from Alda; Senator Maxwell's father, Chuck Maxwell, from Omaha; and 100 fourth grade students and teacher from Aurora.

**RECESS**

At 12:02 p.m., on a motion by Senator Erdman, 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 McDonald who was excused; and Senators Bromm, Dierks, Kremer, Kruse, Landis, and Robak who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 75.** Senator Chambers offered the following amendment to the Standing Committee amendment:

FA164

Amend AM0445

Strike "January" and insert "October".

Senators Beutler, Hilgert, Tyson, Landis, Foley, Dierks, Schimek, Hartnett, Janssen, and Thompson 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 13 ayes, 0 nays, and 36 not voting.

The Chambers amendment lost with 7 ayes, 19 nays, 14 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senators Beutler and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, AM0445, found on page 620 and considered on page 1319, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Standing Committee amendment was adopted with 32 ayes, 2 nays, 9 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 516.** Placed on Select File as amended.  
E & R amendment to LB 516:  
AM7091

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 68-1603, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 68-1603. For purposes of the Homeless Shelter Assistance  
6 Trust Fund Act, department shall mean the Department of ~~Economic~~  
7 ~~Development~~ Health and Human Services.  
8 Sec. 2. Section 68-1604, Reissue Revised Statutes of  
9 Nebraska, is amended to read:  
10 68-1604. The Homeless Shelter Assistance Trust Fund is  
11 hereby created. The fund shall include the proceeds raised from  
12 the documentary stamp tax and remitted for such fund pursuant to  
13 section 76-903. ~~All money raised for the Homeless Shelter~~  
14 ~~Assistance Trust Fund Act shall be~~ Money remitted to such fund ~~and~~  
15 ~~earmarked shall be used~~ by the department (1) for grants to  
16 eligible shelter providers as set out in section 68-1605 for the  
17 purpose of assisting in the alleviation of homelessness, to provide  
18 temporary and permanent shelters for homeless persons, to encourage  
19 the development of projects which link housing assistance to  
20 programs promoting the concept of self-sufficiency, and to address  
21 the needs of the migrant farmworker ~~and (2) to aid in defraying the~~  
22 ~~expenses of administering the Homeless Shelter Assistance Trust~~  
23 ~~Fund Act, which shall not exceed fifty thousand dollars in any~~  
24 fiscal year.

1 Any money in the fund available for investment shall be  
2 invested by the state investment officer pursuant to the Nebraska  
3 Capital Expansion Act and the Nebraska State Funds Investment Act.  
4 Sec. 3. Section 68-1605, Reissue Revised Statutes of  
5 Nebraska, is amended to read:  
6 68-1605. (1) The department shall use the funds in the

7 Homeless Shelter Assistance Trust Fund to finance grants for  
8 projects or programs that provide for persons or families with  
9 special housing needs.

10 (2) Projects and programs to which funds shall be  
11 provided include eligible community, neighborhood-based,  
12 housing-assistance organizations, institutions, associations, and  
13 societies or corporations that:

14 (a) Are exempt from taxation under section 501(c)(3) of  
15 the Internal Revenue Code;

16 (b) Do not discriminate on the basis of age, religion,  
17 sex, race, color, or national origin;

18 (c) Provide ~~twenty-four hour~~ residential housing for at  
19 least eight hours of every twenty-four-hour period; and

20 (d) ~~Conduct an annual certified external audit; and~~

21 (e) Operate a drug-free premises.

22 (3) ~~The housing advisory committee established pursuant~~  
23 ~~to section 81-1281 shall~~ department shall establish an advisory  
24 committee consisting of individuals and groups involved with  
25 housing issues, in particular those pertaining to persons or  
26 families with special housing needs, to advise and assist the  
27 department in establishing criteria, priorities, and guidelines for  
1 eligibility requirements, application requirements and dates,  
2 public notification, and monitoring and shall assist the department  
3 in adopting and promulgating rules and regulations for providing  
4 grants from the fund.

5 (4) An application submitted by an organization  
6 representing a number of eligible applicants may be considered even  
7 though the representing organization may itself not qualify under  
8 this section.

9 (5) In making grants pursuant to the Homeless Shelter  
10 Assistance Trust Fund Act, the department shall consider, but not  
11 be limited to, the following factors:

12 (a) The number of night-lodging units provided by the  
13 applicant as measured by the number of persons housed per night;

14 (b) ~~The number of meals provided by the applicant~~

15 Participation by the applicant in community planning processes and  
16 activities aimed at preventing and alleviating homelessness;

17 (c) Other verifiable units of service provided by the  
18 applicant; and

19 (d) The geographic distribution of funds.

20 Sec. 4. Section 68-1607, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 68-1607. All applications for grants shall be  
23 accompanied by a certified independent audit for the immediately  
24 preceding fiscal year, and recipients Recipients of grant money  
25 shall, upon request, submit to the department records for  
26 verification of the information included on applications submitted  
27 for grants from the Homeless Shelter Assistance Trust Fund.

1 Sec. 5. Section 76-903, Revised Statutes Supplement,

2 2000, is amended to read:

3 76-903. The Tax Commissioner shall design such stamps in  
 4 such denominations as in his or her judgment will be the most  
 5 advantageous to all persons concerned. When any deed subject to  
 6 the tax imposed by section 76-901 is offered for recordation, the  
 7 register of deeds shall ascertain and compute the amount of the tax  
 8 due thereon and shall collect such amount as a prerequisite to  
 9 acceptance of the deed for recordation. If a dispute ~~shall arise~~  
 10 arises concerning the taxability of the transfer, the register of  
 11 deeds shall not record the deed until the disputed tax is paid. If  
 12 a disputed tax has been paid, the taxpayer may file for a refund  
 13 pursuant to section 76-908. The taxpayer may also seek a  
 14 declaratory ruling pursuant to rules and regulations adopted and  
 15 promulgated by the Department of Revenue. From each one dollar and  
 16 seventy-five cents of tax collected pursuant to section 76-901, the  
 17 register of deeds shall retain fifty cents to be placed in the  
 18 county general fund and shall remit the balance to the State  
 19 Treasurer who shall credit ~~(1) prior to January 1, 1998, one dollar~~  
 20 ~~of such amount to the state General Fund and twenty-five cents of~~  
 21 ~~such amount to the Homeless Shelter Assistance Trust Fund; (2) on~~  
 22 ~~and after January 1, 1998, and prior to January 1, 2003, one dollar~~  
 23 ~~of such amount to the Affordable Housing Trust Fund and twenty-five~~  
 24 ~~cents of such amount to the Homeless Shelter Assistance Trust Fund,~~  
 25 ~~and (3) on and after January 1, 2003, one dollar of such amount~~  
 26 ~~to the state General Fund and twenty-five cents of such amount to~~  
 27 ~~the Homeless Shelter Assistance Trust Fund.~~

1 Sec. 6. Original sections 68-1603, 68-1604, 68-1605, and  
 2 68-1607, Reissue Revised Statutes of Nebraska, and section 76-903,  
 3 Revised Statutes Supplement, 2000, are repealed."

4 2. On page 1, strike beginning with "real" in line 1  
 5 through line 5 and insert "housing; to amend sections 68-1603,  
 6 68-1604, 68-1605, and 68-1607, Reissue Revised Statutes of  
 7 Nebraska, and section 76-903, Revised Statutes Supplement, 2000; to  
 8 change provisions relating to the Homeless Shelter Assistance Trust  
 9 Fund Act; to establish an advisory committee; to change funding  
 10 provisions relating to the Affordable Housing Trust Fund; to  
 11 harmonize provisions; and to repeal the original sections."

**LEGISLATIVE BILL 38.** Placed on Select File as amended.

E & R amendment to LB 38:

AM7096

1 1. For purposes of correlation with section 5 of LB 387,  
 2 strike original sections 30 and 31 and insert the following new  
 3 sections:

4 "Sec. 30. Section 60-4,118, Revised Statutes Supplement,  
 5 2000, as amended by section 5, Legislative Bill 387, Ninety-seventh  
 6 Legislature, First Session, 2001, is amended to read:

7 60-4,118. (1) No operator's license shall be granted to

8 any applicant until such applicant satisfies the examiner that he

9 or she possesses sufficient powers of eyesight to enable him or her  
10 to obtain a Class O license and to operate a motor vehicle on the  
11 highways of this state with a reasonable degree of safety. The  
12 Department of Motor Vehicles, with the advice of the Health  
13 Advisory Board, shall adopt and promulgate rules and regulations:  
14 (a) Requiring a minimum acuity level of vision. Such  
15 level may be obtained through the use of standard eyeglasses,  
16 contact lenses, or bioptic or telescopic lenses which are specially  
17 constructed vision correction devices which include a lens system  
18 attached to or used in conjunction with a carrier lens; and  
19 (b) Requiring a minimum field of vision. Such field of  
20 vision may be obtained through standard eyeglasses, contact lenses,  
21 or the carrier lens of the bioptic or telescopic lenses.

22 (2) If a vision aid is used by the applicant to meet the  
23 vision requirements of this section, the operator's license of the  
24 applicant shall be restricted to the use of such vision aid when  
1 operating the motor vehicle. If the applicant fails to meet the  
2 vision requirements, the examiner shall require the applicant to  
3 present an optometrist's or ophthalmologist's statement certifying  
4 the vision reading obtained when testing the applicant within  
5 ninety days of the applicant's license examination. If the vision  
6 reading meets the vision requirements prescribed by the department,  
7 the vision requirements of this section shall have been met.

8 (3) If the applicant for an operator's license discloses  
9 that he or she has any other physical impairment which may affect  
10 the safety of operation by such applicant of a motor vehicle, the  
11 examiner shall require the applicant to show cause why such license  
12 should be granted and, through such personal examination and  
13 demonstration as may be prescribed by the director with the advice  
14 of the Health Advisory Board, to show the necessary ability to  
15 safely operate a motor vehicle on the highways. The director may  
16 also require the person to appear before the board or a designee of  
17 the board. If the examiner, board, or designee is then satisfied  
18 that such applicant has the ability to safely operate a motor  
19 vehicle, an operator's license may be issued to the applicant  
20 subject, at the discretion of the director, to a limitation to  
21 operate only such motor vehicles at such time, for such purpose,  
22 and within such area as the license shall designate.

23 (4)(a) The director may, when requested by a law  
24 enforcement officer, when the director has reason to believe that a  
25 person may be physically or mentally incompetent to operate a motor  
26 vehicle, or when a person's driving record appears to the  
27 department to justify an examination, request the advice of the  
1 Health Advisory Board and may give notice to the person to appear  
2 before an examiner, the board, or a designee of the director for  
3 examination concerning the person's ability to operate a motor  
4 vehicle safely. Any such request by a law enforcement officer  
5 shall be accompanied by written justification for such request and  
6 shall be approved by a supervisory law enforcement officer, police

7 chief, or county sheriff.

8 (b) A refusal to appear before an examiner, the board, or

9 a designee of the director for an examination after notice to do so  
10 shall be unlawful and shall result in the immediate cancellation of  
11 the person's operator's license by the director.

12 (c) If the person cannot qualify at the examination by an  
13 examiner, his or her operator's license shall be immediately  
14 surrendered to the examiner and forwarded to the director who shall  
15 cancel the person's operator's license.

16 (d) If in the opinion of the board the person cannot  
17 qualify at the examination by the board, the board shall advise the  
18 director. If the director determines after consideration of the  
19 advice of the board that the person lacks the physical or mental  
20 ability to operate a motor vehicle, the director shall notify the  
21 person in writing of the decision. Upon receipt of the notice, the  
22 person shall immediately surrender his or her operator's license to  
23 the director who shall cancel the person's operator's license.

24 (e) Refusal to surrender an operator's license on demand  
25 shall be unlawful, and any person failing to surrender his or her  
26 operator's license as required by this subsection shall be guilty  
27 of a Class III misdemeanor.

1 (5) No operator's license referred to in this section  
2 shall, under any circumstances, be issued to any person who has not  
3 attained the age of seventeen years.

4 (6) No operator's license shall be issued to a person  
5 under eighteen years of age applying for an operator's license  
6 under this section unless such person:

7 (a) Has possessed a valid provisional operator's permit  
8 for at least a twelve-month period beginning on the date of  
9 issuance of such person's provisional operator's permit;

10 (b) Has not accumulated three or more points pursuant to  
11 section 60-4.182 during the twelve-month period immediately  
12 preceding the date of the application for the operator's license;  
13 and

14 (c) Has surrendered the provisional operator's permit to  
15 the examiner.

16 (7) The department shall waive the written examination  
17 and the driving test required under this section for any person  
18 seventeen to twenty-one years of age applying for his or her  
19 initial operator's license if he or she has been issued a  
20 provisional operator's permit. The department shall not waive the  
21 written examination and the driving test required under this  
22 section if the person is applying for a commercial driver's license  
23 or permit or if the operator's license being applied for contains a  
24 class or endorsement which is different from the class or  
25 endorsement of the provisional operator's permit.

26 (8)(a) Upon receipt by the director of (i) a certified  
27 copy of a court order issued pursuant to section 60-6.211.05; (ii)  
1 sufficient evidence that the defendant has surrendered his or her

2 operator's license to the department and installed an approved  
3 ignition interlock device in accordance with such court order; and  
4 (iii) payment by the defendant of the fee provided in section  
5 60-4,115, the defendant shall be eligible for reinstatement of his  
6 or her operator's license following the expiration of thirty days  
7 after revocation under section 60-6,206 and the director shall  
8 issue to the defendant a Class O license restricted to the  
9 operation of a motor vehicle equipped with an ignition interlock  
10 device. The department shall not issue such a license to any  
11 person convicted of a second or subsequent violation of section  
12 60-6,196 or 60-6,197 until at least one year of the operator's  
13 license revocation has elapsed.

14 (b) Upon expiration of the court order issued pursuant to  
15 section 60-6,211.05 or an order issued by the Board of Pardons  
16 pursuant to section 83-1,127.02, the defendant may apply to the  
17 department in writing for issuance of an operator's license which  
18 does not contain such restriction. If the license surrendered by  
19 the defendant under subdivision (a) of this subsection has not  
20 expired, the director shall return such license to the defendant.  
21 If such license has expired, the defendant shall reapply for an  
22 operator's license pursuant to the Motor Vehicle Operator's License  
23 Act.

24 Sec. 31. (1) No operator's license referred to in  
25 section 60-4,118 shall, under any circumstances, be issued to any  
26 person who has not attained the age of seventeen years.

27 (2) No operator's license shall be issued to a person  
1 under eighteen years of age applying for an operator's license  
2 under section 60-4,118 unless such person:

3 (a) Has possessed a valid provisional operator's permit  
4 for at least a twelve-month period beginning on the date of  
5 issuance of such person's provisional operator's permit;

6 (b) Has not accumulated three or more points pursuant to  
7 section 60-4,182 during the twelve-month period immediately  
8 preceding the date of the application for the operator's license;  
9 and

10 (c) Has surrendered the provisional operator's permit to  
11 the examiner.

12 (3) The Department of Motor Vehicles shall waive the  
13 written examination and the driving test required under section  
14 60-4,118 for any person seventeen to twenty-one years of age  
15 applying for his or her initial operator's license if he or she has  
16 been issued a provisional operator's permit. The department shall  
17 not waive the written examination and the driving test required  
18 under this section if the person is applying for a commercial  
19 driver's license or permit or if the operator's license being  
20 applied for contains a class or endorsement which is different from  
21 the class or endorsement of the provisional operator's permit."

22 2. On page 1, line 9, strike "and"; and in line 10  
23 strike "60-4,118,".

24 3. On page 1, line 12; and page 79, line 4, after "2000"  
25 insert ", and section 60-4,118, Revised Statutes Supplement, 2000,  
26 as amended by section 5, Legislative Bill 387, Ninety-seventh  
27 Legislature, First Session, 2001".

1 4. On page 45, line 16, strike "46" and insert "45".

2 5. On page 74, line 19, strike "31" and insert "32".

3 6. On page 79, line 1, strike the second "and"; and in  
4 line 3 strike "60-4,118,".

**LEGISLATIVE BILL 277.** Placed on Select File as amended.

E & R amendment to LB 277:

AM7094

1 1. On page 1, line 5, after "for" insert "single  
2 individuals and".

**LEGISLATIVE BILL 398.** Placed on Select File as amended.

E & R amendment to LB 398:

AM7095

1 1. In the Standing Committee amendments, AM0975:

2 a. On page 21, line 17, strike "issue" and insert

3 "issued";

4 b. On page 87, line 3, strike "effective" and insert

5 "operative";

6 c. On page 95, line 25, strike "licenses" and insert

7 "permits";

8 d. On page 105, line 10, strike "Such formularies" and

9 insert "A formulary";

10 e. On page 107, line 25, strike "facility" and show as  
11 stricken;

12 f. On page 113, line 8, after "addition" insert an  
13 underscored comma;

14 g. On page 117, lines 12 and 13, strike "such date" and

15 insert "January 1, 2002"; and

16 h. On page 139, line 3, strike "and" and insert "or".

17 2. On page 1, strike lines 2 through 17 and insert

18 "28-402, 28-409, 28-413, 28-417, 28-418, 28-429, 28-442, 71-161.12,

19 71-161.16, 71-1,144.05, 71-1,145.01, 71-1,147.13, 71-1,147.27,

20 71-1,147.32, 71-1,147.36, 71-1,147.47, 71-1,147.52, 71-2501,

21 71-5405, 71-5406, 71-5407, 71-6045, and 71-7420, Reissue Revised

22 Statutes of Nebraska, and sections 28-401, 28-406, 28-407, 28-408,

23 28-410, 28-411, 28-412, 28-414, 28-415, 28-416, 71-101, 71-147,

24 71-155.01, 71-161.13, 71-172.01, 71-1,142, 71-1,143, 71-1,145,

1 71-1,147, 71-1,147.15, 71-1,147.31, 71-1,147.33, 71-1,147.34,

2 71-1,147.35, 71-1,147.42, 71-1,147.43, 71-1,147.44, 71-1,147.45,

3 71-1,147.46, 71-1,147.48, 71-1,147.50, 71-1,147.53, 71-1,147.55,

4 71-1,147.56, 71-1,147.57, 71-1,147.59, 71-401, 71-425, 71-15,139,

5 71-2407, 71-2411, 71-2413, 71-2417, 71-2419, 71-2421, 71-5402,

6 71-6721, 71-7409, 71-7416, and 71-7417, Revised Statutes

7 Supplement, 2000; to change and eliminate provisions relating to



8 pharmacies and pharmacists, controlled substances, health care  
 9 examining boards, drug paraphernalia, emergency drug boxes, drug  
 10 product selection, drug dispensing permits, and drug and poison  
 11 labeling; to change provisions relating to drug dispensing; to  
 12 define, redefine, and eliminate terms; to provide, change, and  
 13 eliminate penalties; to change fees; to provide powers and duties;  
 14 to harmonize provisions; to provide a duty for the Revisor of  
 15 Statutes; to provide operative dates; to repeal the original  
 16 sections; to outright repeal section 71-1,147.14, Reissue Revised  
 17 Statutes of Nebraska, and sections 71-1,147.39 to 71-1,147.41,  
 18 71-1,147.49, 71-1,147.51, 71-1,147.58, 71-1,147.60, 71-1,147.61,  
 19 and 71-462, Revised Statutes Supplement, 2000; and to declare an  
 20 emergency."  
 21 3. Strike beginning with page 2, line 1, through page 3,  
 22 line 5.

**LEGISLATIVE BILL 335.** Placed on Select File as amended.  
 E & R amendment to LB 335:

AM7092

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 "Section 1. Section 29-3919, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 29-3919. Sections 29-3919 to 29-3931 and sections 4 and  
 6 5 of this act shall be known and may be cited as the County Revenue  
 7 Assistance Act.  
 8 Sec. 2. Section 29-3922, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:  
 10 29-3922. For purposes of the County Revenue Assistance  
 11 Act:  
 12 (1) Chief counsel means an attorney appointed to be the  
 13 primary administrative officer of the commission pursuant to  
 14 section 29-3928;  
 15 (2) Commission means the Commission on Public Advocacy;  
 16 (3) Contracting attorney means an attorney contracting to  
 17 act as a public defender pursuant to sections 23-3404 to 23-3408;  
 18 (4) Council means the Indigent Defense Standards Advisory  
 19 Council;  
 20 (5) Court-appointed attorney means an attorney other than  
 21 a contracting attorney or a public defender appointed by the court  
 22 to represent an indigent person;  
 23 ~~(5)~~ (6) Indigent defense services means legal services  
 24 provided to indigent persons by an indigent defense system in  
 1 capital cases, felony cases, misdemeanor cases, juvenile cases,  
 2 mental health commitment cases, child support enforcement cases,  
 3 and paternity establishment cases;  
 4 ~~(6)~~ (7) Indigent defense system means a system of  
 5 providing services, including any services necessary for litigating  
 6 a case, by a contracting attorney, court-appointed attorney, or

7 public defender;

8 ~~(7)~~ (8) Indigent person means a person who is indigent

9 and unable to obtain legal counsel as determined pursuant to ~~rules~~  
10 ~~of the Supreme Court subdivision (3) of section 29-3901~~; and

11 ~~(8)~~ (9) Public defender means an attorney appointed or  
12 elected pursuant to sections 23-3401 to 23-3403.

13 Sec. 3. Section 29-3927, Revised Statutes Supplement,  
14 2000, is amended to read:

15 29-3927. (1) With respect to its duties ~~related to the~~  
16 ~~criminal defense of indigent persons~~ under section 29-3923, the  
17 commission shall:

18 (a) Adopt and promulgate rules and regulations for its  
19 organization and internal management and rules and regulations  
20 governing the exercise of its powers and the fulfillment of its  
21 purpose;

22 (b) Appoint and abolish such advisory committees as may  
23 be necessary for the performance of its functions and delegate  
24 appropriate powers and duties to them;

25 (c) Accept and administer loans, grants, and donations  
26 from the United States and its agencies, the State of Nebraska and  
27 its agencies, and other sources, public and private, for carrying  
1 out the functions of the commission;

2 (d) Enter into contracts, leases, and agreements  
3 necessary, convenient, or desirable for carrying out its purposes  
4 and the powers granted under this section with agencies of state or  
5 local government, corporations, or persons;

6 (e) Acquire, hold, and dispose of personal property in  
7 the exercise of its powers; and

8 (f) Provide legal services to indigent persons through  
9 the divisions in section 29-3930; and

10 (g) Adopt guidelines and standards, which are recommended  
11 to the commission by the council, for county indigent defense  
12 systems, including, but not limited to, standards relating to the  
13 following: The use and expenditure of funds in the County Revenue  
14 Assistance Fund to reimburse counties which qualify for  
15 reimbursement; attorney eligibility and qualifications for court  
16 appointments; compensation rates for salaried public defenders,  
17 contracting attorneys, and court-appointed attorneys and overall  
18 funding of the indigent defense system; maximum caseloads for all  
19 types of systems; systems administration, including rules for  
20 appointing counsel, awarding defense contracts, and reimbursing  
21 defense expenses; conflicts of interest; continuing legal education  
22 and training; and availability of supportive services and expert  
23 witnesses.

24 (2) The standards adopted by the commission under  
25 subdivision (1)(g) of this section are intended to be used as a  
26 guide for the proper methods of establishing and operating indigent  
27 defense systems. The standards are not intended to be used as  
1 criteria for the judicial evaluation of alleged misconduct of

2 defense counsel to determine the validity of a conviction. They  
3 may or may not be relevant in such judicial evaluation, depending  
4 upon all the circumstances.

5 (2) (3) With respect to its duties related to the  
6 provision of civil legal services to eligible low-income persons,  
7 the commission shall have such powers and duties as described in  
8 sections 25-3001 to 25-3004.

9 Sec. 4. (1) The Indigent Defense Standards Advisory  
10 Council is created. The council shall consist of seven members,  
11 including the elected public defenders for Douglas County and  
12 Lancaster County, the chief counsel, and four members who have  
13 substantial experience in providing indigent defense services  
14 either as a public defender, contracting attorney, or  
15 court-appointed attorney and who are nominated by the Nebraska  
16 Criminal Defense Attorneys Association and appointed by the  
17 commission. The four members who are appointed by the commission  
18 shall serve a term of four years, except that, of the members first  
19 appointed, one member shall serve a term of one year, one member  
20 shall serve a term of two years, one member shall serve a term of  
21 three years, and one member shall serve a term of four years. A  
22 member may be reappointed at the expiration of his or her term.  
23 Any vacancy occurring other than by expiration of a term shall be  
24 filled for the remainder of the unexpired term in the same manner  
25 as the original appointment. The council shall select one of its  
26 members as chairperson.

27 (2) Notwithstanding any other provision of law,  
1 membership on the council shall not disqualify any member from  
2 holding his or her office or position or cause the forfeiture  
3 thereof.

4 (3) Members of the council shall serve without  
5 compensation, but they shall be entitled to reimbursement for their  
6 actual and necessary expenses as provided in sections 81-1174 to  
7 81-1177.

8 (4) The council shall be responsible for developing and  
9 recommending to the commission guidelines and standards for county  
10 indigent defense systems, including, but not limited to, standards  
11 relating to the following: The use and expenditure of funds in the  
12 County Revenue Assistance Fund to reimburse counties which qualify  
13 for reimbursement; attorney eligibility and qualifications for  
14 court appointments; compensation rates for salaried public  
15 defenders, contracting attorneys, and court-appointed attorneys and  
16 overall funding of the indigent defense system; maximum caseloads  
17 for all types of systems; systems administration, including rules  
18 for appointing counsel, awarding defense contracts, and reimbursing  
19 defense expenses; conflicts of interest; continuing legal education  
20 and training; and availability of supportive services and expert  
21 witnesses.

22 Sec. 5. (1) Any county which intends to request  
23 reimbursement for a portion of its expenditures for its indigent

24 defense system must comply with this section.

25 (2) On or before July 15 of each year in which the county  
26 intends to seek reimbursement for a portion of its expenditures for  
27 its indigent defense system for the next fiscal year, the county  
1 shall present to the Commission on Public Advocacy (a) a plan, in a  
2 format approved by the commission, describing how the county  
3 intends to provide indigent defense services, (b) a statement of  
4 intent declaring that the county intends to comply with the  
5 standards set by the commission and that the county intends to  
6 apply for reimbursement, and (c) a projection of the total dollar  
7 amount of expenditures for that county's indigent defense system  
8 for the next fiscal year.

9 (3) The commission may conduct whatever investigation is  
10 necessary and may require certifications by key individuals in the  
11 system, in order to determine if the county is in compliance with  
12 the standards. If a county is certified by the commission as  
13 having met the standards established by the commission, the county  
14 shall be eligible for reimbursement according to the following  
15 schedule and procedures:

16 (a) The county clerk of the county seeking reimbursement  
17 may submit, on a quarterly basis, a certified request to the  
18 commission, for reimbursement from the County Revenue Assistance  
19 Fund, for an amount equal to fifty percent of the county's actual  
20 expenditures for indigent defense services which were provided to  
21 individuals in capital cases; and

22 (b) The county clerk of the county seeking reimbursement  
23 may submit, on a quarterly basis, a certified request to the  
24 commission, for reimbursement from the County Revenue Assistance  
25 Fund, for an amount equal to forty percent of the county's actual  
26 expenditures for indigent defense services which were provided to  
27 individuals in noncapital felony cases, misdemeanor cases, juvenile  
1 cases, mental health commitment cases, child support enforcement  
2 cases, and paternity establishment cases.

3 (4) Upon certification by the county clerk of the amount  
4 of the expenditures, and a determination by the commission that the  
5 request is in compliance with the standards set by the commission,  
6 the commission shall quarterly authorize an amount of reimbursement  
7 to the county based on the percentages set forth in this section.

8 (5) If the General Funds appropriated in any quarter are  
9 less than the amount needed for full payment of all county  
10 reimbursements for net expenditures that are certified for that  
11 quarter, the commission shall suspend payment of reimbursement to  
12 the counties until the next quarterly deposit. At the end of the  
13 suspension period, all suspended reimbursement shall first be paid  
14 before proceeding to reimbursement for the current quarter.

15 Sec. 6. Original sections 29-3919 and 29-3922, Reissue  
16 Revised Statutes of Nebraska, and section 29-3927, Revised Statutes  
17 Supplement, 2000, are repealed."

18 2. On page 1, line 4, after the first occurrence of "to"

19 insert "define and"; and in line 5 after the semicolon insert "to  
20 create an advisory council;".

**LEGISLATIVE BILL 335A.** Placed on Select File.

**LEGISLATIVE BILL 489.** Placed on Select File as amended.  
E & R amendment to LB 489:  
AM7093

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 25-224, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 25-224. (1) All product liability actions, except one  
6 governed by subsection (5) of this section, shall be commenced  
7 within four years next after the date on which the death, injury,  
8 or damage complained of occurs.  
9 (2)(a) Notwithstanding subsection (1) of this section or  
10 any other statutory provision to the contrary, any product  
11 liability action, except one governed by section 2-725, Uniform  
12 Commercial Code or by subsection (5) of this section, shall be  
13 commenced ~~within ten years after the date when the product which~~  
14 ~~allegedly caused the personal injury, death, or damage was first~~  
15 ~~sold or leased for use or consumption; as follows:~~  
16 (i) For products manufactured in Nebraska, within ten  
17 years after the date the product which allegedly caused the  
18 personal injury, death, or damage was first sold or leased for use  
19 or consumption; or  
20 (ii) For products manufactured outside Nebraska, within  
21 the time allowed by the applicable statute of repose, if any, of  
22 the state or country where the product was manufactured, but in no  
23 event less than ten years. If the state or country where the  
24 product was manufactured does not have an applicable statute of  
1 repose, then the only limitation upon the commencement of an action  
2 for product liability shall be as set forth in subsection (1) of  
3 this section.  
4 (b) If the changes made to this subsection by this  
5 legislative bill are declared invalid or unconstitutional, this  
6 subsection as it existed prior to the effective date of this act  
7 shall be deemed in full force and effect and shall apply to all  
8 claims in which a final order has not been entered.  
9 (3) The limitations contained in subsection (1), (2), or  
10 (5) of this section shall not be applicable to indemnity or  
11 contribution actions brought by a manufacturer or seller of a  
12 product against a person who is or may be liable to such  
13 manufacturer or seller for all or any portion of any judgment  
14 rendered against a manufacturer or seller.  
15 (4) Notwithstanding the provisions of subsections (1) and  
16 (2) of this section, any cause of action or claim which any person  
17 may have on July 22, 1978, may be brought not later than two years

18 following such date.

19 (5) Any action to recover damages based on injury  
 20 allegedly resulting from exposure to asbestos composed of  
 21 chrysotile, amosite, crocidolite, tremolite, anthrophyllite,  
 22 actinolite, or any combination thereof, shall be commenced within  
 23 four years after the injured person has been informed of discovery  
 24 of the injury by competent medical authority and that such injury  
 25 was caused by exposure to asbestos as described herein, or within  
 26 four years after the discovery of facts which would reasonably lead  
 27 to such discovery, whichever is earlier. No action commenced under  
 1 this subsection based on the doctrine of strict liability in tort  
 2 shall be commenced or maintained against any seller of a product  
 3 which is alleged to contain or possess a defective condition  
 4 unreasonably dangerous to the buyer, user, or consumer unless such  
 5 seller is also the manufacturer of such product or the manufacturer  
 6 of the part thereof claimed to be defective. Nothing in this  
 7 subsection shall be construed to permit an action to be brought  
 8 based on an injury described in this subsection discovered more  
 9 than two years prior to August 30, 1981.

10 Sec. 2. When the discovery rules promulgated by the  
 11 Supreme Court authorize discovery from a nonparty without a  
 12 deposition, a subpoena shall be issued by the clerk of the court  
 13 before whom the action is pending upon request of a party. An  
 14 attorney as an officer of the court may also issue and sign such a  
 15 subpoena on behalf of a court in which the attorney is authorized  
 16 to practice. The subpoena shall be served in the time and manner  
 17 required by the discovery rules. Such discovery rules shall not be  
 18 construed to permit discovery by subpoena if the information is  
 19 protected by statute or if that procedure conflicts with any other  
 20 statute.

21 Sec. 3. Section 25-1332, Reissue Revised Statutes of  
 22 Nebraska, is amended to read:  
 23 25-1332. The motion shall be served at least ten days  
 24 before the time fixed for the hearing. The adverse party prior to  
 25 the day of hearing may serve opposing affidavits. The judgment  
 26 sought shall be rendered forthwith if the pleadings, depositions,  
 27 and admissions on file, together with the affidavits, if any, and  
 1 the evidence admitted at the hearing show that there is no genuine  
 2 issue as to any material fact and that the moving party is entitled  
 3 to a judgment as a matter of law. The evidence that may be  
 4 received on a motion for summary judgment includes depositions,  
 5 answers to interrogatories, admissions, stipulations, and  
 6 affidavits. A summary judgment, interlocutory in character, may be  
 7 rendered on the issue of liability alone although there is a  
 8 genuine issue as to the amount of damages.

9 Sec. 4. Section 25-1701, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:  
 11 25-1701. On motion of a party against whom a claim has  
 12 been asserted in a civil action by a nonresident of this state,

13 after reasonable notice, and upon finding that security for costs  
14 is reasonable and proper, the court may order the opposing party to  
15 furnish a surety in an amount determined by the court to be  
16 sufficient to cover all costs likely to accrue in the action. A  
17 party ordered to furnish a surety may elect to furnish a cash bond  
18 in the same amount. In case a surety is furnished, the surety  
19 shall be a resident of this state or an incorporated surety company  
20 authorized by the laws of this state to transact such business.  
21 The surety shall be bound for the payment of all costs which may be  
22 adjudged against the party asserting the claim in the court in  
23 which the action is brought or heard. In all cases in which the  
24 plaintiff is a nonresident of the county in which the action is to  
25 be brought, before commencing such action the plaintiff must  
26 furnish a sufficient surety for costs; or such plaintiff may at his  
27 option furnish a cash bond by depositing with the judge or clerk of  
1 the court wherein the action is brought, such sum in cash as shall,  
2 at the filing of the suit, be by such judge or clerk, deemed  
3 probably sufficient to cover the costs likely to accrue in said  
4 action. In case a surety is furnished, the surety must be a  
5 resident of the county where the action is to be brought, except  
6 where such surety is an incorporated surety company authorized by  
7 the laws of this state to transact such business, and must be  
8 approved by the clerk. His obligation shall be complete upon  
9 endorsement of the summons or signing his name on the complaint as  
10 surety for costs. He shall be bound for the payment of all costs  
11 which may be adjudged against the plaintiff in the court in which  
12 the action is brought or in any other to which it may be carried,  
13 and for costs of the plaintiff's witnesses, whether the plaintiff  
14 obtained judgment or not.

15 Sec. 5. Section 25-1702, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 25-1702. An action in A claim for which security for  
18 costs is required by ordered under section 25-1701, or in which a  
19 cash bond has been fixed, and has not been given, shall be  
20 dismissed on motion and notice by the defendant at any proper time  
21 before judgment, unless in a reasonable time to be allowed by the  
22 court such security for costs be is given or a cash bond be is  
23 furnished.

24 Sec. 6. The court may order new or additional security  
25 at any time upon notice and on reasonable and proper terms.

26 Sec. 7. Section 25-1705, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 25-1705. After final judgment has been rendered in an  
2 action in which security for costs has been given, as required by  
3 this chapter, the court, on motion of the defendant, or any other  
4 person having a right to such costs, or any part thereof, after ten  
5 days' notice of such motion, may enter up judgment in the name of  
6 the defendant or his legal representatives, against the surety for  
7 costs, his executors or administrators, for the amount of the costs

8 ~~adjudged against the plaintiff~~, or so much thereof as may be  
 9 unpaid. Executions may be issued on such judgment, as in other  
 10 cases, for the use and benefit of the persons entitled to such  
 11 costs. In the event that a cash bond has been given, the court  
 12 shall, on motion of ~~the defendant~~, or any other person having a  
 13 right to such costs, or any part thereof, after ten days' notice of  
 14 such motion, enter judgment for the amount of costs ~~adjudged~~  
 15 ~~against the plaintiff~~, or so much thereof as may be unpaid, and  
 16 shall proceed to pay the same from ~~said the~~ cash bond; and any  
 17 surplus remaining after such costs have been paid and satisfied,  
 18 shall be returned to the plaintiff party who posted the cash bond.  
 19 Sec. 8. Section 29-2248, Reissue Revised Statutes of  
 20 Nebraska, is amended to read:

21 29-2248. The association shall:

22 (1) Encourage development and implementation of uniform  
 23 criteria for sentencing criminals;

24 (2) ~~Convene from time to time for the purpose of holding~~  
 25 Participate in planning and presenting institutes and seminars for  
 26 all judges in this state who sentence criminals or juveniles to  
 27 discuss problems related to sentencing criminals or juveniles;

1 (3) ~~Conduct, from time to time, Participate in planning~~  
 2 and presenting orientation programs for new judges, such programs  
 3 to include discussions of sentencing alternatives, procedures, and  
 4 purposes;

5 (4) Visit from time to time correctional facilities of  
 6 this state;

7 (5) Encourage creation and development of community  
 8 resources of value to the probation system;

9 (6) Conduct such other programs of whatever nature of  
 10 interest to its members; ~~and~~

11 (7) Exercise all powers and perform all duties necessary  
 12 and proper to carry out its responsibilities; ~~and~~

13 (8) Participate in planning and presenting institutes and  
 14 seminars for all county employees who work in the judicial branch  
 15 of government.

16 Sec. 9. Section 30-2402, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:

18 30-2402. Except as provided in ~~section 30-24,125~~

19 ~~sections 30-24,125 and 30-24,129~~, to be effective to prove the  
 20 transfer of any property or to nominate an executor, a will must be  
 21 declared to be valid by an order of informal probate by the  
 22 registrar or an adjudication of probate by the court, except that a  
 23 duly executed and unrevoked will which has not been probated may be

24 admitted as evidence of a devise if (1) no court proceeding  
 25 concerning the succession or administration of the estate has  
 26 occurred and (2) either the devisee or his or her successors and

27 assigns possessed the property devised in accordance with the  
 1 provisions of the will, or the property devised was not possessed  
 2 or claimed by anyone by virtue of the decedent's title during the



3 time period for testacy proceedings. Every will, when proved as  
4 provided in ~~this code~~ the Nebraska Probate Code, shall have a  
5 certificate of such proof endorsed thereon or annexed thereto,  
6 signed by the registrar, judge, or clerk magistrate of the county  
7 court and attested by the seal of the court. Every will so  
8 certified, and the record thereof, or a transcript of such record,  
9 certified by the judge or clerk magistrate of the county court and  
10 attested by the seal of the court, may be read in evidence in all  
11 courts of this state without further proof. An affidavit executed  
12 pursuant to section 30-24,129 prior to the effective date of this  
13 act is valid and effective to prove such transfer.

14 Sec. 10. Original sections 25-224, 25-1332, 25-1701,  
15 25-1702, 25-1705, 29-2248, and 30-2402, Reissue Revised Statutes of  
16 Nebraska, are repealed.

17 Sec. 11. The following sections are outright repealed:  
18 Sections 25-1703 and 25-1704, Reissue Revised Statutes of  
19 Nebraska."

20 2. On page 1, strike beginning with "civil" in line 1  
21 through line 4 and insert "courts; to amend sections 25-224,  
22 25-1332, 25-1701, 25-1702, 25-1705, 29-2248, and 30-2402, Reissue  
23 Revised Statutes of Nebraska; to provide for certain discovery  
24 subpoenas; to change provisions relating to summary judgment  
25 motions, the statute of repose, the Nebraska District Court Judges  
26 Association, and the Nebraska Probate Code; to change and eliminate  
27 provisions relating to security for costs; to harmonize provisions;  
1 to repeal the original sections; and to outright repeal sections  
2 25-1703 and 25-1704, Reissue Revised Statutes of Nebraska."

**LEGISLATIVE BILL 277A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### **ATTORNEY GENERAL'S OPINION**

#### Opinion #01012

DATE: April 3, 2001

SUBJECT: Constitutionality of LB 664 which would amend The Intergovernmental Risk Management Act, Neb. Rev. Stat. § 44-4301 to § 44-4339, to permit governmental entities to create pools to provide member coverage for employee health, dental, accident and life insurance in addition to property, liability and workers' compensation coverage.

REQUESTED BY: Senator Jon C. Bruning

WRITTEN BY: Don Stenberg, Attorney General  
John R. Thompson, Senior Assistant Attorney General

You have requested our opinion on the constitutionality of LB 664 which expands the Intergovernmental Risk Management Act to permit governmental entities to participate in risk management pools to provide for health, dental, accident and life insurance for employees of such entities. Your concern is with the "pooling concept" which exists in both the existing act and the proposed amendment.

Since it is the policy of this office to decline opinion requests from legislators concerning the constitutionality of existing statutes, this opinion is limited to the issues raised by you with respect to LB 664 and not to the Intergovernmental Risk Management Act.

In your letters of February 22, 2001, and March 1, 2001, you ask whether one County in the pool may constitutionally impose taxes on residents of that county for liabilities incurred in another member county in the pool. We assume you are referring to the "sound principle of taxation which prescribes that the benefits of taxation should be directly received by those directly concerned in bearing the burdens of taxation, so that a legislature cannot divert taxes raised by one taxing district to the sole use and benefit of another district". See *State ex rel. School Dist. Of Scottsbluff v. Ellis*, 168 Neb. 166, 172,95 N.W.2d 538.

In this instance we do not believe that concept applies. A Risk Management Pool may be formed by counties for health insurance coverage which provides for sharing of costs proportionately by each pool member. That sharing of costs is a general expense of each county member for the privilege of securing insurance. It is not a tax, although this expense, like any other, must be paid from tax revenues.

You also express concern that the pool may "levy a tax that is in excess of any statutory limitation". Again, it does not appear that the pool levies any tax as such. It only determines the share each member must pay for such member's costs for the insurance coverage. Each member is responsible for its own costs of operation, including costs of insurance, and must keep those costs within the various taxing limits imposed by constitution or statute on each member. In other words, buying into the pool does not give members any right to exceed such taxing limits.

Sincerely yours,  
DON STENBERG  
Attorney General  
(Signed) John R. Thompson  
Senior Assistant Attorney General

40-139-15.1

**UNANIMOUS CONSENT - Member Excused**

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 75.** Senator Connealy asked unanimous consent to replace his pending amendment, AM0978, found on page 1192, with a substitute amendment. No objections. So ordered.

Senator Connealy withdrew his pending amendment, AM0978, found on page 1192.

Senator Connealy renewed his substitute pending amendment, FA153, found on page 1320.

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

FA162

Amend FA153

Strike "one storage tank" and insert "two storage tanks"

Senator Kristensen 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.

**AMENDMENTS - Print in Journal**

Senator Kristensen filed the following amendment to LB 620:  
AM1357

(Amendments to Standing Committee amendments, AM1184)

- 1 1. Insert the following new amendment:
- 2 "8. On page 17, line 8, after 'is' insert '(i) for
- 3 companies qualifying under the twenty million dollar investment and
- 4 fifty new employee threshold under subdivision (3)(a) of this
- 5 section.'; in line 9 strike 'except that' and insert '(ii) for
- 6 companies qualifying under the fifty million dollar investment and
- 7 five hundred new employee threshold under subdivision (3)(b) of
- 8 this section or the one hundred million dollar investment and two
- 9 hundred fifty new employee threshold under subdivision (3)(c) of
- 10 this section, at least one hundred ten percent of the Nebraska
- 11 average annual wage, and (iii)'; and in line 13 strike 'such'
- 12 through 'be'."
- 13 2. Renumber the remaining amendments accordingly.

Senator Kristensen filed the following amendment to LB 620:  
AM1360

(Amendments to Standing Committee amendments, AM1184)

- 1 1. Insert the following new amendment:

- 2 "7. On page 10, lines 25 and 26; page 16, line 27; and  
 3 page 17, line 12, strike 'five' and insert 'six'."  
 4 2. Renumber the remaining amendments accordingly.

Senator Suttle filed the following amendment to LB 398:  
 AM1366

(Amendments to Standing Committee amendments, AM0975)

- 1 1. Strike section 3 and all amendments thereto.  
 2 2. On page 142, line 19, strike "28-402,".  
 3 3. On page 143, line 6, strike "Sections" and insert  
 4 "Section 28-402, Reissue Revised Statutes of Nebraska, and  
 5 sections".  
 6 4. Renumber the remaining sections and correct internal  
 7 references accordingly.

Senators Beutler and Wehrbein filed the following amendment to LB 657:  
 AM1144

- 1 1. On page 5, line 24, after "Fund" insert ". If  
 2 necessary, the State Treasurer shall reduce the distribution of tax  
 3 proceeds to the General Fund pursuant to this subsection by such  
 4 amount required to fulfill the one million dollars to be  
 5 distributed pursuant to this subdivision".  
 6 2. On page 6, line 1, after "Fund" insert ". If  
 7 necessary, the State Treasurer shall reduce the distribution of tax  
 8 proceeds to the General Fund pursuant to this subsection by such  
 9 amount required to fulfill the one million five hundred thousand  
 10 dollars to be distributed pursuant to this subdivision".

Senator Chambers filed the following amendment to LB 75:  
 FA166

Amend FA153

After "tank", put a period and strike remaining language.

Senator Connealy filed the following amendment to LB 75:  
 FA167

Amend FA153

Strike "one storage tank" and insert "two storage tanks, one of which is used exclusively for diesel fuel"

## STANDING COMMITTEE REPORTS

### Revenue

**LEGISLATIVE BILL 536.** Placed on General File as amended.  
 (Standing Committee amendment, AM1356, 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 765.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Kristensen and Coordsen asked unanimous consent to have their names added as cointroducers to LB 621. No objections. So ordered.

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 75. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 45 eleventh grade students and teachers from Crete; and 24 fourth grade students and teacher from Howells Community Catholic School.

The Doctor of the Day was Dr. Schierling from Lincoln.

**ADJOURNMENT**

At 4:17 p.m., on a motion by Senator Connealy, the Legislature adjourned until 9:00 a.m., Thursday, April 5, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTIETH DAY - APRIL 5, 2001**  
**LEGISLATIVE JOURNAL**  
**NINETY-SEVENTH LEGISLATURE**  
**FIRST SESSION**  
**SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 5, 2001

**PRAYER**

The prayer was offered by Father Daniel Seiker, Chaplain for School Sisters of Christ for the King, 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 Brown, McDonald, Redfield, and Schimek who were excused; and Senator Landis who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-ninth day was approved.

**UNANIMOUS CONSENT - Members Excused**

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

**AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 516:  
AM1365

(Amendments to E & R amendments, AM7091)

- 1 1. On page 2, line 15, after "Code" insert "as defined
- 2 in section 49-801.01".

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 52 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 52.

**GENERAL FILE**

**LEGISLATIVE BILL 516A.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 461A.** Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

**ANNOUNCEMENTS**

The Chair announced tomorrow is Senator Foley's birthday.

The Chair announced Saturday is Senator Erdman's birthday.

**SELECT FILE**

**LEGISLATIVE BILL 657.** E & R amendment, AM7080, found on page 1249, was adopted.

Senator Wickersham withdrew his pending amendment, AM1166, found on page 1221.

Senators Wickersham and Vrtiska withdrew their pending amendment, AM1199, found on page 1256.

Senators Wickersham and Vrtiska renewed their pending amendment, AM1300, found on page 1324.

Senators Coordsen and Bourne asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham-Vrtiska amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Senator Wickersham renewed the Wickersham et al. pending amendment, AM1289, found on page 1330.

Senators Landis and Erdman asked unanimous consent to be excused until they return. No objections. So ordered.



**PRESIDENT MAURSTAD PRESIDING**

Senator Wickersham moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Senator Wickersham requested a roll call vote, in reverse order, on the Wickersham et al. amendment.

Voting in the affirmative, 15:

Baker	Bromm	Coordsen	Dierks	Engel
Hudkins	Janssen	Jones	Kremer	Pederson, D.
Stuhr	Thompson	Tyson	Vrtiska	Wickersham

Voting in the negative, 27:

Aguilar	Beutler	Bourne	Brashear	Bruning
Byars	Connealy	Cudaback	Cunningham	Foley
Hartnett	Hilgert	Jensen	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Robak	Schrock	Smith
Suttle	Wehrbein			

Present and not voting, 2:

Burling	Chambers
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Excused and not voting, 5:

Brown	Erdman	McDonald	Redfield	Schimek
-------	--------	----------	----------	---------

The Wickersham et al. amendment lost with 15 ayes, 27 nays, 2 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

**SELECT COMMITTEE REPORT  
Enrollment and Review**

**Correctly Engrossed**

The following bill was correctly engrossed: LB 827.

**Enrollment and Review Change to LB 827**

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

ER9044

1. In the Bromm amendments, AM1192, on page 2, line 11, an underscored comma has been inserted after "85-1542".

2. In the E & R amendments, AM7072, on page 1, line 9, "sections" has been inserted before "70-701"; in line 16, ", 75-132.01," has been inserted after "70-625"; and in lines 20 and 21 "provide powers and duties for cities and villages" has been struck and "authorize qualifying businesses to obtain funding for certain telecommunications services" inserted.

3. In the Standing Committee amendments, AM0499, on page 2, line 16, "cost" has been struck and "price" inserted.

(Signed) Philip Erdman, Chairperson

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 5, 2001, 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

Mueller, William J.  
Greater Omaha Chamber of Commerce

Radcliffe, Walter H.  
Cutshall & Associates

Ruth, Larry L.  
Greater Omaha Chamber of Commerce

Shultz, Jack L.  
Motorcycle Industry Council, Inc.

### SELECT FILE

**LEGISLATIVE BILL 657.** Senator Wickersham asked unanimous consent to replace the Wickersham-Vrtiska pending amendment, AM1288, found on page 1330, with a substitute amendment. No objections. So ordered.

Senator Wickersham withdrew the Wickersham-Vrtiska pending amendment, AM1288, found on page 1330.

Senators Wickersham and Vrtiska offered the following substitute amendment:

AM1381

(Amendments to E & R amendments, AM7080)

- 1 1. On page 5, line 16, after the comma insert
- 2 "thirty-six cents per package from July 1, 2001, through June 30,

3 2016, and on and after July 1, 2016,"

4 2. On page 6, line 3, after "by" insert "thirty-six from

5 July 1, 2001, through June 30, 2016, and on and after July 1, 2016,

6 by".

Senators Landis and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

Senators Wickersham and Vrtiska withdrew their amendment.

Senator Stuhr asked unanimous consent to be excused. No objections. So ordered.

Senators Beutler and Wehrbein renewed their pending amendment, AM1144, found on page 1380.

Senator Brashear 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 17 ayes, 0 nays, and 32 not voting.

The Beutler-Wehrbein amendment was adopted with 26 ayes, 2 nays, 14 present and not voting, and 7 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 Janssen offered the following amendment:  
AM1383

(Amendments to E & R amendments, AM7080)

- 1 1. Insert the following new sections:
- 2 "Sec. 5. The Retailer Education and Training Fund is
- 3 created. Any money in the fund shall be used by the Nebraska
- 4 Liquor Control Commission to provide educational and training
- 5 programs for retailers of alcoholic liquor and tobacco products to
- 6 prevent such retail sales to minors. The fund shall contain the
- 7 money received pursuant to section 77-2602 and any funds donated as
- 8 gifts, bequests, or other contributions to such fund from public or
- 9 private entities. Any money in the fund available for investment
- 10 shall be invested by the state investment officer pursuant to the
- 11 Nebraska Capital Expansion Act and the Nebraska State Funds
- 12 Investment Act.
- 13 Sec. 6. Section 53-101, Revised Statutes Supplement,
- 14 2000, is amended to read:
- 15 53-101. Sections 53-101 to 53-1,121 and section 5 of
- 16 this act shall be known and may be cited as the Nebraska Liquor

17 Control Act.

18 Sec. 7. Section 53-116, Revised Statutes Supplement,

19 2000, is amended to read:

20 53-116. The power to regulate all phases of the control

21 of the manufacture, distribution, sale, and traffic of alcoholic

22 liquor, except as specifically delegated in the Nebraska Liquor

23 Control Act, is vested exclusively in the commission. In addition,

1 the commission may provide services related to the retail sale of

2 tobacco products as provided in section 5 of this act.

3 Sec. 8. Section 53-117, Revised Statutes Supplement,

4 2000, is amended to read:

5 53-117. The commission has the following powers,

6 functions, and duties:

7 (1) To receive applications for and to issue licenses to

8 and suspend, cancel, and revoke licenses of manufacturers,

9 wholesalers, nonbeverage users, retailers, railroads including

10 owners and lessees of sleeping, dining, and cafe cars, airlines,

11 and boats in accordance with the Nebraska Liquor Control Act;

12 (2) To fix by rules and regulations the standards of

13 manufacture of alcoholic liquor not inconsistent with federal laws

14 in order to insure the use of proper ingredients and methods in the

15 manufacture and distribution thereof and to adopt and promulgate

16 rules and regulations not inconsistent with federal laws for the

17 proper labeling of containers, barrels, casks, or other bulk

18 containers or of bottles of alcoholic liquor manufactured or sold

19 in this state. The Legislature intends, by the grant of power to

20 adopt and promulgate rules and regulations, that the commission

21 have broad discretionary powers to govern the traffic in alcoholic

22 liquor and to enforce strictly all provisions of the act in the

23 interest of sanitation, purity of products, truthful

24 representations, and honest dealings in a manner that generally

25 will promote the public health and welfare. All such rules and

26 regulations shall be absolutely binding upon all licensees and

27 enforceable by the commission through the power of suspension or

1 cancellation of licenses, except that all rules and regulations of

2 the commission affecting a Class H license, a bottle club license,

3 or a club possessing any form of retail license shall have equal

4 application to all such licenses or shall be void;

5 (3) To call upon other administrative departments of the

6 state, county and municipal governments, county sheriffs, city

7 police departments, village marshals, peace officers, and

8 prosecuting officers for such information and assistance as the

9 commission deems necessary in the performance of its duties;

10 (4) To recommend to local governing bodies rules and

11 regulations not inconsistent with law for the distribution and sale

12 of alcoholic liquor throughout the state;

13 (5) To inspect or cause to be inspected any premises

14 where alcoholic liquor is manufactured, distributed, or sold and,

15 when sold on unlicensed premises or on any premises in violation of

- 16 law, to bring an action to enjoin the use of the property for such  
 17 purpose;
- 18 (6) To hear and determine appeals from orders of a local  
 19 governing body in accordance with the act;
- 20 (7) To conduct or cause to be conducted an audit to  
 21 inspect any licensee's records and books;
- 22 (8) In the conduct of any hearing or audit authorized to  
 23 be held by the commission (a) to examine or cause to be examined,  
 24 under oath, any licensee and to examine or cause to be examined the  
 25 books and records of such licensee, (b) to hear testimony and take  
 26 proof material for its information in the discharge of its duties  
 27 under the act, and (c) to administer or cause to be administered  
 1 oaths;
- 2 (9) To investigate the administration of laws in relation  
 3 to alcoholic liquor in this and other states and to recommend to  
 4 the Governor and through him or her to the Legislature amendments  
 5 to the act; and
- 6 (10) To receive, account for, and remit to the State  
 7 Treasurer state license fees and taxes provided for in the act; and
- 8 (11) To provide educational and training programs for  
 9 retailers of alcoholic liquor and tobacco products as provided in  
 10 section 5 of this act."
- 11 2. On page 7, line 17, strike "(h)" and insert "(i)".
- 12 3. On page 8, line 3, strike "one million" and insert  
 13 "five hundred thousand"; in line 5 strike "and"; in line 7 strike  
 14 "one million five" and insert "seven hundred fifty"; and in line 9  
 15 after "Fund" insert "; and
- 16 (i) Ninth, beginning July 1, 2001, and continuing until  
 17 June 30, 2016, the State Treasurer shall place one million two  
 18 hundred fifty thousand dollars each fiscal year in the Retailer  
 19 Education and Training Fund".
- 20 4. On page 9, line 6, strike "and"; in line 7 after  
 21 "Fund" insert ", and (i) the Retailer Education and Training Fund";  
 22 in line 9 strike "(h)" and insert "(i)"; in line 12 strike  
 23 "section" and insert "sections 53-101, 53-116, 53-117, and"; and in  
 24 line 13 strike "is" and insert "are".
- 25 5. Renumber the remaining sections accordingly.

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

The Janssen amendment lost with 5 ayes, 16 nays, 19 present and not  
 voting, and 9 excused and not voting.

Senator Hilgert offered the following amendment:

FA168

Amend AM7080

Page two, line 22 after ":", insert the following new language

"Any amount of money allocated to this fund shall not be expended to support or assist in the relocation of any person, as defined in 77-2601, or their successor, unless a city of the metropolitan class can certify to the State Treasurer that three (3) public hearings have been conducted by the city for the purpose of soliciting public input into the relocation of a person or their successor. Such public hearing shall only be conducted after appropriate notice is provided to local newspapers and other local media outlets. Such certification shall also include a resolution by the governing body passed by an affirmative ¾ vote by the governing body approving the relocation of the person or their successor as described in this subsection."

Senator Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Hilgert withdrew his amendment.

Senator Janssen requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 23:

Aguilar	Beutler	Bourne	Bromm	Bruning
Burling	Connealy	Cudaback	Cunningham	Dierks
Foley	Hartnett	Hilgert	Jensen	Landis
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Robak	Suttler	Wehrbein		

Voting in the negative, 10:

Engel	Erdman	Janssen	Jones	Kremer
Pederson, D.	Smith	Thompson	Tyson	Vrtiska

Present and not voting, 7:

Baker	Byars	Chambers	Coordsen	Kruse
Maxwell	Wickersham			

Excused and not voting, 9:

Brashear	Brown	Hudkins	Kristensen	McDonald
Redfield	Schimek	Schrock	Stuhr	

Failed to advance to E & R for engrossment with 23 ayes, 10 nays, 7 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 444.** E & R amendment, AM7085, found on page 1307, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 808.** E & R amendment, AM7088, found on page 1307, was adopted.

Senator Price renewed her pending amendment, AM1202, found on page 1259.

The Price amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers renewed his pending amendment, AM1223, found on page 1288.

The Chambers amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 772.** E & R amendment, AM7087, found on page 1308, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 772A.** Advanced to E & R for engrossment.

Senator Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 420.** Title read. Considered.

Senator Engel asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM0236, found on page 556, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Senator Beutler 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 668:  
AM1375

(Amendments to Final Reading copy)

- 1 1. On page 4, line 13, strike "three", show as stricken,
- 2 and insert "one"; and in line 14 strike "one hundred dollars" and
- 3 show as stricken.

Senator Quandahl filed the following amendment to LB 489:  
AM1385

(Amendments to E & R amendments, AM7093)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Section 25-1558, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 25-1558. (1) Except as provided in subsection (2) of
- 5 this section, the maximum part of the aggregate disposable earnings
- 6 of an individual for any workweek which is subject to garnishment
- 7 shall not exceed the lesser of the following amounts:
- 8 (a) Twenty-five percent of his or her disposable earnings
- 9 for that week;
- 10 (b) The amount by which his or her disposable earnings
- 11 for that week exceed thirty times the federal minimum hourly wage
- 12 prescribed by 29 U.S.C. 206(a)(1) in effect at the time earnings
- 13 are payable; or
- 14 (c) Fifteen percent of his or her disposable earnings for
- 15 that week, if the individual is a head of a family.
- 16 (2) The restrictions of subsection (1) of this section
- 17 shall not apply in the case of:
- 18 (a) Any order of any court for the support of any
- 19 persons;
- 20 (b) Any order of any court of bankruptcy under Chapter
- 21 XIII of the Bankruptcy Act; or
- 22 (c) Any debt due for any state or federal tax.
- 23 (3) No court shall make, execute, or enforce any order or
- 1 process in violation of this section. The exemptions allowed in
- 2 this section shall be granted to any person so entitled without any
- 3 further proceedings.
- 4 (4) For the purposes of this section:
- 5 (a) Earnings shall mean compensation paid or payable by
- 6 an employer to an employee for personal services, whether
- 7 denominated as wages, salary, commission, bonus, or otherwise, and
- 8 includes periodic payments pursuant to a pension or retirement
- 9 program;
- 10 (b) Disposable earnings shall mean that part of the
- 11 earnings of any individual remaining after the deduction from those
- 12 earnings of any amounts required by law to be withheld;
- 13 (c) Garnishment shall mean any legal or equitable
- 14 procedure through which the earnings of any individual are required



- 15 to be withheld for payment of any debt; and
- 16 (d) Head of a family shall mean an individual who
- 17 actually supports and maintains one or more individuals who are
- 18 closely connected with him or her by blood relationship,
- 19 relationship by marriage, by adoption, or by guardianship, and
- 20 whose right to exercise family control and provide for the
- 21 dependent individuals is based upon some moral or legal obligation.
- 22 (5) Every assignment, sale, transfer, pledge, or mortgage
- 23 of the wages or salary of an individual which is exempted by this
- 24 section, to the extent of the exemption provided by this section,
- 25 shall be void and unenforceable by any process of law.
- 26 (6) No employer shall discharge any employee by reason of
- 27 the fact that his or her earnings have been subjected to
- 1 garnishment for any one indebtedness.
- 2 (7) In the case of earnings for any pay period other than
- 3 a week, the Commissioner of Labor shall by regulation prescribe a
- 4 multiple of the federal minimum hourly wage equivalent in effect to
- 5 that set forth in this section.
- 6 Sec. 11. Sections 4, 11, 12, and 15 become operative on
- 7 their effective date. The other sections of this act become
- 8 operative three calendar months after adjournment of this
- 9 legislative session.
- 10 Sec. 12. Original section 25-1558, Reissue Revised
- 11 Statutes of Nebraska, is repealed.
- 12 Sec. 15. Since an emergency exists, this act takes
- 13 effect when passed and approved according to law".
- 14 2. On page 2, line 6, strike "effective date of this
- 15 act" and insert "operative date of this section".
- 16 3. Renumber the remaining section accordingly.

Senators Hartnett, Janssen, Wickersham, Dierks, Coordsen, Raikes, and Landis filed the following amendment to LB 620:

AM1384

(Amendments to Standing Committee amendments, AM1184)

- 1 1. On page 4, strike beginning with "The" in line 17
- 2 through the period in line 21.
- 3 2. On page 8, line 20, strike "January 1, 2004" and
- 4 insert "October 1, 2002".

Senator Bromm filed the following amendment to LB 489:

AM1370

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 39-1345.01, Reissue Revised Statutes of
- 3 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 2. On page 3, line 17, strike "section 25-224" and  
 14 insert "sections 25-224 and 39-1345.01"; and in line 18 strike "is"  
 15 and insert "are".  
 16 3. Renumber the remaining section accordingly.

Senator Beutler filed the following amendment to LB 516:  
 AM1378

(Amendments to E & R amendments, AM7091)

- 1 1. Insert the following new sections:  
 2 "Sec. 5. Section 76-902, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 76-902. The tax imposed by section 76-901 shall not  
 5 apply to:  
 6 (1) Deeds recorded prior to November 18, 1965;  
 7 (2) Deeds to property transferred by or to the United  
 8 States of America, the State of Nebraska, or any of their agencies  
 9 or political subdivisions;  
 10 (3) Deeds which secure or release a debt or other  
 11 obligation;  
 12 (4) Deeds which, without additional consideration,  
 13 confirm, correct, modify, or supplement a deed previously recorded  
 14 but which do not extend or limit existing title or interest;  
 15 (5)(a) Deeds between husband and wife, or parent and  
 16 child, without actual consideration therefor, and (b) deeds to or  
 17 from a family corporation, partnership, or limited liability  
 18 company when all the shares of stock of the corporation or interest  
 19 in the partnership or limited liability company are owned by  
 20 members of a family, or a trust created for the benefit of a member  
 21 of that family, related to one another within the fourth degree of  
 22 kindred according to the rules of civil law, and their spouses, for  
 23 no consideration other than the issuance of stock of the  
 1 corporation or interest in the partnership or limited liability  
 2 company to such family members or the return of the stock to the  
 3 corporation in partial or complete liquidation of the corporation  
 4 or deeds in dissolution of the interest in the partnership or  
 5 limited liability company. In order to qualify for the exemption  
 6 for family corporations, partnerships, or limited liability  
 7 companies, the property shall be transferred in the name of the  
 8 corporation or partnership and not in the name of the individual  
 9 shareholders, partners, or members;  
 10 (6) Tax deeds;  
 11 (7) Deeds of partition;  
 12 (8) Deeds made pursuant to mergers, consolidations,  
 13 sales, or transfers of the assets of corporations pursuant to plans  
 14 of merger or consolidation filed with the office of Secretary of

15 State. A copy of such plan filed with the Secretary of State shall  
 16 be presented to the register of deeds before such exemption is  
 17 granted;

18 (9) Deeds made by a subsidiary corporation to its parent  
 19 corporation for no consideration other than the cancellation or  
 20 surrender of the subsidiary's stock;

21 (10) Cemetery deeds;

22 (11) Mineral deeds;

23 (12) Deeds executed pursuant to court decrees;

24 (13) Land contracts;

25 (14) Deeds which release a reversionary interest, a  
 26 condition subsequent or precedent, a restriction, or any other  
 27 contingent interest;

1 (15) Deeds of distribution executed by a personal  
 2 representative conveying to devisees or heirs property passing by  
 3 testate or intestate succession;

4 (16) Deeds transferring property located within the  
 5 boundaries of an Indian reservation if the grantor or grantee is a  
 6 reservation Indian;

7 (17) Deeds transferring property into a trust if the  
 8 transfer of the same property would be exempt if the transfer was  
 9 made directly from the grantor to the beneficiary or beneficiaries  
 10 under the trust. No such exemption shall be granted unless the  
 11 register of deeds is presented with a signed statement certifying  
 12 that the transfer of the property is made under such circumstances  
 13 as to come within one of the exemptions specified in this section  
 14 and that evidence supporting the exemption is maintained by the  
 15 person signing the statement and is available for inspection by the  
 16 Department of Revenue;

17 (18) Deeds transferring property from a trustee to a  
 18 beneficiary of a trust;

19 (19) Deeds which convey property held in the name of any  
 20 partnership or limited liability company not subject to subdivision  
 21 (5) of this section to any partner in the partnership or member of  
 22 the limited liability company or to his or her spouse;

23 (20) Leases; ~~or~~

24 (21) Easements; ~~or~~

25 (22) Deeds which transfer title from a trustee to a  
 26 beneficiary pursuant to a power of sale exercised by a trustee  
 27 under a trust deed.

1 Sec. 7. This act becomes operative on October 1, 2001."

2 2. On page 5, lines 1 and 2, strike "and 68-1607" and  
 3 insert "68-1607 and 76-902".

4 3. Renumber the remaining sections accordingly.

### MESSAGE FROM THE GOVERNOR

April 5, 2001

Patrick J. O'Donnell  
 Clerk of the Legislature  
 State Capitol, Room 2018  
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 240e was received in my office on March 30, 2001.

The bill was signed by me on April 5, 2001, and delivered to the Secretary of State.

Sincerely,  
 (Signed) Mike Johanns  
 Governor

### GENERAL FILE

**LEGISLATIVE BILL 804.** Title read. Considered.

The Standing Committee amendment, AM0142, found on page 546, was considered.

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

AM1372

(Amendments to Standing Committee amendments, AM0142)

- 1 1. Insert the following amendment:
- 2 "2. Renumber the remaining section accordingly."
- 3 2. On page 1, line 1, strike "Insert" and insert "Strike
- 4 original section 2 and insert" and strike "section" and insert
- 5 "sections"; in line 2 strike "Sec. 3." and insert:
- 6 "Section 1. Section 2-5304, Revised Statutes Supplement,
- 7 2000, is amended to read:
- 8 2-5304. ~~On or before December 1, 2001~~ Contingent on the
- 9 availability of funding, the Director of Natural Resources, in
- 10 consultation with the Carbon Sequestration Advisory Committee,
- 11 shall be encouraged to prepare a report to the Legislature. The
- 12 report, if any, shall include, but not be limited to:
- 13 (1) The potential for, and potential forms of, greenhouse
- 14 emissions regulation;
- 15 (2) The potential for development of a system or systems
- 16 of carbon emissions trading or markets for carbon sequestered on
- 17 agricultural land;
- 18 (3) Agricultural practices, management systems, or land
- 19 uses which increase stored soil carbon and minimize carbon dioxide
- 20 or other greenhouse emissions associated with agricultural
- 21 production;
- 22 (4) Methods for measuring and modeling net carbon

23 sequestration and greenhouse emissions reduction associated with  
1 various agricultural practices, management systems, or land uses  
2 occurring on agricultural land;  
3 (5) Areas of scientific uncertainty with respect to  
4 quantifying and understanding greenhouse emission reductions or  
5 soil carbon sequestration associated with agricultural activities;  
6 and  
7 (6) Any recommendations of the Carbon Sequestration  
8 Advisory Committee developed pursuant to section 2-5303.  
9 Sec. 3. Original section 2-5304 and 2-5305, Revised  
10 Statutes Supplement, 2000, are repealed.  
11 Sec. 4."

The Dierks amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Senator Chambers moved to indefinitely postpone LB 804.

Laid over.

#### **MOTION - Return LB 313 to Select File**

Senator Kremer moved to return LB 313 to Select File for the Kremer-Coordsen specific pending amendment, AM1117, found on page 1185.

The Kremer motion to return prevailed with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 313.** The Kremer-Coordsen specific pending amendment, AM1117, found on page 1185, was adopted with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

Advanced to E & R for reengrossment.

#### **MOTION - Return LB 313A to Select File**

Senator Kremer moved to return LB 313A to Select File for the Kremer-Coordsen specific pending amendment, AM1170, found on page 1267.

The Kremer motion to return prevailed with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 313A.** The Kremer-Coordsen specific pending amendment, AM1170, found on page 1267, was adopted with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

Advanced to E & R for reengrossment.

**MOTION - Return LB 585A to Select File**

Senator D. Pederson moved to return LB 585A to Select File for the Engel specific pending amendment, AM0937, found on page 1204.

The D. Pederson motion to return prevailed with 35 ayes, 0 nays, 3 present and not voting, and 11 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 585A.** The Engel specific pending amendment, AM0937, found on page 1204, was adopted with 36 ayes, 0 nays, 2 present and not voting, and 11 excused and not voting.

Advanced to E & R for reengrossment.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 797.** Placed on Select File as amended.  
E & R amendment to LB 797:  
AM7097

- 1 1. On page 1, line 5, strike "79-413,".
- 2 2. On page 57, line 25, strike "(3)", show as stricken,
- 3 and insert "(2)"; and in line 27 strike "(2)", show as stricken,
- 4 and insert "(1)".
- 5 3. On page 58, line 6, after "basic" insert "allowable".
- 6 4. On page 67, line 24, after "Taylor" insert "Grazing".
- 7 5. On page 77, line 23, reinstate the stricken "March 1
- 8 for".
- 9 6. On page 82, line 11, after "20" insert an underscored
- 10 comma.
- 11 7. On page 89, line 16, after "service" insert "units".
- 12 8. On page 92, line 25, strike "81-1642" and insert
- 13 "85-1642".

**LEGISLATIVE BILL 516A.** Placed on Select File.  
**LEGISLATIVE BILL 461A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

**STANDING COMMITTEE REPORTS**  
**Judiciary**

**LEGISLATIVE BILL 659.** Placed on General File as amended.  
Standing Committee amendment to LB 659:  
AM1342

- 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 DNA Testing Act.
- 5 Sec. 2. It is the intent of the Legislature that
- 6 wrongfully convicted persons have an opportunity to establish their
- 7 innocence through deoxyribonucleic acid, DNA, testing.
- 8 Sec. 3. The Legislature finds and declares:
- 9 (1) Over the past decade, DNA testing has emerged as the
- 10 most reliable forensic technique for identifying persons when
- 11 biological material is found at a crime scene or transferred from
- 12 the victim to the person responsible and transported from the crime
- 13 scene;
- 14 (2) Because of its scientific precision and reliability,
- 15 DNA testing can, in some cases, conclusively establish the guilt or
- 16 innocence of a criminal defendant. In other cases, DNA may not
- 17 conclusively establish guilt or innocence but may have significant
- 18 probative value to a finder of fact;
- 19 (3) While DNA testing is increasingly commonplace in
- 20 pretrial investigations currently, it was not widely available in
- 21 cases prior to 1994. Moreover, new forensic DNA testing
- 22 procedures, such as polymerase chain reaction amplification, DNA
- 23 short tandem repeat analysis, and mitochondrial DNA analysis, make
- 24 it possible to obtain results from minute samples that previously
- 1 could not be tested and to obtain more informative and accurate
- 2 results than earlier forms of forensic DNA testing could produce.
- 3 As a result, in some cases, convicted inmates have been exonerated
- 4 by new DNA tests after earlier tests had failed to produce
- 5 definitive results;
- 6 (4) Because DNA testing is often feasible on relevant
- 7 biological material that is decades old, it can in some
- 8 circumstances prove that a conviction which predated the
- 9 development of DNA testing was based upon incorrect factual
- 10 findings. DNA evidence produced even decades after a conviction,
- 11 can provide a more reliable basis for establishing a correct
- 12 verdict than any evidence proffered at the original trial. DNA
- 13 testing, therefor, can and has resulted in postconviction
- 14 exoneration of innocent men and women;
- 15 (5) In the past decade, there have been multiple
- 16 postconviction exonerations in the United States and Canada based
- 17 upon DNA testing. In addition, a disturbing number of persons
- 18 sentenced to death have been exonerated through postconviction DNA
- 19 testing, some of these exonerations coming within days of their

20 execution date;

21 (6) DNA testing responds to serious concerns regarding  
22 wrongful convictions, especially those arising out of mistaken  
23 eyewitness identification testimony; and

24 (7) There is a compelling need to ensure the preservation  
25 of biological material for postconviction DNA testing, for a  
26 limited period.

27 Sec. 4. (1) Notwithstanding any other provision of law,  
1 a person in custody pursuant to the judgment of a court may, at any  
2 time after conviction, file a motion, with or without supporting  
3 affidavits, in the court that entered the judgment requesting  
4 forensic DNA testing of any biological material that:

5 (a) Is related to the investigation or prosecution that  
6 resulted in such judgment;

7 (b) Is in the actual or constructive possession or  
8 control of the state or is in the possession or control of others  
9 under circumstances likely to safeguard the integrity of the  
10 biological material's original physical composition; and

11 (c) Was not previously subjected to DNA testing or can be  
12 subjected to retesting with more current DNA techniques that  
13 provide a reasonable likelihood of more accurate and probative  
14 results.

15 (2) Notice of such motion shall be served by the person  
16 in custody upon the county attorney of the county in which the  
17 prosecution was held.

18 (3) Upon receiving notice of a motion filed pursuant to  
19 subsection (1) of this section, the county attorney shall take such  
20 steps as are necessary to ensure that any remaining biological  
21 material that was secured by the state or a political subdivision  
22 in connection with the case is preserved pending the completion of  
23 proceedings under the DNA Testing Act.

24 (4) The county attorney shall prepare an inventory of all  
25 evidence that was secured by the state or a political subdivision  
26 in connection with the case and shall submit a copy of the  
27 inventory to the person or the person's counsel and to the court.

1 If evidence is intentionally destroyed after notice of a motion  
2 filed pursuant to this section, the court shall impose appropriate  
3 sanctions, including criminal contempt.

4 (5) Upon consideration of affidavits or after a hearing,  
5 the court shall order DNA testing pursuant to a motion filed under  
6 subsection (1) of this section upon a determination that such  
7 testing was effectively not available at the time of trial, that  
8 the biological material has been retained under circumstances  
9 likely to safeguard the integrity of its original physical  
10 composition, that the proposed testing to be conducted by examiners  
11 is agreed upon by the parties or is determined by the court to be  
12 competent to conduct such examination, and that such testing may  
13 produce noncumulative, exculpatory evidence relevant to the claim  
14 that the person was wrongfully convicted or sentenced.



15 Sec. 5. The cost of DNA testing ordered under subsection  
16 (5) of section 4 of this act shall be paid by the person filing the  
17 motion, unless the court determines such person to be indigent. If  
18 the person filing such motion is determined by the court to be  
19 indigent, then the costs shall be paid by the state. The testing  
20 shall be done at an approved and qualified testing facility  
21 determined by the court.

22 Sec. 6. Upon a showing by the person that DNA testing  
23 may be relevant to the person's claim of wrongful conviction, the  
24 court shall appoint counsel for an indigent person.

25 Sec. 7. (1) The results of the final DNA or other  
26 forensic testing ordered under subsection (5) of section 4 of this  
27 act shall be disclosed to the county attorney, to the person filing  
1 the motion, and to the person's attorney.

2 (2) Upon receipt of the results of such testing, any  
3 party may request a hearing before the court when such results  
4 exonerate and exculpate the person. Following such hearing, the  
5 court may, on its own motion or upon the motion of any party,  
6 vacate and set aside the judgment and release the person from  
7 custody based upon final testing results exonerating or exculpating  
8 the person.

9 (3) If the court does not grant the relief contained in  
10 subsection (2) of this section, any party may file a motion for a  
11 new trial under sections 29-2101 to 29-2103.

12 Sec. 8. Nothing in the DNA Testing Act shall be  
13 construed to limit the circumstances under which a person may  
14 obtain DNA testing or other postconviction relief under any other  
15 provision of law.

16 Sec. 9. (1) Notwithstanding any other provision of law  
17 and subject to subsection (2) of this section, state agencies and  
18 political subdivisions shall preserve any biological material  
19 secured in connection with a criminal case for such period of time  
20 as any person remains incarcerated in connection with that case.

21 (2) State agencies or political subdivisions that have  
22 secured biological material for use in criminal cases may dispose  
23 of biological material before expiration of the period of time  
24 specified in subsection (1) of this section if:

25 (a) The state agency or political subdivision which  
26 secured the biological material for use in a criminal case notifies  
27 any person who remains incarcerated in connection with the case,  
1 such person's counsel of record, or if there is no counsel of  
2 record, the public defender, if applicable, in the county in which  
3 the judgment of conviction of such person was entered. The notice  
4 shall include:

5 (i) The intention of the state agency or political  
6 subdivision to dispose of the material after ninety days after  
7 receipt of the notice; and

8 (ii) The provisions of the DNA Testing Act;

9 (b) The person, such person's counsel of record, or the

10 public defender does not file a motion under section 4 of this act  
11 within ninety days after receipt of notice under this section; and

12 (c) No other provision of law or court order requires  
13 that such biological material be preserved.

14 (3) The person, such person's counsel of record, or the  
15 public defender who receives notice under subdivision (2)(a) of  
16 this section, may, in lieu of a motion under section 4 of this act,  
17 request in writing to take possession of the biological material  
18 for the purpose of having the material available for any future  
19 discovery of scientific or forensic techniques. Copies of any such  
20 written request shall be provided to both the court and to the  
21 county attorney. The costs of acquisition, preservation, and  
22 storage of any such material shall be at the expense of the person.

23 Sec. 10. Section 29-2101, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 29-2101. A new trial, after a verdict of conviction, may  
26 be granted, on the application of the defendant, for any of the  
27 following ~~reasons~~ grounds affecting materially his or her  
1 substantial rights: (1) Irregularity in the proceedings of the  
2 court, ~~or~~ of the prosecuting attorney, or of the witnesses for the  
3 state, or in any order of the court, or abuse of discretion, by  
4 which the defendant was prevented from having a fair trial; (2)  
5 misconduct of the jury, ~~or~~ the prosecuting attorney, or of the  
6 witnesses for the state; (3) accident or surprise which ordinary  
7 prudence could not have guarded against; (4) ~~that~~ the verdict is  
8 not sustained by sufficient evidence or is contrary to law; (5)  
9 newly discovered evidence material for the defendant which he or  
10 she could not with reasonable diligence have discovered and  
11 produced at the trial; ~~or~~ (6) newly discovered exculpatory DNA or  
12 similar forensic testing evidence obtained under the DNA Testing  
13 Act; or

14 (7) error of law occurring at the trial.

15 Sec. 11. Section 29-2102, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 29-2102. The ~~causes~~ grounds enumerated in subdivisions  
18 (2), (3), and ~~(5)~~ (6) of section 29-2101 ~~must be sustained~~ shall be  
19 supported by affidavits showing ~~their~~ the truth, of such grounds  
20 and the grounds may be controverted by affidavits. The ground  
21 enumerated in subdivision (5) of section 29-2101 shall be supported  
22 by evidence of the truth of the ground in the form of affidavits,  
23 depositions, or oral testimony.

24 Sec. 12. Section 29-2103, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 29-2103. (1) A motion for new trial shall be made by  
27 written application and may be filed either during or after the  
1 term of the court at which the verdict was rendered.  
2 (2) A motion for a new trial shall state the grounds  
3 under section 29-2101 which are the basis for the motion and shall  
4 be supported by evidence as provided in section 29-2102.

5 (3) A motion for new trial based on the grounds  
6 enumerated in subdivision (1), (2), (3), (4), or (7) of section  
7 29-2101 shall be filed within ten days after the verdict was  
8 rendered unless such filing is unavoidably prevented and the  
9 grounds for such motion may be stated by directly incorporating the  
10 appropriate language of section 29-2101 without further  
11 particularity.

12 (4) A motion for new trial based on the grounds  
13 enumerated in subdivision (5) of section 29-2101 shall be filed  
14 within a reasonable time after the discovery of the new evidence  
15 and cannot be filed more than three years after the date of the  
16 verdict unless the new evidence claims actual innocence and is  
17 supported by clear and convincing evidence of such innocence.

18 (5) A motion for new trial based on the grounds  
19 enumerated in subdivision (6) of section 29-2101 shall be filed  
20 within ninety days after a final order is issued under section 7 of  
21 this act or within ninety days after the hearing if no final order  
22 is entered, whichever occurs first. The application for a new  
23 trial shall be by motion upon written grounds, and may be filed  
24 either within or without the term at which the verdict is rendered.  
25 It shall, except for the cause of newly discovered evidence  
26 material for the party applying, which he could not with reasonable  
27 diligence have discovered and produced at the trial, be filed  
1 within ten days after the verdict was rendered unless unavoidably  
2 prevented. In assigning the grounds for such motion, it shall be  
3 sufficient to assign the same in the language of the statute and  
4 without further or other particularity. In any criminal case where  
5 it shall be made to appear upon the motion of the defendant for a  
6 new trial, supported by affidavits, depositions or oral testimony,  
7 that the defendant has discovered new evidence material to his  
8 defense which he could not with reasonable diligence have  
9 discovered and produced during the term within which the verdict  
10 upon which he was sentenced was rendered, the district court may  
11 set aside such sentence and grant a new trial; PROVIDED, that such  
12 motion is filed within a reasonable time after the discovery of the  
13 new evidence; AND PROVIDED FURTHER, that such motion must be filed  
14 within three years after the date of such verdict, and such motion  
15 and the procedure herein provided shall be the exclusive method and  
16 procedure for reviewing criminal cases after the expiration of the  
17 term at which such verdict is rendered.

18 Sec. 13. Original sections 29-2101 to 29-2103, Reissue  
19 Revised Statutes of Nebraska, are repealed.".

**LEGISLATIVE BILL 781.** Placed on General File as amended.  
Standing Committee amendment to LB 781:  
AM1352

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

3 "Section 1. (1) In any civil action brought by the  
4 owner, operator, or occupant of a motor vehicle or by his or her  
5 personal representative or assignee or by the owner of the  
6 livestock for damages resulting from collision of a motor vehicle  
7 with any domestic animal or animals on a public highway, the  
8 following shall apply:  
9 (a) The plaintiff's burden of proving his or her case  
10 shall not shift at any time to the defendant;  
11 (b) The fact of escaped livestock is not, by itself,  
12 sufficient to raise an inference of negligence against the  
13 defendant; and  
14 (c) The standard of care shall be according to principles  
15 of ordinary negligence and shall not be strict or absolute  
16 liability.  
17 (2) For purposes of this section, highway and motor  
18 vehicle have the same meaning as in section 39-101."

(Signed) Kermit A. Brashear, Chairperson

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Smith and Robak asked unanimous consent to have their names added as cointroducers to LB 692. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were FFA members from Nebraska and Texas; Pam Bergstrom from Plainview; 46 fourth grade students and teachers from Plattsmouth; Nick and Dempsey Smith from Oakland; Senator Bruning's mother-in-law, Judy Niemack, 35 fourth grade students, and teachers from Wood River; and 31 fourth grade students and teachers from Morton Elementary School, Hastings.

The Doctor of the Day was Dr. Charles Smith from Oakland.

#### **ADJOURNMENT**

At 12:57 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Monday, April 9, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-FIRST DAY - APRIL 9, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 9, 2001

**PRAYER**

The prayer was offered by Reverend Jason Peters, Offut Air Force Base, 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 McDonald who was excused; and Senators Brashear, Brown, Chambers, Cunningham, Kristensen, Landis, Dw. Pedersen, Price, Tyson, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixtieth was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 215, 668, 668A, 750, and 768.

**Enrollment and Review Change to LB 215**

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

ER9045

1. In lieu of the Chambers amendment, FA158, in the E & R amendments, AM7086, on page 34, line 20; and page 39, line 4, "sexual orientation," has been inserted after the first comma.

2. In the Beutler amendment, FA157, on page 1, "section 76-2,120" has

been struck and "this section" inserted and "buyers agents" has been struck and "a buyer's agent" inserted.

3. In the E & R amendments, AM7086:

a. On page 14, line 1, "dual agency" has been struck, shown as stricken, and "dual-agency" inserted; and

b. On page 31, line 3, "commission" has been struck, shown as stricken, and "director" inserted.

### **Enrollment and Review Change to LB 668**

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

ER9046

1. On page 1, line 2, ", and section 71-6321, Revised Statutes Supplement, 2000" has been inserted after "Nebraska"; in line 3 "to change fee provisions under the Residential Lead-Based Paint Professions Certification Act; to harmonize provisions;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.

(Signed) Philip Erdman, Chairperson

### **ATTORNEY GENERAL'S OPINION**

#### Opinion #01013

DATE: April 5, 2001

SUBJECT: Constitutionality of LB 600 - Valuation of Agricultural and Horticultural Land for Property Tax Purposes Based on the "Capitalized Net Earning Capacity" of the Land as Used for Agricultural or Horticultural Purposes.

REQUESTED BY: Senator George Coordsen  
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General  
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding whether LB 600, which would change the manner in which the value of agricultural and horticultural land is determined for property tax purposes, is consistent with the authority granted the Legislature to provide for the classification and taxation of agricultural and horticultural land under Neb. Const. art. VIII, § 1. LB 600 proposes to change the current method of valuing agricultural and horticultural land at eighty percent of its "actual value", which is statutorily defined as "market value." Neb. Rev. Stat. §§ 77-112 and 77-201(2) (Cum. Supp. 2000). Under LB 600, the "actual value" of agricultural land would no longer be based on a percentage of "market value", but would be

determined on the basis of "the capitalized net earning capacity" of the land as used for agricultural or horticultural purposes. LB 600, § 2. Your question is whether the Legislature's adoption of a "capitalized net earning capacity" method to value agricultural and horticultural land is authorized by subsections (4) and (5) of Neb. Const. art. VIII, § 1.<sup>1</sup>

Subsection (1) Article VIII, § 1, provides: "Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; . . . ." Subsection (4) of Article VIII, § 1, provides:

[T]he Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural and horticultural land;. . .

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<sup>1</sup> You have asked us to review the validity of LB 600 based on consideration of the authority granted the Legislature under both subsections (4) and (5) of Article VIII, § 1. Subsection (5) contains the so-called "Greenbelt" provision which was added to the Constitution in 1972. 1972 Neb. Laws, LB 837 § 1. This subsection provides: "[T]he Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural purposes without regard to any value which such land might have for other purposes or uses;. . . ." The legislation initially implementing this constitutional provision reveals the intent of the "Greenbelt" amendment was to protect farmers and ranchers owning land near urban areas from being taxed based on the speculative market value of the land for potential non-agricultural use. See Committee Statement on LB 359, 83<sup>rd</sup> Leg., 1<sup>st</sup> Sess. (1973) ("[T]his bill provides for special assessment for agricultural purposes within agricultural use zones. . .for. . .the owner of such land in rural-urban fringe areas subject to high valuations because of nearby residential and industrial developments. . ."). The Legislature has responded to passage of the "Greenbelt" amendment by allowing for special valuation of agricultural land which is "zoned predominantly for agricultural or horticultural use. . . ." Neb. Rev. Stat. § 1344(1) (Cum. Supp. 2000). LB 600 proposes only a small modification to the Greenbelt statutes (Neb. Rev. Stat. §§ 77-1343 to 77-1348 (Cum. Supp. 2000)), a minor change to § 77-1343. LB 600, § 4. Thus, it appears the principal issue raised by your request is whether the separate classification of agricultural land and horticultural land, and the valuation of such class of land in a different manner than other real property, is permissible under subsection (4) of Article VIII, § 1.

This language was added to Article VIII, § 1, in 1990, when the voters approved an amendment proposed by the Legislature, 1989 Neb. Laws, LR 2CA.<sup>2</sup> LR 2CA was intended to address concerns resulting from a 1987 Nebraska Supreme Court decision stating that a 1984 amendment to Article VIII, § 1, permitting the Legislature to establish agricultural land as a separate and distinct class of property for tax purposes, did not exempt agricultural land from the requirement of uniformity in relation to all other tangible property as mandated at that time by Article VIII, § 1. *Banner County v. State Bd. of Equal. and Assess.*, 226 Neb. 236, 411 N.W.2d 35 (1987) [*"Banner County"*].<sup>3</sup> Following passage of the 1984 constitutional amendment (known as "amendment four"), the Legislature, in 1985, enacted LB 271. LB 271 was intended to implement amendment four by modifying the manner in which agricultural land was valued for property taxation. As explained in the *Banner County* case, LB 271 established a valuation system for agricultural land "based on the earning capacity of such land". 226 Neb. at 245, 411 N.W.2d at 42. Under LB 271, agricultural land was divided "into major use categories and such categories into subclasses based on soil classification. . . ." *Id.* at 246, 411 N.W.2d at 42. The approach adopted under LB 271 based agricultural land value on its income-producing capability as determined by soil and land type. The five use categories established were "irrigated cropland, dryland cropland, pasture, rangeland, and wasteland." *Id.* at 247, 411 N.W.2d at 42. LB 271 contained a "formula" to derive agricultural land value by computing the "income stream" (estimating future earnings derived from the land) divided by a "capitalization rate" (discounting the earnings to present value). "Income streams" were to be determined for each category of land. *Id.* For irrigated and dryland cropland, income streams were "computed by multiplying gross receipts by landowner share by county." *Id.* The "capitalization rate" contained a blend of "debt" and "equity" components, with the debt portion set at 20 percent and the equity portion at 80 percent. *Id.* at 247, 411 N.W.2d at 43. The debt portion was multiplied by "the most recent 5-year average of the Federal Land Bank interest rates in the Omaha district, resulting in the weighted debt capitalization rate." *Id.* at 247-48, 411

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<sup>2</sup> The original language provided the Legislature could value agricultural and horticultural land in a manner resulting "in values that are not uniform and proportionate with all other tangible property and franchises. . . ." 1989 Neb. Laws, LR 2CA (emphasis added). This portion was amended in 1992 by substituting the word "real" for "tangible." 1992 Neb. Laws, LR 219 CA, § 1.

<sup>3</sup> Article VIII, § 1, has since been amended to eliminate the requirement of uniform taxation of "all tangible property and franchises", and now requires uniform taxation of "all real property and franchises as defined by the Legislature, except as otherwise provided in or permitted by [the] Constitution." Neb. Const. art. VIII, § 1, *as amended* by 1992 Neb. Laws, LR 219 CA.



N.W.2d at 43. The owner equity portion was "multiplied by the most recent 5-year average of 6-month U.S. Treasury bill interest rates, resulting in the weighted equity capitalization rate." *Id.* at 248, 411 N.W.2d 43. These numbers were "then added together to obtain the appropriate capitalization rate." *Id.*

Discussing the effect of amendment four on the applicability of the uniformity requirement in Article VIII, § 1, as to the separate class of agricultural land established by the enactment of LB 271, the Court in *Banner County* stated:

The State Constitution requires that taxes be levied 'by valuation uniformly and proportionately upon all tangible property' except motor vehicles. The constitutional amendment, upon which L.B. 271 is based, amendment four, permits agricultural property to be treated as a separate class for purposes of property tax. The amendment did not repeal the uniformity clause.

\* \* \*

Since amendment four did not repeal the uniformity clause, expressly or by implication, the two clauses must be read in such a way as to give effect to both clauses. Thus, L.B. 271 must meet the requirements of both clauses to pass the test of constitutionality. Specifically, amendment four permitted the Legislature to classify property as a separate class, but the uniformity clause required the Legislature to treat that class in a uniform manner with other tangible property.

\* \* \*

Since the uniformity clause was not repealed, the Legislature can divide the class of tangible property into different classifications, but these classifications remain subdivisions of the overall class of 'all tangible property' and there must be a correlation between them to show uniformity. Such a correlation is made by evidence that all tangible property has been uniformly assessed.

No evidence of such a correlation is present in the record before us or in the statutes implementing amendment four. In fact, our review of the statutes shows the correlation requirement was entirely disregarded.

\* \* \*

[The statutes] provide for the separate classification and valuation of agricultural property and are consistent with amendment four. Conspicuously absent from these statutes,

however, is a requirement that the resulting values obtained for agricultural land be correlated with the values obtained for other real property as required by the uniformity clause.

These statutes have the effect of permitting the Legislature to do indirectly what it is prevented by the Constitution from doing directly—the taxation of agricultural land in a nonuniform manner from the taxation of other tangible property.

226 Neb. at 252-54, 411 N.W.2d at 45-46.

Prior to the Nebraska Supreme Court's decision in *Banner County*, it was generally understood that the adoption of amendment four was intended to allow the Legislature to establish agricultural land as a separate class of property which was not required to be valued and taxed uniformly with other property. See Note, Separate Property Tax Classification for Agricultural Land: Cure of Disease?, 64 Neb. L. Rev. 313, 337-347 (1985); Note, Nebraska's "Mysterious" New Tax Valuation System: L.B. 271, the Agricultural Land Valuation Law, 19 Creighton L. Rev. 623, 633-34 (1986). One commentator, discussing the presumed effect of amendment four, stated that "[t]he amendment allowed the legislature to set up a system which valued agricultural land other than on the basis of market value and at a valuation rate different from commercial or residential land." 19 Creighton L. Rev. at 634. LB 271, which established a method to value agricultural land based on an earning-capacity approach, was the vehicle chosen by the Legislature to implement amendment four.

This understanding of the intent and effect of amendment four was shattered by the decision in *Banner County*, however, when the Court held that amendment four, while it allowed the separate classification of agricultural land, did not exempt agricultural land from the requirement of uniform and proportionate valuation and taxation in relation to other property. In response, the Legislature proposed another constitutional amendment in 1989, LR 2CA, which was intended to clearly establish the Legislature's authority to separately classify agricultural land and to specifically allow the Legislature to "provide a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate" with other property, "but which results in values that are uniform and proportionate upon all property within the class of agricultural and horticultural land." 1989 Neb Laws, LR 2CA, § 1. The intent to separate agricultural and horticultural land from the requirement of uniform taxation in relation to other property was clearly stated in the Introducer's Statement of Intent accompanying LR 2CA:

This bill responds to the doubt the Nebraska Supreme Court has cast on the validity of Amendment 4 and LB 271 of 1985. My intent is to resolve this legal uncertainty by providing a clear exception to the uniformity requirement of the Nebraska Constitution for agricultural land.

Specifically, LR 2CA proposes a constitutional amendment to permit agricultural and horticultural land to be taxed as a separate class and assessed by a method which results in values which are not uniform or proportionate with other classes or subclasses of property.

Committee Records on LR 2CA, 91<sup>st</sup> Leg., 1<sup>st</sup> Sess., Introducer's Statement of Intent (Feb. 2, 1989).

LR 2CA was submitted to the electorate at the General Election held in November, 1990. The amendment was approved by an overwhelming majority, with 317,534 votes cast for adoption of the amendment, and 200,744 votes cast against. 1998-99 Nebraska Blue Book at 271. The changes made to Article VIII, § 1, by the 1990 amendment have remained part of the Constitution, and have twice been reenacted without substantial change.<sup>4</sup>

"A state Constitution is the supreme written will of the people of the state who have adopted it as a framework or basis of their government, subject only to the limitations to be found in the federal Constitution." *Ramsey v. Gage County*, 153 Neb. 24, 30, 43 N.W.2d 593, 597 (1950). "Courts must apply and enforce the Constitution as it is written." *State ex rel. Spire v. Public Employees Retirement Bd.*, 226 Neb. 176, 178, 410 N.W.2d 463, 465 (1987). "In construing a constitutional amendment to ascertain intent of the people in adopting it, courts must find such intent in the language of the amendment itself and must not hold that the people intended anything different than the language employed imports." *Sorenson v. Swanson*, 181 Neb. 205, 212-13, 147 N.W.2d 620, 625 (1967). "[T]he courts should accord to [the language of the constitution] the meaning which obviously would be accepted by the layman." *Mekota v. State Bd. of Equal.*, 146 Neb. 370, 378, 19 N.W.2d 633, 638 (1945).

The plain language of subsection (4) of Article VIII, § 1, expressly permits the Legislature to establish agricultural and horticultural land as a separate class of property for purposes of taxation, and allows the Legislature to establish a method of taxing agricultural and horticultural land which results in values which are not uniform and proportionate with other real property. While the Legislature is allowed to separately classify agricultural and horticultural land, and to value agricultural and horticultural land in a different manner than other real property, subsection (4) of Article VIII, § 1, does require that the valuation method for agricultural and

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<sup>4</sup> As noted, the reference to "tangible" property was amended to refer to "real" property in 1990, when Article VIII, § 1, was amended to make the uniformity requirement applicable only to "real" property, thus removing personal property from the rule of uniformity previously contained in the Constitution. 1992 Neb. Laws, LR 219 CA, § 1. The provision was also reenacted in 1998. 1998 Neb. Laws, LR 45 CA, § 1.

horticultural land result in values which are uniform and proportionate within the class of agricultural and horticultural land. Thus, subsection (4) permits the separate classification of agricultural and horticultural land, and nonuniform taxation of agricultural and horticultural land in relation to other real property, but requires uniformity of taxation within the separate class of agricultural and horticultural land.

Consistent with subsection (4) of Article VIII, § 1, LB 600 continues to provide that agricultural and horticultural land as defined by the Legislature "shall constitute a separate and distinct class of property for purposes of property taxation. . . ." LB 600, § 3; Neb. Rev. Stat. § 77-201(2) (Cum. Supp. 2000). Under LB 600, however, the valuation of agricultural and horticultural land for property tax purposes would no longer be based on "eighty percent of its actual [i.e. market] value" (Neb. Rev. Stat. § 77-201(2) (Cum. Supp. 2000)); rather, it would "be valued uniformly and proportionately within this distinct classification on the basis of its capitalized net earning capacity for agricultural or horticultural purposes . . ." LB 600, § 3. As subsection (4) of Article VIII, § 1, allows the Legislature to separately classify agricultural and horticultural land for property taxation, and to establish a different method to value agricultural and horticultural land for property taxation which does not result in values which are "uniform and proportionate with all other real property (i.e., commercial and residential real property), we conclude that the separate classification of agricultural and horticultural land and taxation of such land based on a different method (capitalized net earning capacity) than other real property (market value) under LB 600 is authorized under this portion of the Nebraska Constitution.<sup>5</sup>

While the separate classification of agricultural land for property tax purposes, and the establishment of a different method of valuing agricultural land (capitalized net earning capacity) as opposed to the manner of valuing other real property (market value) is authorized by Article VIII, § 1, a question may exist as to whether the different taxation of agricultural and non-agricultural land violates the guarantee of equal protection of the law mandated by the Fourteenth Amendment to the United States Constitution.

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<sup>5</sup> Indeed, any other conclusion would call into question the existing method of valuing agricultural and horticultural land for property tax purposes, as such land is not taxed at the same level of value as other real property. Currently, agricultural and horticultural land is valued at 80 percent of market value, while other real property is assessed at full market value. Neb. Rev. Stat. §§ 77-112 and 77-201(2) (Cum. Supp. 2000). This different treatment can only be sustained if Article VIII, § 1(4), is construed to allow the separate classification of agricultural and horticultural land, and the taxation of such land in a manner which is not uniform with other real property. We believe the Nebraska Constitution, as amended, authorizes the Legislature to provide for such classification and nonuniform taxation of agricultural and horticultural land in relation to other real property.

In *Banner County*, the Nebraska Supreme Court, in *dicta*, noted that, as the issue was not presented, the Court would "not undertake to determine whether a Nebraska constitutional amendment permitting land which produces income by raising crops to be taxed differently than land which produces income by other means would violate the U.S. Constitution." 226 Neb. at 255, 411 N.W.2d at 47. In raising this question, the Court cited the U. S. Supreme Court decision in *Sioux City Bridge Co. v. Dakota County*, 260 U.S. 441 (1923), which held that the failure to provide a taxpayer with equal tax treatment in accordance with a state constitutional requirement of uniform taxation resulted in a violation of the due process and equal protection guarantees contained in the Fourteenth Amendment.

The equal protection clause "imposes no iron rule of equality, prohibiting the flexibility and variety that are appropriate to reasonable schemes of state taxation." *Allied Stores of Ohio, Inc. v. Bowers*, 358 U.S. 522, 526 (1959). In structuring their internal tax structures, "the States have large leeway in making classifications and drawing lines which in their judgment produce reasonable systems of taxation." *Lehnhausen v. Lake Shore Auto Parts Co.*, 410 U.S. 356, 359 (1973). It is inherent in a state's power to tax that it be free to select the subjects of taxation, and to grant exemptions. *Carmichael v. Southern Coal and Coke Co.*, 301 U.S. 495 (1937). In order for a state tax classification or scheme to withstand scrutiny under the equal protection clause, it is necessary only to consider whether the challenged classification or tax is rationally based and related to a legitimate state purpose. *Exxon Corp. v. Eagerton*, 462 U.S. 176 (1983). "A state law is not arbitrary thought it 'discriminate[s] in favor of a certain class . . . if the discrimination is founded upon a reasonable distinction, or difference in state policy,' not in conflict with the Federal Constitution." *Kahn v. Shevin*, 416 U.S. 535, 355 (1974) (quoting *Allied Stores of Ohio, Inc. v. Bowers*, 358 U.S. 522, 528 (1959)). As the Court stated in its decision in *Allegheny Pittsburgh Coal Co. v. County Comm'n of Webster County*, 488 U.S. 336, 344 (1989): "The States, of course, have broad powers to impose and collect taxes. A State may divide different kinds of property into classes and assign to each class a different tax burden so long as those divisions and burdens are reasonable."

In *Nordlinger v. Hahn*, 505 U.S. 1, 112 S.Ct. 2326 (1992), the Court considered an equal protection challenge to a California property tax system that included unequal or disparate real estate taxation of similar pieces of property, depending on the date of acquisition by the property owner. Under this system, property taxes could vary as much as 1,700 percent, since long-term owners were subject to lower taxes reflecting historic property values at the time of acquisition, while newer owners paid higher taxes based on the use of more recent values reflecting current market values. The *Nordlinger* Court upheld the constitutionality of the California property tax scheme, finding at least two rational bases for the California tax program, and further noted that "[f]or purposes of rational-basis review, the 'latitude of discretion is notably wide in . . . the granting of partial or total exemptions upon grounds of policy.'" *Id.* at 17, 112 S.Ct. at 2335 (quoting

*F.S. Royster Guano Co. v. Virginia*, 253 U.S. 412, 415 (1920)). The Court concluded:

Time and again, however, this Court has made clear in the rational-basis context that the 'Constitution presumes that, absent some reason to infer antipathy, even improvident decisions will eventually be rectified by the democratic process and that judicial intervention is generally unwarranted no matter how unwisely we may think that a political branch has acted'. . . .

*Id.* at 17-18, 112 S.Ct. at 2336 (quoting *Vance v. Bradley*, 440 U.S. 93, 97 (1979)).

Applying the traditional standard of review used to judge the validity of classifications of property for tax purposes, a rational basis can likely be articulated to justify the separate classification of agricultural land and the adoption of an "earning capacity" method of valuing agricultural land. Section 1 of LB 600 includes a legislative declaration "that the encouragement and support of agriculture and horticulture in Nebraska is a rational state policy", and a declaration that, "to achieve that policy, the value of agricultural and horticultural land for property tax purposes shall be determined based on the capitalized net earning capacity attributable to the inherent capabilities of the land at its current use as agricultural land or horticultural land." Most states provide for the separate classification of agricultural land for property tax purposes, 64 Neb. L. Rev. at 315n.9, and virtually all states provide a mechanism for "preferential assessment or taxation of agricultural land. . . ." J. Malme, *Preferential Property Tax Treatment of Land* 7 (Lincoln Institute of Land Policy 1993). "The rationale is that income from agricultural . . . production is low relative to the capital value required for the enterprise, making owners 'land rich and income poor.' Farmers have high outlay costs, and high taxes on their lands further reduce meager profits, making farming economically infeasible." *Id.* at 8. The "unique nature of agri-business" and "concern over land use and the environment" have also been cited as factors justifying "preferential" tax treatment of agricultural land. 19 Creighton L. Rev. at 628. Thus, with regard to the valuation of agricultural land for property tax purposes, "[t]he predominant appraisal approach is the capitalization of income. Valuation of land according to its earning capacity is consistent with the policy of linking taxation to income derived from the land as opposed to the land's speculative market value." J. Malme, *supra*, at 22. In view of these factors, it appears a rational basis exists to sustain the Legislature's choice to utilize a "capitalized net earning capacity" method to value agricultural and horticultural land for property tax purposes.

As noted previously, however, the Nebraska Supreme Court in *Banner County*, citing the U. S. Supreme Court decision in *Sioux City Bridge v. Dakota County*, intimated that the federal equal protection clause may not permit a state constitutional provision allowing for taxation of agricultural land and other income-producing land in a different, non-uniform manner.

We believe that this suggestion is not warranted by application of the appropriate equal protection analysis.

In *Sioux City Bridge v. Dakota County*, the Court held the failure to provide the taxpayer with equal tax treatment in accordance with a state constitutional requirement of uniform taxation resulted in a violation of the due process and equal protection guarantees contained in the Fourteenth Amendment to the United States Constitution. An important distinction, however, exists between the equal protection clause principle at issue in that case, and cases involving application of the rational basis standard. *Sioux City Bridge* involved application of the remedy required by the equal protection clause where intentional and systematic undervaluation of other taxable property in the same class under state law creates an inequity in the taxation of a taxpayer's property. See also *Allegheny Pittsburgh Coal Co. v. County Comm'n of Webster County*, 488 U.S. 336 (1989). The Nebraska Constitution no longer places "all real property" in the same class for property tax purposes. The Constitution now allows the Legislature to establish a separate classification for the taxation of agricultural and horticultural land, which may be valued in a manner which is not uniform with all other real property. Thus, the equal protection clause principle employed in *Sioux City Bridge* and *Allegheny Pittsburgh Coal Co.* is inapplicable to judging the constitutionality of LB 600, and the proper equal protection clause analysis concerns whether the separate classification and taxation of agricultural land in a manner which is not uniform with other real property, as authorized by art. VIII, §1(4), is rationally related to legitimate state purposes. *Exxon Corp. v. Eagerton*, 462 U.S. 176 (1983).

The Nebraska Supreme Court recently applied the rational basis standard of review in upholding application of the "net book value" method of assessing personal property for taxation. *Pfizer Inc. v. Lancaster County Bd. of Equal.*, 260 Neb. 265, 616 N.W.2d 326 (2000). The Court, noting the federal equal protection clause "does not forbid classifications", stated:

In general, the Equal Protection Clause is satisfied so long as there is a plausible policy reason for the classification, the legislative facts on which the classification is apparently based may rationally have been considered to be true by the governmental decisionmaker, and the relationship of the classification to its goal is not so attenuated as to render the distinction arbitrary or irrational. . . . This standard is especially deferential in the context of classifications made by complex tax laws.

*Id.* at 273, 616 N.W.2d at 335 (citing *Nordlinger v. Hahn*, 505 U.S. 1 (1992)).

The Nebraska Supreme Court's recent decision in *Pfizer* demonstrates application of the proper equal protection clause analysis to be employed in assessing the validity of tax classifications authorized by state law. For the reasons stated above, we believe that the separate classification of

agricultural and horticultural land by the Legislature, and establishment of a method of valuation (capitalized net earning capacity) different than the method used to value other real property for tax purposes (market value), is rationally related to legitimate state purposes, and thus can survive scrutiny under the federal equal protection clause.<sup>6</sup>

As the separate classification and taxation of agricultural land and horticultural land is authorized by subsection (4) of Article VIII, § 1, and does not contravene the federal equal protection clause<sup>7</sup>, the question which remains is whether the "capitalized net earning capacity" valuation method proposed under LB 600 satisfies the requirement in subsection (4) that the manner of valuing agricultural and horticultural land for property tax purposes chosen by the Legislature must "result[ ] in values which are uniform and proportionate upon all property within the class of agricultural and horticultural land. . . ." On its face, the bill purports to mandate this result, providing that agricultural and horticultural land "shall constitute a separate and distinct class of property for purposes of taxation, . . . , and

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<sup>6</sup> Prior to *Pfizer*, it was not clear that the Court recognized application of the rational basis standard of review to state tax classifications permitted by state law. See *Jaksha v. State*, 241 Neb. 106, 109, 486 N.W.2d 858, 864 (1992) (While noting U. S. Supreme Court's decision in *Nordlinger* sustained an "acquisition value" system of taxing real property even though it resulted in "tremendous disparities in the property taxes levied upon owners of similar property", the Court nevertheless stated that "the precise contours of the federal Equal Protection Clause in the context of state taxation are far from clear."). The *Pfizer* decision indicates that the Nebraska Supreme Court currently recognizes that the appropriate equal protection clause analysis to be used in judging the validity of tax classifications authorized by state law is the rational basis standard.

<sup>7</sup> We note that, in 1998, the Nebraska Constitution was amended by adding an "equal protection" clause providing that "[n]o person shall . . . be denied equal protection of the laws." 1997 Neb. Laws, LR 20CA, § 1, Neb. Const. art. I, § 3. The Nebraska Supreme Court has not had occasion to address the standard to be applied in judging classifications under the state equal protection guarantee now contained in art. I, § 3. See *Pfizer v. Lancaster County Bd. of Equal.*, 260 Neb. at 273, 616 N.W.2d at 335 (Noting taxes at issue were levied prior to adoption of the equal protection clause of the Nebraska Constitution in 1998). There is no indication that analysis of the validity of the separate classification and taxation of agricultural and horticultural land under LB 600 would be subject to a more stringent standard of review under the "equal protection clause" in art. I, § 3, than would be employed under the Fourteenth Amendment. Moreover, it is doubtful that art. I, § 3, applies, as the separate classification and taxation of agricultural and horticultural land is authorized by subsection (4) of art. VIII, § 1, "[n]otwithstanding. . . any other provision of this Constitution to the contrary; . . ." Neb. Const. art. VIII, § 1.



shall be valued uniformly and proportionately within this distinct classification on the basis of its capitalized net earning capacity for agricultural or horticultural purposes. . . ." LB 600, § 3. The bill further provides: "Agricultural and horticultural land values shall be determined on the basis of the land's use for agricultural or horticultural purposes. . . , capitalized and applied uniformly and proportionately among all classes and subclasses of agricultural and horticultural land. . . ." LB 600, § 6.

While the bill facially mandates compliance with the constitutional requirement of uniform valuation of property in the class of agricultural and horticultural land, this does not mean that, in application, the "capitalized net income approach" proposed under the bill will necessarily achieve this result. Under LB 600, the current practice of valuing agricultural land at 80 percent of its "market value" would be replaced by an entirely new system of valuation for agricultural and horticultural land which would require the use of a rather complicated "income capitalization methodology" to arrive at the value of agricultural and horticultural land for property tax purposes. The determination of "net earning capacity" under section 7 of the bill is similar to the formula used under LB 271 to calculate "income streams" for agricultural lands. *See* 1985 Neb. Laws, LB 271, § 9. The "capitalization rate" determination under section 10 of LB 600, however, differs from the "blended" rate established under LB 271. *See* 1985 Neb. Laws, LB 271, § 10. LB 271 established a "debt" percentage component of twenty percent, which was "weighted" by multiplying the debt percentage by the most recent five-year average of the Federal Land Bank's interest rate in the Omaha district. The "equity" component of the capitalization rate under LB 271 was set at eighty percent, and was "weighted" by multiplying this percentage by the most recent five-year average of six-month United States Treasury bill interest rates. The sum of the weighted debt and equity capitalization rates constituted the capitalization rate to be used under LB 271. *Id.*

It was suggested that the use of a single capitalization rate in LB 271 was unconstitutional because "a single rate would not accommodate different returns for different types of land," which would result in a lack of uniformity within the class of agricultural land. 19 Creighton L. Rev. at 646. Section 10 of LB 600 provides that the "capitalization rate" used to value agricultural and horticultural land "shall be a market derived capitalization rate" established by use of specified sources, or "other sources of capitalization rates determined to be acceptable by the Property Tax Administrator after consultation with and advisement from the Greenbelt Advisory Committee." It is unclear whether the capitalization rate proposed under section 10 of LB 600 is intended to require use of a "single" capitalization rate for all agricultural land, or whether the Property Tax Administrator is to develop different rates for the various types of land within the agricultural class. It may be appropriate to amend this portion of the bill to clearly express the Legislature's intent regarding whether a single capitalization rate is to be used, or whether different market based capitalization rates are to be developed. The guiding principle which the

Legislature must follow is that the method employed must provide for uniform and proportionate valuation within the agricultural land class as required by art. VIII, § 1(4).

With regard to the capitalization rate portion of the bill, one source mentioned is "the rates established by the Band of Investment published by the International Association of Assessing Officers and Real Estate manuals or the Agriculture Statistics Districts published by the Department of Agriculture, in cooperation with the United States Department of Agriculture, . . ." The bill also allows determination of the capitalization rate from "other sources of capitalization rates determined to be acceptable by the Property Tax Administrator after consultation with and advisement from the Greenbelt Advisory Committee." LB 600, § 10. The reference to "rates established by the Band of Investment" is somewhat confusing, as it implies that the "Band of Investment" is a compilation of actual rates. As we understand the term, it refers to a methodology in which "interest and yield rates are weighted by the proportion each would contribute in typical financing and summed to form a discount rate", which "rate is then used to estimate property value by capitalizing all net operating income." *Property Appraisal and Assessment Administration* 281 (International Association of Assessing Officers 1990). "Band of Investment" refers to a method of estimating a capitalization rate, as opposed to a listing of calculated rates. As the intent and effect of this language is somewhat unclear, it may require amendment. Thus, it may be necessary to consider revising this section to clarify the method and sources to be employed by the Property Tax Administrator in determining the market-based capitalization rate (or rates).

In sum, we conclude that the establishment of agricultural land and horticultural land as a separate and distinct class for property tax purposes, and taxation of such land based on a different method than other real property, is authorized pursuant to subsection (4) of Article VIII, § 1, of the Nebraska Constitution. In addition, we believe that the separate classification of agricultural land by the Legislature, and establishment of a method of valuation (capitalized net earning capacity) different than the method used to value other real property for tax purposes (market value), is rationally related to legitimate state purposes, and thus can survive scrutiny under the equal protection clause of the United States Constitution. On its face, the bill appears to be constitutional, although the section concerning establishment of the "market derived capitalization rate" should be amended to clearly express the Legislature's intent as to the manner to be used by the Property Tax Administrator to determine such rate (or rates). Our conclusion is limited to determining that the Legislature's separate classification of agricultural and horticultural land, and valuing such land differently than other real property, is not facially unconstitutional. We can express no opinion as to whether the valuation methodology proposed would, in application, result in uniform and proportionate taxation of agricultural and horticultural land, consistent with Article VIII, § 1(4).

Sincerely,  
DON STENBERG  
Attorney General  
(Signed) L. Jay Bartel  
Assistant Attorney General

07-05-11

## REPORTS

The following reports were received by the Legislature:

### Auditor of Public Accounts

NE Board of Barber Examiners - FY 2000  
NE Department of Education - FY 2000  
NE Department of Environmental Quality - Attestation Examination Report - 3/28/01  
NE Department of Environmental Quality - Clean Water State Revolving Fund Program - FY 2000  
NE Department of Environmental Quality - Clean Water State Revolving Fund Program - Management Letter - FY 2000  
NE Department of Environmental Quality - Drinking Water State Revolving Fund - FY 2000  
NE Department of Environmental Quality - Drinking Water State Revolving Fund - Management Letter - FY 2000  
NE Foster Care Review Board - FY 2000  
NE Highway Trust Fund Allocation - Advisory Letter - 11/7/00  
NE Department of Justice - FY 2000  
NE Department of Labor - FY 2000  
NE Military Department - FY 2000  
NE Power Review Board - FY 2000  
NE Department of Property Assessment and Taxation - FY 2000  
NE Public Employees Retirement Systems - School Employees, Judges, and State Patrol Retirement Plans - FY 2000  
NE State Racing Commission - FY 2000  
University of NE - Basic Financial Statements and Additional Information for Year Ended June 30, 2000 and Independent Auditors' Report performed by Deloitte & Touche - FY 2000  
University of NE - Financial Statements and Reports Required by Government Auditing Standards and OMB Circular A-133 for Year Ended June 30, 2000 and Independent Auditors' Report performed by Deloitte & Touche - FY 2000

## RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 53 and 54 were adopted.

## PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the

President signed the following: LRs 53 and 54.

**MESSAGE FROM THE GOVERNOR**

April 9, 2001

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

Dear Mr. President, Speaker Kristensen and Senators:

Please withdraw Oliver Stanley's name from the confirmation list for the State Emergency Response Commission due to his resignation.

Thank you.

Sincerely,  
(Signed) Mike Johanns  
Governor

MJ/vfp

**SELECT FILE**

**LEGISLATIVE BILL 664.** Senator Bourne renewed his pending amendment, AM1339, found on page 1333.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Baker moved the previous question. The question is, "Shall the debate now close?"

Senator Baker moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Baker requested a roll call vote on his motion to cease debate.

Voting in the affirmative, 20:

Baker	Bromm	Burling	Cudaback	Dierks
Engel	Erdman	Hudkins	Janssen	Jensen
Jones	Kremer	Kruse	Quandahl	Redfield
Smith	Stuhr	Tyson	Vrtiska	Wehrbein

Voting in the negative, 21:

Aguilar	Beutler	Bourne	Bruning	Byars
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Chambers	Connealy	Coordsen	Foley	Hartnett
Hilgert	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Raikes	Robak	Schimek	Suttle
Thompson				

Present and not voting, 5:

Brashear	Brown	Cunningham	Pederson, D.	Schrock
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Excused and not voting, 3:

Kristensen	McDonald	Wickersham
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The motion to cease debate failed with 20 ayes, 21 nays, 5 present and not voting, and 3 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.

Pending.

#### **AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 797:  
AM1332

- 1 1. On page 36, line 25, after the period insert "as
- 2 such sections existed on the effective date of this act".
- 3 2. On page 54, line 21, after "1988" insert "as such
- 4 act existed on the effective date of this act".
- 5 3. On page 67, line 24, after the second comma insert "
- 6 as such act existed on the effective date of this act".
- 7 4. On page 85, line 5, after "Act" insert "as such act
- 8 existed on the effective date of this act".

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 398A.** 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 398, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

#### **NOTICE OF COMMITTEE HEARING** **Health and Human Services**

Wednesday, April 25, 2001  
 Board of Emergency Medical Services  
 Michael Buscher  
 Child Abuse Prevention Fund Board  
 Christine Huber  
 A. Jane Storey  
 Commission for the Deaf and Hard of Hearing  
 Kathleen Hesser  
 Health and Human Services System Partnership Council  
 Elnora Carr  
 David Long  
 Juvenile Services Administrator/Protection & Safety Co  
 Admin.  
 Dawn Swanson  
 Nebraska Healthcare Council  
 David Corbin  
 Joel Gajardo  
 Daniel Worthing

1:00 PM

(Signed) Jim Jensen, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 75.** The Chambers pending amendment, FA162, found on page 1379, to the Connealy pending amendment, FA153, found on page 1320 and considered on page 1379, was renewed.

Senators Erdman and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

### SENATOR CUDABACK PRESIDING

Senator Baker moved to bracket LB 75 to March 13, 2002.

Senators Beutler, Hartnett, Jensen, Brashear, and Landis 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 17 ayes, 0 nays, and 32 not voting.

Senator Baker requested a roll call vote on his motion to bracket.

Voting in the affirmative, 6:

Aguilar	Baker	Chambers	Price	Redfield
Smith				

Voting in the negative, 28:

Beutler	Bourne	Bromm	Bruning	Burling
Byars	Connealy	Coordsen	Cunningham	Dierks
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Kremer	Kristensen	Kruse	Pedersen, Dw.
Pederson, D.	Preister	Quandahl	Robak	Schimek
Schrock	Stuhr	Wehrbein		

Present and not voting, 9:

Brown	Cudaback	Engel	Jones	Maxwell
Raikes	Suttle	Tyson	Vrtiska	

Absent and not voting, 1:

Thompson

Excused and not voting, 5:

Brashear	Jensen	Landis	McDonald	Wickersham
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The Baker motion to bracket failed with 6 ayes, 28 nays, 9 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

### AMENDMENT - Print in Journal

Senator D. Pederson filed the following amendment to LB 810:  
AM1395

1 1. Insert the following new sections:  
 2 "Section 1. Section 19-2402, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 19-2402. (1) Whenever the ~~mayor and city council~~ of any  
 5 city of the first or second class, or the ~~chairman and board of~~  
 6 trustees of a village in Nebraska, ~~shall deem~~ deems it necessary  
 7 and advisable to extend municipal water service or municipal  
 8 sanitary sewer service to territory beyond the existing systems,  
 9 such municipal officials may, by ordinance, create a district or  
 10 districts to be known as sanitary sewer extension districts or  
 11 water extension districts; ~~as the case may be~~, for such purposes,  
 12 and such district or districts may include properties within the  
 13 corporate limits of the municipality and one mile beyond the same.  
 14 (2) The owners of lots and lands abutting upon a street,  
 15 avenue, or alley, or part thereof, may petition the council or  
 16 board to create a sanitary sewer extension district or a water  
 17 extension district. The petition shall be signed by owners

18 representing at least two-thirds of the front footage abutting upon  
19 the street, avenue, or alley, or part thereof, within the proposed  
20 district, which will become subject to an assessment for the cost  
21 of the improvement.

22 (3) If creation of the district is not initiated by  
23 petition, a vote of at least three-fourths of all the members of  
24 the council or board shall be required to adopt the ordinance  
1 creating the district.

2 (4) Such ordinance shall state the size and kind of sewer  
3 mains or water mains proposed to be constructed in such district  
4 and shall designate the location and terminal points thereof. Such  
5 ordinance shall also refer to the plans and specifications for such  
6 utility extensions which shall have been made and filed with the  
7 municipal clerk by the municipal engineer prior to the introduction  
8 of the ordinance, and the city or village municipal engineer at the  
9 time of filing such plans and specifications shall make and file an  
10 estimate of the total cost of the proposed utility extension. Said  
11 The ordinance shall also state the outer boundaries of the district  
12 or districts in which it is proposed to make special assessments.

13 (5) Upon creation of an extension district, whether by  
14 vote of the governing body or by petition, the council or board  
15 shall order the sewer extension main or water extension main laid  
16 and, to the extent of special benefit, assess the cost thereof  
17 against the property which abuts upon the street, avenue, or alley,  
18 or part thereof, which is located in the district. When such  
19 extension of the utility service involved is completed, the  
20 municipality shall compel all proper connections therewith of  
21 occupied properties in such utility district, and may provide a  
22 penalty for failure to comply with regulations of the municipality  
23 pertaining to such utility districts.

24 Sec. 2. Section 19-2403, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 19-2403. (1) When the extension of the sewer or water  
27 service involved in an extension district created pursuant to  
1 section 19-2402 is completed, the municipality shall compel all  
2 proper connections of occupied properties in the district with the  
3 extension and may provide a penalty for failure to comply with  
4 regulations of the municipality pertaining to the district.

5 (2) In case any property owner shall neglect or fail  
6 neglects or fails, for ten days, after notice, either by personal  
7 service or by publication in some newspaper published and of  
8 general circulation in the municipality, to comply with municipal  
9 regulations pertaining to municipal water service or municipal  
10 sanitary service extensions or to make connections of his or her  
11 property with such utility service, the mayor and city council or  
12 chairman and board of trustees, as the case may be, shall have  
13 power to may cause the same to be done, and assess the cost thereof  
14 against the property, and collect the same in the manner provided  
15 for the collection of general municipal taxes. Unless the owners



16 of lots and lands abutting upon any street, avenue, or alley, or  
17 part thereof, within said extension district, representing not less  
18 than two-thirds of the front footage abutting upon said street,  
19 avenue, or alley, or part thereof, which will become subject to an  
20 assessment for the cost of the improvement, shall petition the  
21 municipality to lay a sewer extension main or water extension main  
22 or both therein, and assess the cost thereof to the abutting lands  
23 and lots, such improvement shall not be made until not less than  
24 three-fourths of all of the members of the mayor and council, or  
25 chairman and board of trustees, as the case may be, by vote, assent  
26 to the making of the same; whereupon, upon such petition or by such  
27 vote by the governing body, the said governing body shall order  
1 such sewer extension main or water extension main laid and, to the  
2 extent of special benefit, assess the cost thereof against the  
3 property abutting upon such street, avenue, or alley or part  
4 thereof, and which is located within the utility district within  
5 which such sewer extension main or water extension main has been so  
6 placed.

7 Sec. 3. Section 19-2408, Reissue Revised Statutes of  
8 Nebraska, is amended to read:  
9 19-2408. It is hereby found, determined, and declared  
10 that it would be The Legislature finds that it is advantageous to  
11 cities of the first class, cities of the second class, and villages  
12 and to the inhabitants thereof to authorize such cities and  
13 villages to make various street improvements and install water  
14 mains and sewer lines as a single project ~~where~~ when the aggregate  
15 cost of the individual improvement does not exceed fifteen fifty  
16 thousand dollars and ~~where~~ the aggregate cost of all improvements  
17 in a single project does not exceed fifty two hundred thousand  
18 dollars, in lieu of the cities and villages making such  
19 improvements as separate projects.

20 Sec. 4. Section 19-2409, Reissue Revised Statutes of  
21 Nebraska, is amended to read:  
22 19-2409. Any city of the first class, city of the second  
23 class, or village may pave, repave, macadamize, gravel, curb, and  
24 gutter streets, avenues, or alleys and do any grading or work  
25 incidental in connection therewith and install water mains and  
26 sewer lines, either sanitary or storm or a combination sewer, in  
27 any improvement district or make any one, or a combination of the  
1 above improvements, as a single project by following the ~~provisions~~  
2 of sections ~~19-2408 to 19-2415~~ Combined Improvement Act, if the  
3 total estimated cost of any single improvement ~~does costs do~~ not  
4 exceed fifteen thousand dollars, subject to a ~~limitation~~ of fifty  
5 thousand dollars of all improvements in a single project ~~the dollar~~  
6 limitations in section 19-2408.

7 Sec. 5. Section 19-2410, Reissue Revised Statutes of  
8 Nebraska, is amended to read:  
9 19-2410. Whenever a petition, signed by sixty percent of  
10 the owners of all real property in the proposed improvement

11 district, is presented to the city council or board of trustees of  
12 the village setting forth (1) the property to be included in the  
13 improvement district, (2) the improvement or improvements  
14 authorized by ~~sections 19-2408 to 19-2415~~ Combined Improvement Act  
15 which they desire made in such district in reasonable detail and  
16 stating the location of each, and (3) an estimate of the cost of  
17 the improvement, which estimate does not exceed ~~fifteen thousand~~  
18 ~~dollars for any single improvement or fifty thousand dollars for~~  
19 ~~any single project~~ the dollar limitations in section 19-2408, the  
20 city council or board of trustees of the village shall cause the  
21 petition to be examined and the estimate of cost of the improvement  
22 verified. If the petition is found correct, the city council or  
23 board of trustees of the village shall by ordinance create an  
24 improvement district consecutively numbered, known as Improvement  
25 District No. ...., and cause the improvements to be made if  
26 such can be done within ~~the fifty thousand dollar limitation~~  
27 ~~provided in section 19-2409~~ such dollar limitations.

1 Sec. 6. Section 19-2411, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 19-2411. The city council or board of trustees of a  
4 village may without petition create an improvement district and  
5 cause one or more of the improvements specified in section 19-2409  
6 to be made in ~~said~~ the district. The ordinance shall designate the  
7 property included within the district or the outer boundaries  
8 thereof, the improvement or improvements to be made in the  
9 district, and the total estimated cost of ~~said~~ the improvements,  
10 which shall not exceed ~~fifteen thousand dollars for any single~~  
11 ~~improvement or fifty thousand dollars for any single project~~ the  
12 dollar limitations in section 19-2408. After passage, approval,  
13 and publication of the ordinance the city or village clerk shall  
14 cause notice of the creation of such district to be published for  
15 two consecutive weeks in a newspaper published or of general  
16 circulation in the city or village, or in lieu of publication cause  
17 such notice to be served personally or by certified mail on all  
18 owners of real property located within the district. If a majority  
19 of the owners of all the real property in the district file written  
20 objections to the creation of the district with the city or village  
21 clerk within twenty days after the first publication of such notice  
22 or within twenty days after the date of mailing or service of  
23 written notice on the property owners in the district, the city or  
24 village shall not proceed further and shall repeal such ordinance.  
25 If no such objections are filed, the city shall proceed with making  
26 the improvements.

27 Sec. 7. Section 19-2414, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 19-2414. After the completion and acceptance of the  
3 improvement or improvements, the city or village may issue and sell  
4 its negotiable coupon bonds to be known as public improvement bonds  
5 in an amount not exceeding the balance of the unpaid cost of the

6 improvement or improvements. The bonds shall be payable in not to  
7 exceed twenty years from date and bear interest payable annually or  
8 semiannually. All money collected from the special assessments  
9 shall be placed in a sinking fund to pay the cost of the  
10 improvement or improvements and the bonds issued under sections  
11 ~~19-2408 to 19-2415~~ the Combined Improvement Act.  
12 Sec. 8. Section 19-2415, Reissue Revised Statutes of  
13 Nebraska, is amended to read:  
14 19-2415. Sections 19-2408 to 19-2415 shall be known and  
15 may be cited as the Combined Improvement Act, for cities of the  
16 first class, cities of the second class, and villages.  
17 2. On page 12, line 14, after "sections" insert  
18 "19-2402, 19-2403, 19-2408 to 19-2411, 19-2414, 19-2415,".  
19 3. Renumber the remaining sections accordingly.

### SELECT COMMITTEE REPORT Enrollment and Review

**LEGISLATIVE BILL 420.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### VISITORS

Visitors to the Chamber were Gary and Sharon Smith from Lincoln; 45 fourth grade students and teachers from Seymour Elementary School, Ralston; 20 seniors and teacher from Wilcox; 77 fourth grade students and teacher from St. Stephen the Martyr School, Omaha; guests from Armenia, Azerbaijan, and the Republic of Georgia; and 95 fourth grade students and teachers from St. Pius/St. Leo Elementary School, Omaha.

### RECESS

At 12:00 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., Speaker Kristensen presiding.

### ROLL CALL

The roll was called and all members were present except Senator McDonald who was excused; and Senators Aguilar, Brashear, Coordsen, Dierks, Jones, Landis, Dw. Pedersen, and Tyson who were excused until they arrive.

### MOTION - Print in Journal

Senator Beutler filed the following motion to LB 657:

To suspend the rules, Rule 6, Section 5 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 657 without further amendment, motion or debate.

### UNANIMOUS CONSENT - Member Excused

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

### GENERAL FILE

**LEGISLATIVE BILL 75.** The Chambers pending amendment, FA162, found on page 1379 and considered on page 1422, to the Connealy pending amendment, FA153, found on page 1320 and considered on pages 1379 and 1422, was renewed.

Senators Erdman and Wickersham 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 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 7:

Baker	Bromm	Cudaback	Hilgert	Jones
Redfield	Smith			

Voting in the negative, 22:

Beutler	Bruning	Byars	Connealy	Cunningham
Engel	Foley	Hudkins	Janssen	Kremer
Kristensen	Kruse	Pedersen, Dw.	Preister	Price
Quandahl	Schimek	Schrock	Stuhr	Thompson
Tyson	Wehrbein			

Present and not voting, 14:

Aguilar	Bourne	Brown	Burling	Chambers
Dierks	Hartnett	Jensen	Maxwell	Pederson, D.
Raikes	Robak	Suttle	Vrtiska	

Excused and not voting, 6:

Brashear	Coordsen	Erdman	Landis	McDonald
Wickersham				

The Chambers amendment lost with 7 ayes, 22 nays, 14 present and not

voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved to reconsider the vote on his amendment, FA162.

### **PRESIDENT MAURSTAD PRESIDING**

Senator Kremer 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 11 ayes, 0 nays, and 38 not voting.

The Chambers motion to reconsider failed with 6 ayes, 26 nays, 15 present and not voting, and 2 excused and not voting.

Senator Connealy moved to invoke cloture on LB 75, pursuant to Rule 7, Section 10.

Senator Chambers requested a roll call vote on the Connealy motion to invoke cloture.

Voting in the affirmative, 33:

Aguilar	Beutler	Bourne	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hartnett	Hudkins	Janssen	Kremer	Kristensen
Kruse	Landis	Pedersen, Dw.	Preister	Robak
Schimek	Schrock	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 6:

Baker	Chambers	Price	Redfield	Smith
Wickersham				

Present and not voting, 8:

Brown	Hilgert	Jensen	Jones	Maxwell
Pederson, D.	Quandahl	Raikes		

Excused and not voting, 2:

Brashear      McDonald

The Connealy motion to invoke cloture prevailed with 33 ayes, 6 nays, 8 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the Connealy pending amendment, FA153.

Voting in the affirmative, 35:

Aguilar	Beutler	Bourne	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jones	Kremer
Kruse	Landis	Pedersen, Dw.	Preister	Quandahl
Raikes	Robak	Schimek	Schrock	Smith
Stuhr	Thompson	Tyson	Wehrbein	Wickersham

Voting in the negative, 4:

Baker	Chambers	Price	Redfield
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Present and not voting, 8:

Brown	Cudaback	Jensen	Kristensen	Maxwell
Pederson, D.	Suttle	Vrtiska		

Excused and not voting, 2:

Brashear      McDonald

The Connealy amendment was adopted with 35 ayes, 4 nays, 8 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Aguilar	Beutler	Bourne	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Erdman	Foley	Hartnett
Hudkins	Janssen	Kremer	Kristensen	Kruse
Pedersen, Dw.	Preister	Robak	Schimek	Schrock
Stuhr	Thompson	Tyson	Wehrbein	

Voting in the negative, 13:

Baker	Chambers	Engel	Hilgert	Jensen
Jones	Landis	Price	Raikes	Redfield

Smith            Suttle            Wickersham

Present and not voting, 5:

Brown            Maxwell            Pederson, D.    Quandahl        Vrtiska

Excused and not voting, 2:

Brashear        McDonald

Advanced to E & R for review with 29 ayes, 13 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**AMENDMENTS - Print in Journal**

Senator Hilgert filed the following amendment to LB 398:  
AM1405

(Amendments to Standing Committee amendments, AM0975)

1 1. Insert the following new section:  
2 "Sec. 19. 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.

1 A physician, chiropractor, nurse, or hospital claiming a  
2 lien under this section shall not be liable for attorney's fees and  
3 costs incurred by the injured person in securing the judgment,  
4 settlement, or compromise, but the lien of the injured person's  
5 attorney shall have precedence over the lien created by this  
6 section.

7 Upon a written request and with the injured person's  
 8 consent, a lienholder shall provide medical records, answers to  
 9 interrogatories, depositions, or any expert medical testimony  
 10 related to the recovery of damages within its custody and control  
 11 at a reasonable charge to the injured person."  
 12 2. Renumber the remaining sections and correct internal  
 13 references accordingly.  
 14 3. Correct the operative date provision and repealer so  
 15 that the section added by this amendment becomes operative on its  
 16 effective date with the emergency clause.

Senator Beutler filed the following amendment to LB 398:  
 AM1400

(Amendments to Standing Committee amendments, AM0975)

1 1. On page 20, lines 10 and 11, strike "I misdemeanor  
 2 and subject to a two-thousand-dollar fine" and insert "IV  
 3 misdemeanor"; and in lines 13 and 14 strike "I misdemeanor and  
 4 subject to a five-thousand-dollar fine" and insert "IV  
 5 misdemeanor".  
 6 2. On page 93, lines 17 and 18, strike "or subject to  
 7 the requirements of" and insert "which is established in accordance  
 8 with"; and in line 18 strike the second "and" and insert "or".  
 9 3. On page 135, lines 8 and 9, strike "punished by a  
 10 fine of not more than two hundred fifty dollars", show as stricken,  
 11 and insert "guilty of a Class IV misdemeanor".

Senator Byars filed the following amendment to LB 398:  
 AM1409

(Amendments to Standing Committee amendments, AM0975)

1 1. Insert the following new sections:  
 2 "Sec. 86. Sections 86 to 92 of this act shall be known  
 3 and may be cited as the Mail Order Contact Lens Act.  
 4 Sec. 87. For purposes of the Mail Order Contact Lens  
 5 Act:  
 6 (1) Contact lens prescription means a written order  
 7 bearing the original signature of an optometrist or physician or an  
 8 oral or electromagnetic order issued by an optometrist or physician  
 9 that authorizes the dispensing of contact lenses to a patient and  
 10 meets the requirements of section 88 of this act;  
 11 (2) Department means the Department of Health and Human  
 12 Services Regulation and Licensure;  
 13 (3) Mail-order ophthalmic provider means an entity that  
 14 ships, mails, or in any manner delivers dispensed contact lenses to  
 15 Nebraska residents;  
 16 (4) Optometrist means a person licensed to practice  
 17 optometry pursuant to sections 71-1,133 to 71-1,136.09; and  
 18 (5) Physician means a person licensed to practice  
 19 medicine and surgery pursuant to sections 71-1,102 to 71-1,107.14.  
 20 Sec. 88. (1) A mail-order ophthalmic provider may



- 21 dispense contact lenses in Nebraska or to a Nebraska resident if  
22 the contact lens prescription is valid. Such prescription is valid  
23 of it (a) contains the patient's name, date ordered, expiration  
1 date, instructions for use, optometrist or physician identifying  
2 information, date of patient's last examination, fabrication, and  
3 related information, and (b) has not expired.  
4 (2) Each contact lens prescription shall be valid for the  
5 duration of the prescription as indicated by the optometrist or  
6 physician or for a period of twelve months from the date of  
7 issuance, whichever period expires first. Upon expiration, an  
8 optometrist or physician may extend the prescription without  
9 further examination.  
10 (3) An optometrist or physician shall offer the  
11 prescription to a patient following the fitting process and payment  
12 of all fees for services rendered. The patient shall mail the  
13 prescription or send a copy by facsimile or other electronic means  
14 to the mail-order ophthalmic provider.  
15 Sec. 89. The department shall require and provide for an  
16 annual registration for all mail-order ophthalmic providers located  
17 outside of this state, including those providing services via the  
18 Internet, that dispense contact lenses to Nebraska residents. The  
19 department shall grant mail-order ophthalmic provider's  
20 registration upon the disclosure and certification by such provider  
21 of the following:  
22 (1) That it is licensed or registered to dispense contact  
23 lenses in the state where the dispensing facility is located and  
24 from where the contact lenses are dispensed, if required;  
25 (2) The location, names, and titles of all principal  
26 corporate officers and the person who is responsible for overseeing  
27 the dispensing of contact lenses to Nebraska residents;  
1 (3) That it complies with directions and appropriate  
2 requests for information from the regulating agency of each state  
3 where it is licensed or registered;  
4 (4) That it will respond directly and within a reasonable  
5 period of time to all communications from the department concerning  
6 emergency circumstances arising from the dispensing of contact  
7 lenses to Nebraska residents;  
8 (5) That it maintains its records of contact lenses  
9 dispensed to Nebraska residents so that such records are readily  
10 retrievable;  
11 (6) That it will cooperate with the department in  
12 providing information to the regulatory agency of any state where  
13 it is licensed or registered concerning matters related to the  
14 dispensing of contact lenses to Nebraska residents;  
15 (7) That it conducts business in a manner that conforms  
16 to the requirements of section 88 of this act;  
17 (8) That it provides a toll-free telephone service for  
18 responding to patient questions and complaints during its regular  
19 hours of operation and agrees to (a) include the toll-free number

- 20 in literature provided with mailed contact lenses and (b) refer all  
 21 questions relating to eye care for the lenses prescribed back to  
 22 the contact lens prescriber; and  
 23 (9) That it provides the following, or substantially  
 24 equivalent, written notification to the patient whenever contact  
 25 lenses are supplied:  
 26 WARNING: IF YOU ARE HAVING ANY OF THE FOLLOWING  
 27 SYMPTOMS, REMOVE YOUR LENSES IMMEDIATELY AND CONSULT YOUR EYE CARE  
 1 PRACTITIONER BEFORE WEARING YOUR LENSES AGAIN: UNEXPLAINED EYE  
 2 DISCOMFORT, WATERING, VISION CHANGE, OR REDNESS.  
 3 Sec. 90. The mail-order ophthalmic provider shall pay a  
 4 fee equivalent to the annual fee for an initial or renewal permit  
 5 to operate a pharmacy in Nebraska as established in and at the  
 6 times provided for in section 71-1,147.07 prior to January 1, 2002,  
 7 and in the Health Care Facility Licensure Act on and after January  
 8 1, 2002. Such fees shall be remitted to the State Treasurer for  
 9 credit to the Nebraska Pharmaceutical Fund prior to January 1,  
 10 2002, and to the Department of Health and Human Services Regulation  
 11 and Licensure Cash Fund on and after January 1, 2002.  
 12 Sec. 91. The department, upon the recommendation of the  
 13 Board of Pharmacy, the Board of Optometry, or the Board of Medicine  
 14 and Surgery, shall notify the Attorney General of any possible  
 15 violations of the Mail Order Contact Lens Act. If the Attorney  
 16 General has reason to believe that an out-of-state person is  
 17 operating in violation of the act, the Attorney General may  
 18 commence an action in the district court of Lancaster County to  
 19 enjoin such person from further mailing, shipping, or otherwise  
 20 delivering contact lenses into Nebraska.  
 21 Sec. 92. The department, upon the joint recommendation  
 22 of the Board of Pharmacy, Board of Optometry, and Board of Medicine  
 23 and Surgery, may adopt and promulgate rules and regulations for  
 24 enforcement of the Mail Order Contact Lens Act."  
 25 2. Renumber the remaining sections and correct internal  
 26 references accordingly.  
 27 3. Correct the operative date provision and repealer so  
 1 that the sections added by this amendment become operative on their  
 2 effective date with the emergency clause.

### **MOTIONS - Print in Journal**

Senator Brashear filed the following motion to LB 462:  
 To indefinitely postpone LB 462 before the bill is read on General File  
 pursuant to Rule 6, Section 3.

Senator Brashear filed the following motion to LB 462:  
 To bracket LB 462 to April 24, 2001.

**AMENDMENT - Print in Journal**

Senator Schrock filed the following amendment to LB 667:  
AM1416

(Amendments to Standing Committee amendments, FA146)

- 1 1. In line 9, after the last quotation mark insert ";
- 2 and in line 4 strike ', on, or after' and insert 'or on' and after
- 3 the underscored period insert 'If such litigation is commenced
- 4 after the effective date of this act, the district may establish
- 5 different provisions for restriction of water wells constructed
- 6 after the date on which such litigation is commenced in federal
- 7 court.'".

**SELECT FILE**

**LEGISLATIVE BILL 664.** Senators Bromm and Bourne offered the following amendment to the Bourne pending amendment, AM1339, found on page 1333 and considered on page 1420:  
AM1419

(Amendments to AM1339)

- 1 1. On page 1, line 2, strike the first comma and insert
- 2 "and"; and strike beginning with "community" in line 2 through the
- 3 last comma in line 3.

Senators Janssen and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

The Bromm-Bourne amendment was adopted with 25 ayes, 0 nays, 20 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.

Senator Bourne moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Bourne amendment, AM1339, as amended, was adopted with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Bourne withdrew his pending amendments, AM1306, AM1308, AM1307, AM1313, AM1312, AM1311, AM1310, AM1315, AM1314, and AM1309, found on pages 1333 through 1340.

Advanced to E & R for engrossment.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**Correctly Reengrossed**

The following bills were correctly reengrossed: LBs 313, 313A, and 585A.

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 438, 444, 671, 671A, 772, 772A, and 808.

**Enrollment and Review Change to LB 438**

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

ER9051

1. In the E & R amendments, AM7083:

a. On page 2, the matter beginning with "sections" in line 21 through "act" in line 22 has been struck and "Chapter 54, article 7" inserted; and

b. On page 7, line 24, "section" has been struck and "sections 10 to 16 and" inserted.

**Enrollment and Review Change to LB 585A  
(Final Reading copy)**

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

ER9049

1. The Engel amendment, AM0937, has been incorporated into the Final Reading copy.

**Enrollment and Review Change to LB 772**

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

ER9052

1. In the Standing Committee amendments, AM0968, on page 4, line 6, "education" has been struck and "educational" inserted.

**Enrollment and Review Change to LB 808**

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

ER9048

1. In the Standing Committee amendments, AM0632, on page 21, line 15; and page 22, line 21, "service award benefit" has been inserted before "program".

2. On page 1, the matter beginning with "the" in line 1 through "sections" in line 2 has been struck and "emergency services; to amend sections 23-3547 and 23-3594, Reissue Revised Statutes of Nebraska, and sections 13-303, 35-514.02," inserted; and in line 5 "to authorize the provision of

ambulance service as prescribed;" has been inserted after the semicolon.

(Signed) Philip Erdman, Chairperson

### AMENDMENTS - Print in Journal

Senator Landis filed the following amendment to LB 465:  
AM1417

(Amendments to Standing Committee amendments, AM0376)

- 1 1. On page 11, lines 12 and 15, strike "taxpayer" and
- 2 insert "appellant"; in line 17 strike "evidence is adduced
- 3 establishing", show as stricken, and insert "the appellant
- 4 establishes by a preponderance of the evidence"; and in line 19
- 5 strike "or arbitrary.", show as stricken, and insert an underscored
- 6 period.

Senator Landis filed the following amendment to LB 465:  
AM1426

(Amendments to Standing Committee amendments, AM0376)

- 1 1. Strike section 2 and all amendments thereto and
- 2 insert the following new sections:
- 3 "Section 1. Section 77-702, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 77-702. (1) Commencing with the expiration of the term
- 6 of the Property Tax Administrator holding office on July 1, 1999,
- 7 the Governor shall appoint a Property Tax Administrator with the
- 8 approval of a majority of the members of the Legislature. The
- 9 Property Tax Administrator shall have experience and training in
- 10 the fields of taxation and property appraisal and shall meet all
- 11 the qualifications required for members of the Tax Equalization and
- 12 Review Commission under subsections (1) and (2) and subdivision
- 13 (6)(a) of section 77-5004. The administrator shall serve a
- 14 six-year term. The Property Tax Administrator may be removed by
- 15 the Governor for misfeasance, malfeasance, or willful neglect of
- 16 duty or other cause after notice and a public hearing unless notice
- 17 and hearing are expressly waived in writing by the Property Tax
- 18 Administrator. The Property Tax Administrator shall adopt and
- 19 promulgate rules and regulations to carry out his or her duties.
- 20 Rules and regulations of the Property Tax Administrator in effect
- 21 on July 1, 1999, shall be valid rules and regulations of the
- 22 Department of Property Assessment and Taxation beginning on July 1,
- 23 1999.
- 1 (2) In addition to any duties, powers, or
- 2 responsibilities otherwise conferred upon the Property Tax
- 3 Administrator, he or she shall administer and enforce all laws
- 4 related to the state supervision of local property tax
- 5 administration and the central assessment of property subject to

6 property taxation. The Property Tax Administrator shall also  
7 advise county assessors regarding the administration and assessment  
8 of taxable property within the state and measure assessment  
9 performance in order to determine the accuracy and uniformity of  
10 assessments.

11 Sec. 3. Section 77-5004, Revised Statutes Supplement,  
12 2000, as amended by section 19, Legislative Bill 170,  
13 Ninety-seventh Legislature, First Session, 2001, is amended to  
14 read:

15 77-5004. (1) Each commissioner shall be a qualified  
16 voter, ~~taxpayer~~, and resident of the state and the district he or  
17 she represents.

18 (2) Each commissioner shall devote his or her full time  
19 and efforts to the discharge of his or her duties and shall not  
20 hold any other office under the laws of this state, any city or  
21 county in this state, or the United States Government while serving  
22 on the commission. Each commissioner shall possess:

23 (a) Appropriate knowledge of terms commonly used in or  
24 related to real property appraisal and of the writing of appraisal  
25 reports;

26 (b) Adequate knowledge of depreciation theories, cost  
27 estimating, methods of capitalization, and real property appraisal  
1 mathematics;

2 (c) An understanding of the principles of land economics,  
3 appraisal processes, and problems encountered in the gathering,  
4 interpreting, and evaluating of data involved in the valuation of  
5 real property, including complex industrial properties and  
6 mass-appraisal techniques;

7 (d) Knowledge of the law relating to taxation, civil and  
8 administrative procedure, due process, and evidence in Nebraska;

9 (e) Any certification or training required to become a  
10 registered real estate appraiser as set forth in section

11 76-2229.01. If a commissioner has not received such certification  
12 or training prior to his or her appointment, such certification or  
13 training shall be completed within one year after the appointment

14 At least thirty hours of successfully completed class hours in  
15 courses of study, approved by the Real Estate Appraiser Board,  
16 which relate to appraisal and which include a fifteen-hour course  
17 in the Uniform Standards of Professional Appraisal Practice. If a  
18 commissioner has not received such training prior to his or her  
19 appointment, such training shall be completed within one year after  
20 appointment; and

21 (f) Such other qualifications and skills as reasonably  
22 may be requisite for the effective and reliable performance of the  
23 commission's duties.

24 (3) One commissioner shall possess any certification or  
25 training required to become a licensed real estate appraiser as set  
26 forth in section 76-2230.

27 (4) The chairperson prior to January 1, 2002, and at

1 least two commissioners on or after such date, shall have been  
2 engaged in the practice of law in the State of Nebraska for at  
3 least five years, which may include prior service as a judge, and  
4 shall be currently admitted to practice before the Nebraska Supreme  
5 Court.

6 (4) (5) No commissioner or employee of the commission  
7 shall hold any position of profit or engage in any occupation or  
8 business interfering with or inconsistent with his or her duties as  
9 a commissioner or employee. A person is not eligible for  
10 appointment and may not hold the office of commissioner or be  
11 appointed by the commission to or hold any office or position under  
12 the commission if he or she holds any official office or position.

13 (5) During each year of his or her term, each  
14 commissioner (6)(a) Prior to January 1, 2002, each commissioner who  
15 meets the requirements of subsection (4) of this section on or  
16 after January 1, 2002, and each commissioner under subdivisions  
17 (3)(b)(i) and (3)(b)(ii) of section 77-5003 shall annually attend a  
18 seminar or class of at least two days' duration, sponsored by a  
19 recognized assessment or appraisal organization, in each of these  
20 areas: Utility and railroad appraisal; appraisal of complex  
21 industrial properties; and mass appraisal, residential or  
22 agricultural appraisal, or assessment administration.

23 (b) Each commissioner not listed in subdivision (a) of  
24 this subsection shall within two years after his or her appointment  
25 attend at least thirty hours of instruction that constitutes  
26 training for judges or administrative law judges.

27 (6) (7) The commissioners shall be considered employees  
1 of the state for purposes of sections 81-1301 to 81-1391 and  
2 84-1601 to 84-1615.

3 (7) (8) The commissioners shall be reimbursed as  
4 prescribed in sections 81-1174 to 81-1177 for their actual and  
5 necessary expenses in the performance of their official duties  
6 pursuant to the Tax Equalization and Review Commission Act.  
7 Mileage expenses incurred while traveling in the line of duty to  
8 and from a commissioner's primary residence to the commission  
9 office as well as living expenses for any commissioner whose  
10 residence is located more than eighty miles from the commission  
11 office shall be reimbursed by the state if:

12 (a) The commission has adopted and promulgated rules and  
13 regulations establishing guidelines for allowable reimbursement of  
14 mileage and living expenses, except that the reimbursement rate for  
15 mileage shall not exceed the rate established by the Department of  
16 Administrative Services pursuant to section 81-1176;

17 (b) The commissioner complies with the request procedures  
18 for reimbursement set forth in such guidelines; and

19 (c) The total amounts authorized for reimbursement of  
20 such mileage and living expenses in any fiscal year shall not cause  
21 the total expenses to exceed the total funds appropriated to the  
22 program established for commissioners' expenses.

23 Sec. 9. Section 77-5019, Revised Statutes Supplement,  
24 2000, is amended to read:  
25 77-5019. (1) Any party aggrieved by a final decision in  
26 a case appealed to the commission and any county or other political  
27 subdivision aggrieved by an order of the commission issued pursuant  
1 to section 77-1504.01 or 77-5028 shall be entitled to judicial  
2 review in the Court of Appeals. On appeal, the Attorney General  
3 shall appear and represent the county or political subdivision.  
4 Nothing in this section shall be deemed to prevent resort to other  
5 means of review, redress, or relief provided by law.  
6 (2)(a) Proceedings for review shall be instituted by  
7 filing a petition and the appropriate docket fees in the Court of  
8 Appeals and delivery of a copy of the petition to the commission  
9 within thirty days after the date on which a final appealable order  
10 is entered by the commission. All parties of record shall be made  
11 parties to the proceedings for review. The commission shall only  
12 be made a party of record if the action complained of is an order  
13 issued by the commission pursuant to section 77-1504.01 or 77-5023.  
14 Summons shall be served on all parties within thirty days after the  
15 filing of the petition in the manner provided for service of a  
16 summons in section 25-510.02. If the commission is not a party of  
17 record, the petitioner shall serve a copy of the petition and a  
18 request for preparation of the official record upon the commission  
19 within thirty days after the filing of the petition. The court, in  
20 its discretion, may permit other interested persons to intervene.  
21 No bond or undertaking is required for an appeal to the Court of  
22 Appeals.  
23 (b) A petition for review shall set forth: (i) The name  
24 and mailing address of the petitioner; (ii) the name and mailing  
25 address of the county whose action is at issue or the commission;  
26 (iii) identification of the final decision at issue together with a  
27 duplicate copy of the final decision; (iv) the identification of  
1 the parties in the case that led to the final decision; (v) the  
2 facts to demonstrate proper venue; (vi) the petitioner's reasons  
3 for believing that relief should be granted; and (vii) a request  
4 for relief, specifying the type and extent of the relief requested.  
5 (3) The filing of the petition or the service of summons  
6 upon the commission shall not stay enforcement of a decision. The  
7 commission may order a stay. The court may order a stay after  
8 notice of the application for the stay to the commission and to all  
9 parties of record. If the commission has found that its action on  
10 an application for stay or other temporary remedies is justified to  
11 protect against a substantial threat to the public health, safety,  
12 or welfare, the court may not grant relief unless the court finds  
13 that: (a) The applicant is likely to prevail when the court finally  
14 disposes of the matter; (b) without relief, the applicant will  
15 suffer irreparable injuries; (c) the grant of relief to the  
16 applicant will not substantially harm other parties to the  
17 proceedings; and (d) the threat to the public health, safety, or



18 welfare relied on by the commission is not sufficiently serious to  
 19 justify the commission's action in the circumstances. The court  
 20 may require the party requesting the stay to give bond in such  
 21 amount and conditioned as the court directs.

22 (4) Within thirty days after service of the petition or  
 23 within such further time as the court for good cause shown allows,  
 24 the commission shall prepare and transmit to the court a certified  
 25 copy of the official record of the proceedings had before the  
 26 commission. The official record shall include: (a) Notice of all  
 27 proceedings; (b) any pleadings, motions, requests, preliminary or  
 1 intermediate rulings and orders, and similar correspondence to or  
 2 from the commission pertaining to the case; (c) the transcribed  
 3 record of the hearing before the commission, including all exhibits  
 4 and evidence introduced during the hearing, a statement of matters  
 5 officially noticed by the commission during the proceeding, and all  
 6 proffers of proof and objections and rulings thereon; and (d) the  
 7 final order appealed from. The commission shall charge the  
 8 petitioner with the reasonable direct cost or require the  
 9 petitioner to pay the cost for preparing the official record for  
 10 transmittal to the court in all cases except when the petitioner is  
 11 not required to pay a filing fee. The commission may require  
 12 payment or bond prior to the transmittal of the record.

13 (5) The review shall be conducted by the court for error  
 14 on the record of the commission. If the court determines that the  
 15 interest of justice would be served by the resolution of any other  
 16 issue not raised before the commission, the court may remand the  
 17 case to the commission for further proceedings. The court may  
 18 affirm, reverse, or modify the decision of the commission or remand  
 19 the case for further proceedings.

20 (6) Appeals under this section shall be given precedence  
 21 over all civil cases."

22 2. On page 2, strike beginning with the colon in line 19  
 23 through "(d)" in line 24 and insert "such terms shall be six  
 24 years.

25 (d) Commissioners under this subsection shall meet the  
 26 qualifications set forth in section 77-5004.  
 27 (e)".

1 3. On page 3, line 4, strike "among" and insert "from".

2 4. On page 12, line 15, strike "77-5003, 77-5004" and  
 3 insert "77-702, 77-5003"; in line 16 strike "and 77-5018" and  
 4 insert "77-5018, and 77-5019"; in line 17 before "are" insert "and  
 5 section 77-5004, as amended by section 19, Legislative Bill 170,  
 6 Ninety-seventh Legislature, First Session, 2001,".

7 5. Renumber the remaining sections accordingly.

## SELECT FILE

Senator Chambers offered the following amendment:

FA169

P. 2, line 15, strike "under" and insert "within"

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

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 516.** E & R amendment, AM7091, found on page 1362, was adopted.

Senator Beutler withdrew his pending amendment, AM1216, found on page 1331.

Senator Chambers renewed his pending amendment, AM1365, found on page 1383.

The Chambers amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Beutler withdrew his pending amendment, AM1378, found on page 1394.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 516A.** Advanced to E & R for engrossment.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 38.** E & R amendment, AM7096, found on page 1364, was adopted.

Senators Bromm and Thompson offered the following amendment:  
AM1410

- 1 1. Insert the following new section:
- 2 "Sec. 49. Section 60-6,197.01, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 60-6,197.01. Upon conviction for a second or subsequent
- 5 violation of section 60-6,196 or 60-6,197, the court shall impose
- 6 either of the following restrictions on all motor vehicles owned by
- 7 the person so convicted:
- 8 (1)(a) The court shall order the motor vehicle or motor
- 9 vehicles immobilized at the owner's expense for a period of time
- 10 not less than five days and not more than eight months and shall
- 11 notify the Department of Motor Vehicles of the period of
- 12 immobilization. Any immobilized motor vehicle shall be released to
- 13 the holder of a bona fide lien on the motor vehicle executed prior
- 14 to such immobilization when possession of the motor vehicle is

15 requested as provided by law by such lienholder for purposes of  
16 foreclosing and satisfying such lien. If a person tows and stores  
17 a motor vehicle pursuant to this subdivision at the direction of a  
18 peace officer or the court and has a lien upon such motor vehicle  
19 while it is in his or her possession for reasonable towing and  
20 storage charges, the person towing the vehicle has the right to  
21 retain such motor vehicle until such lien is paid. For purposes of  
22 this subdivision, immobilized or immobilization means revocation or  
23 suspension, at the discretion of the court, of the registration of  
24 such motor vehicle or motor vehicles, including the license plates;

1 and

2 (b)(i) Any immobilized motor vehicle shall be released by  
3 the court without any legal or physical restraints to any  
4 registered owner who is not the registered owner convicted of a  
5 second or subsequent violation of section 60-6,196 or 60-6,197 if  
6 an affidavit is submitted to the court by such registered owner  
7 stating that the affiant is employed, that the motor vehicle  
8 subject to immobilization is necessary to continue that employment,  
9 that such employment is necessary for the well-being of the  
10 affiant's dependent children or parents, that the affiant will not  
11 authorize the use of the motor vehicle by any person known by the  
12 affiant to have been convicted of a second or subsequent violation  
13 of section 60-6,196 or 60-6,197, that affiant will immediately  
14 report to a local law enforcement agency any unauthorized use of  
15 the motor vehicle by any person known by the affiant to have been  
16 convicted of a second or subsequent conviction of section 60-6,196  
17 or 60-6,197, and that failure to release the motor vehicle would  
18 cause undue hardship to the affiant.

19 (ii) A registered owner who executes an affidavit  
20 pursuant to subdivision (1)(b)(i) of this section which is acted  
21 upon by the court and who fails to immediately report an  
22 unauthorized use of the motor vehicle which is the subject of the  
23 affidavit is guilty of a Class IV misdemeanor and may not file any  
24 additional affidavits pursuant to subdivision (1)(b)(i) of this  
25 section.

26 (iii) The department shall adopt and promulgate rules and  
27 regulations to implement the provisions of subdivision (1) of this  
1 section; or

2 (2) As an alternative to subdivision (1) of this section,  
3 the court shall order the installation of an ignition interlock  
4 device on each of the owner's motor vehicles if the owner was  
5 sentenced to an operator's license revocation of at least one year  
6 and has completed at least one year of such revocation. No license  
7 reinstatement may occur until sufficient evidence is presented to  
8 the department that an ignition interlock device is installed on  
9 each vehicle and that the applicant is eligible for use of an  
10 ignition interlock device. The installation of an ignition  
11 interlock device shall be for a period not less than six months  
12 commencing upon the end of such year of the operator's license

13 revocation. Notwithstanding any other provision of law, if the  
 14 owner was convicted of a second or subsequent violation of section  
 15 60-6,196 or 60-6,197, no ignition interlock device shall be ordered  
 16 by any court or state agency under any circumstances until at least  
 17 one year of the operator's license revocation shall have elapsed.".

18 2. On page 79, lines 3 and 4, strike "and 60-6,197" and  
 19 insert "60-6,197, and 60-6,197.01".

20 3. Renumber the remaining sections accordingly.

The Bromm-Thompson amendment was adopted with 27 ayes, 0 nays, 18  
 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 277.** E & R amendment, AM7094, found on page  
 1368, was adopted.

Senators Redfield and Wickersham offered the following amendment:  
 AM1396

(Amendments to Standing Committee amendments, AM1120)

1 1. Strike section 2 and all amendments thereto and  
 2 insert the following new section:  
 3 "Sec. 2. Section 77-2716.01, Revised Statutes  
 4 Supplement, 2000, is amended to read:  
 5 77-2716.01. (1) Every individual shall be allowed to  
 6 subtract from his or her income tax liability an amount for  
 7 personal exemptions. The amount allowed to be subtracted shall be  
 8 the credit amount for the year as provided in this section  
 9 multiplied by the number of exemptions allowed on the federal  
 10 return. For tax year 1993, the credit amount shall be sixty-five  
 11 dollars; for tax year 1994, the credit amount shall be sixty-nine  
 12 dollars; for tax year 1995, the credit amount shall be sixty-nine  
 13 dollars; for tax year 1996, the credit amount shall be seventy-two  
 14 dollars; for tax year 1997, the credit amount shall be eighty-six  
 15 dollars; for tax year 1998, the credit amount shall be eighty-eight  
 16 dollars; for tax year 1999, and each year thereafter, the credit  
 17 amount shall be adjusted for inflation by the method provided in  
 18 section 151 of the Internal Revenue Code of 1986, as amended. The  
 19 eighty-eight-dollar credit amount shall be adjusted for cumulative  
 20 inflation since 1998. If any credit amount is not an even dollar  
 21 amount, the amount shall be rounded to the nearest dollar. The  
 22 amount allowed for each personal exemption shall be reduced, but  
 23 not below zero, by five dollars for each five thousand dollars, or  
 1 portion thereof, that federal adjusted gross income exceeds ninety  
 2 thousand dollars for married filing joint returns, fifty-four  
 3 thousand dollars for single returns, seventy-five thousand dollars  
 4 for head-of-household returns, and for married filing separate  
 5 returns, one-half the amount stated in this subsection for married  
 6 filing joint returns. For nonresident individuals and partial-year

7 resident individuals, the personal exemption credit shall be  
8 subtracted as specified in subsection (3) of section 77-2715. For  
9 tax year 1994 and each tax year thereafter, the income levels  
10 stated in this subsection shall be adjusted for inflation by the  
11 method provided in section 151 of the Internal Revenue Code of  
12 1986, as amended. If any income level in this subsection is not a  
13 multiple of one thousand dollars, the amount shall be rounded to  
14 the next highest multiple of one thousand dollars.

15 (2) Every For taxable years beginning or deemed to begin  
16 before January 1, 2001, every individual who did not itemize  
17 deductions on his or her federal return shall be allowed to  
18 subtract from federal adjusted gross income a standard deduction  
19 equal to the federal standard deduction for the filing status used  
20 on the federal return except as the amount is adjusted under  
21 section 77-2716.03.

22 (3) For taxable years beginning or deemed to begin on or  
23 after January 1, 2001, and before January 1, 2002, every individual  
24 who did not itemize deductions on his or her federal return shall  
25 be allowed to subtract from federal adjusted gross income a  
26 standard deduction of seven thousand six hundred dollars for  
27 taxpayers filing married filing joint returns, three thousand eight  
1 hundred dollars for married filing separate returns, six thousand  
2 six hundred fifty dollars for head-of-household returns, and four  
3 thousand five hundred fifty dollars for single returns.

4 (4)(a) For taxable years beginning or deemed to begin on  
5 or after January 1, 2002, every individual who did not itemize  
6 deductions on his or her federal return shall be allowed to  
7 subtract from federal adjusted gross income a standard deduction as  
8 provided or calculated in this subsection.

9 (b) For married filing joint or head-of-household  
10 returns, the standard deduction shall be the amounts provided in  
11 subsection (3) of this section for the respective filing status  
12 adjusted for inflation by the method provided in section 151 of the  
13 Internal Revenue Code of 1986, as amended. If any exemption amount  
14 in this subdivision is not a multiple of fifty dollars, the amount  
15 shall be rounded to the next lowest multiple of fifty dollars. For  
16 married filing separate returns, the standard deduction shall be  
17 one-half the amount calculated under this subdivision for married  
18 filing joint returns.

19 (c) For taxable years beginning or deemed to begin on or  
20 after January 1, 2002, and before January 1, 2003, for single or  
21 married electing for separate calculation returns, the standard  
22 deduction, shall be four thousand dollars. For taxable years  
23 beginning or deemed to begin on or after January 1, 2003, the  
24 amount shall be adjusted for inflation by the method provided in  
25 section 151 of the Internal Revenue Code of 1986, as amended. If  
26 any exemption amount in this subdivision is not a multiple of fifty  
27 dollars, the amount shall be rounded to the next lowest multiple of  
1 fifty dollars.

2 (5) Every individual who itemized deductions on his or  
 3 her federal return shall be allowed to subtract from federal  
 4 adjusted gross income the greater of either the standard deduction  
 5 allowed in ~~subsection (2)~~ subsections (2), (3), or (4) of this  
 6 section or the amount before the federal disallowance of his or her  
 7 federal itemized deductions, except for the amount deducted on the  
 8 federal return for state or local income taxes paid and the amount  
 9 of any adjustment required under section 77-2716.03.  
 10 (6) Taxpayers who filed joint, itemize deductions on  
 11 their federal return, and elect separate calculation of tax  
 12 liability shall each be allowed to claim a portion of the itemized  
 13 deductions as allocated in section 77-2732. One spouse may not  
 14 subtract the standard deduction and the other spouse claim itemized  
 15 deductions. For purposes of the adjustment under section  
 16 77-2716.03, the adjustment shall be shared equally based on their  
 17 joint income."

Senators Coordsen and Robak asked unanimous consent to be excused. No objections. So ordered.

The Redfield-Wickersham amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Smith moved to bracket LB 277 until May 1, 2001.

The Smith motion to bracket failed with 9 ayes, 20 nays, 15 present and not voting, and 5 excused and not voting.

Senator Bourne requested a machine vote on the advancement of the bill.

Senator Redfield moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Hilgert requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Aguilar	Baker	Bromm	Brown	Burling
Byars	Cunningham	Engel	Erdman	Foley
Hartnett	Hudkins	Janssen	Jensen	Jones
Kremer	Maxwell	Pedersen, Dw.	Quandahl	Redfield
Schimek	Schrock	Stuhr	Suttle	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 12:

Beutler	Bourne	Bruning	Chambers	Connealy
Hilgert	Kruse	Landis	Price	Raikes
Smith	Thompson			

Present and not voting, 5:

Cudaback      Kristensen      Pederson, D.      Preister      Robak

Excused and not voting, 4:

Brashear      Coordsen      Dierks      McDonald

Advanced to E & R for engrossment with 28 ayes, 12 nays, 5 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 277A.** Advanced to E & R for engrossment.

The Chair declared the call raised.

**LEGISLATIVE BILL 398.** E & R amendment, AM7095, found on page 1368, was adopted.

Senator Hilgert withdrew the Hilgert et al. pending amendment, AM1319, found on page 1329.

Senator Hilgert withdrew his pending amendment, AM1405, found in this day's Journal.

Senators Vrtiska and Robak asked unanimous consent to be excused. No objections. So ordered.

Senator Suttle renewed her pending amendment, AM1366, found on page 1380.

The Suttle amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Cudaback asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler renewed his pending amendment, AM1400, found in this day's Journal.

The Beutler amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Aguilar asked unanimous consent to be excused. No objections. So ordered.

Senator Byars renewed his pending amendment, AM1409, found in this day's Journal.

The Byars 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.

## RESOLUTION

**LEGISLATIVE RESOLUTION 57.** Introduced by Kristensen, 37.

WHEREAS, the federal law of the United States of America provides that federally recognized Indian Tribes have certain governmental authority and sovereign rights; and

WHEREAS, federal Indian law and federal Indian policy generally preempt state law and state policy as to activities by a Tribe on a federally recognized Indian Reservation; and

WHEREAS, the State of Nebraska believes that its motor fuel tax is applicable to transactions which occur within the boundaries of federally recognized Indian Reservations involving sales to non-tribal members and not to transactions which occur on reservations involving such sales to tribal members; and

WHEREAS, the State of Nebraska recognizes that its cost to administer, enforce, and verify the application of a practice by which those sales that occur on the federally recognized Indian Reservations are segregated into sales to tribal members and sales to non-tribal members would be greater than the amount of tax revenue to be realized from sales to non-tribal members; and

WHEREAS, the State of Nebraska is of the view that cooperation and negotiation between the state's governmental agencies and the governments of federally recognized Indian Tribes are more productive and beneficial to the interests and citizens of the state and better serve those interests than engaging in costly and extensive litigation.

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

1. That the State of Nebraska through the Governor or his or her designee may negotiate and enter into an agreement with the governing body of any federally recognized Indian Tribe within the State of Nebraska concerning the collection and dissemination of any motor fuel tax on those sales made on the reservation.

Laid over.

## SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 57 was referred to the Reference Committee.

## VISITORS

Visitors to the Chamber were Berkley B. Bailey from Lincoln; 48 fifth grade students and teachers from Doniphan; 36 fifth and sixth grade students and teachers from Cedar Rapids Public School; 45 fourth grade students and



teachers from Centennial Public School, Utica; 22 fourth through sixth grade students and teacher from Hampton Lutheran School; 30 third through fifth grade students and teachers from Benedict Public School; 16 students and teachers from Gretna; 35 students from Nebraska Christian Elementary School, Marquette; 24 seventh and eighth grade students from St. Paul Lutheran School, Omaha; 26 fourth grade students and teacher from Shelton Public School; 45 fourth grade students and teachers from Ravenna; 39 fifth grade students and teacher from Creighton; and 6 students and teacher from Ogallala Middle School.

### **ADJOURNMENT**

At 5:18 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Tuesday, April 10, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



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**LEGISLATIVE JOURNAL**  
**OF THE**  
**STATE OF NEBRASKA**

**Volume 2**

**NINETY-SEVENTH LEGISLATURE**  
**FIRST SESSION**

**2001**

**Convened January 3, 2001**

**Adjourned May 31, 2001**

**LINCOLN, NEBRASKA**

**Compiled**

**Under the Authority of the Legislature**

**by**

**PATRICK J. O'DONNELL, CLERK**



**SIXTY-SECOND DAY - APRIL 10, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 10, 2001

**PRAYER**

The prayer was offered by Pastor Roger Luiken, Liberty Baptist Church, Fremont, 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 McDonald who was excused; and Senators Hudkins, Jensen, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-first day was approved.

**SELECT FILE**

**LEGISLATIVE BILL 461A.** Advanced to E & R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 462.** Senator Brashear renewed his pending motion, found on page 1434, to indefinitely postpone before the bill is read on General File pursuant to Rule 6, Section 3.

Senator Brashear withdrew his motion.

Title read. Considered.

Senator Brashear renewed his pending motion, found on page 1434, to bracket LB 462 to April 24, 2001.

Senator Brashear withdrew his motion.

Senator Beutler moved to bracket LB 462 to January 1, 2002.

Senator Beutler withdrew his motion.

Senator Brashear renewed his pending motion, found on page 229, to suspend the rules, Rule 6, Section 3 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 462 without further amendment or debate.

Senator Brashear withdrew his motion.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers renewed his pending amendment, AM0348, found on page 566.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers offered the following amendment to his pending amendment:

FA170

Amend AM0348

1. On page 2, line 25, after "shall" insert "not"; and in line 27, strike the period and add, "unless requested by the patient".

Senators Hilgert and Connealy asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### **STANDING COMMITTEE REPORT** **Appropriations**

**LEGISLATIVE BILL 666.** Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

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

**Correctly Engrossed**

The following bill was correctly engrossed: LB 461A.

(Signed) Philip Erdman, Chairperson

**REFERENCE COMMITTEE REPORT**

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

**LB/LR**      **Committee**  
**LR 57**      **Revenue**

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

**AMENDMENTS - Print in Journal**

Senator Robak filed the following amendment to LB 75:  
AM1431

(Amendments to AM0239)

- 1 1. Strike section 6 and insert the following new
- 2 sections:
- 3 "Section 1. Section 60-601, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 60-601. Sections 60-601 to 60-6,374 and section 2 of
- 6 this act shall be known and may be cited as the Nebraska Rules of
- 7 the Road.
- 8 Sec. 2. It is unlawful to use nitrous oxide in any motor
- 9 vehicle operated on any highway in this state.
- 10 Sec. 8. Original section 66-1214, Reissue Revised
- 11 Statutes of Nebraska, and section 60-601, Revised Statutes
- 12 Supplement, 2000, are repealed."
- 13 2. Renumber the remaining section accordingly.

Senator Coordsen filed the following amendment to LB 435:  
AM1434

(Amendments to Standing Committee amendments, AM0524)

- 1 1. On page 2, line 6, after "88-526" insert "any
- 2 livestock auction market as defined in section 54-1158,".

**STANDING COMMITTEE REPORT**  
**Education**

**LEGISLATIVE BILL 305.** Placed on General File as amended.  
(Standing Committee amendment, AM1406, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ron Raikes, Chairperson

**VISITORS**

Visitors to the Chamber were students from Heartland Christian School, Fremont; 30 second grade students and teacher from Trinity Lutheran

School, Lincoln; 55 students, from Burke High School, Omaha; 29 fourth grade students and teachers from Grant Elementary School, Norfolk; 60 fourth grade students and teachers from Golden Hills Elementary School, Bellevue; Senator Aguilar's wife and daughter, Susan and Ali, from Grand Island; and former United States Congressman and State Senator, Bill Barrett, from Lexington.

### RECESS

At 11:53 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., Speaker Kristensen presiding.

### ROLL CALL

The roll was called and all members were present except Senator McDonald who was excused; and Senators Brown, Coordsen, Engel, and Robak who were excused until they arrive.

### SELECT COMMITTEE REPORT Enrollment and Review

**LEGISLATIVE BILL 75.** Placed on Select File as amended.  
E & R amendment to LB 75:  
AM7098

- 1 1. In the Connealy amendment, FA153, before "except"
- 2 insert a comma.

(Signed) Philip Erdman, Chairperson

### STANDING COMMITTEE REPORT Education

**LEGISLATIVE BILL 621.** Placed on General File as amended.  
(Standing Committee amendment, AM1336, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ron Raikes, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 462.** The Chambers pending amendment, FA170, found on page 1452, to the Chambers pending amendment, AM0348, found on page 566 and considered on page 1452, was renewed.



Senator Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

### SENATOR COORDSEN PRESIDING

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to his pending amendment:

FA171

Amend AM0348

1. On page 2, in line 27, strike the period and add "if such information is requested by the patient."

### SPEAKER KRISTENSEN PRESIDING

Pending.

### AMENDMENTS - Print in Journal

Senators Wickersham and Quandahl filed the following amendment to LB 242:

AM1429

1 1. On page 12, line 8, after "from" insert "making  
2 incidental use of public resources in" and after "regarding" insert  
3 "a candidate or"; and strike line 10 and insert "individual  
4 constituents. A member is not authorized by this section to  
5 utilize mass mailings or other mass communications at public  
6 expense for the purpose of qualifying, supporting, or opposing a  
7 ballot question or for the purpose of campaigning for or against  
8 the nomination or election of a candidate.".

Senators Wickersham, Erdman, Baker, and Burling filed the following amendment to LB 242:

AM1430

1 1. In the Raikes amendment, AM1076, on page 2, line 14,  
2 after "board" insert "in a Class III, IV, or V school district  
3 which has a general fund budget greater than fifteen million  
4 dollars for the current school fiscal year as designated in section  
5 79-1091".  
6 2. On page 5, line 23, after "49-1493" insert "and a  
7 member of any school board not included in subdivision (11) of  
8 section 49-1493".

Senator Kruse filed the following amendment to LB 773:

(Amendment, AM1418, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

**RESOLUTION**

**LEGISLATIVE RESOLUTION 58.** Introduced by Bruning, 3; Cudaback, 36.

WHEREAS, Alan Fairbanks competed in the statewide Class D-1 speech competition held by the Nebraska School Activities Association on March 16, 2001; and

WHEREAS, Mr. Fairbanks, a senior at Shelton High School, competed in the "Entertainment" category; and

WHEREAS, Mr. Fairbanks won the 2001 Class D-1 state championship in the "Entertainment" category, speaking on "Phobias".

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

1. That the Legislature congratulates Alan Fairbanks on his accomplishment.
2. That a copy of this resolution be sent to Alan Fairbanks.

Laid over.

**NOTICE OF COMMITTEE HEARINGS**  
**Natural Resources**

Tuesday, May 22, 2001	8:30 AM
Nebraska Environmental Trust Board	
Warren Arganbright	
Richard Gady	

Wednesday, May 23, 2001	8:30 AM
Nebraska Environmental Trust Board	
Vincent Kramper	

(Signed) Ed Schrock, Chairperson

**ANNOUNCEMENT**

Senator Coordsen announced the Redistricting Committee will meet tomorrow morning, Wednesday, April 11, at 8:30 a.m., in Hearing Room 1510.

**GENERAL FILE**

**LEGISLATIVE BILL 462.** The Chambers pending amendment, FA171, found in this day's Journal, to his pending amendment, AM0348, was renewed.

Senator Brashear moved the previous question. The question is, "Shall the debate now close on the main motion?"

Senator Chambers raised a point of order on whether Senator Brashear's motion to cease debate on the main motion, which is to advance the bill, is in order while an amendment is under consideration.

The Chair ruled the Brashear motion is out of order.

Senator Brashear challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Brashear withdrew his motion to overrule the Chair.

The Chambers pending amendment, FA171, found in this day's Journal, to his pending amendment, AM0348, was renewed.

### **SENATOR CUDABACK PRESIDING**

Pending.

### **SELECT COMMITTEE REPORTS Enrollment and Review**

#### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 38, 516, 516A, 664, and 678.

#### **Enrollment and Review Change to LB 38**

The following changes, required to be reported for publication in the Journal, have been made:  
ER9053

1. On page 1, line 11, "and 60-6,197" has been struck and "60-6,197, and 60-6,197.01" inserted.

#### **Enrollment and Review Change to LB 516A**

The following changes, required to be reported for publication in the Journal, have been made:  
ER9055

1. On page 3, line 1, the comma has been struck.

(Signed) Philip Erdman, Chairperson

### **UNANIMOUS CONSENT - Add Cointroducers**

Senators Redfield and Stuhr asked unanimous consent to have their names added as cointroducers to LB 692. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 47 fourth grade students and teachers from Westside Elementary School, Norfolk.

The Doctor of the Day was Dr. Mark Butler from Lincoln.

**ADJOURNMENT**

At 4:27 p.m., on a motion by Senator Landis, the Legislature adjourned until 9:00 a.m., Wednesday, April 11, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-THIRD DAY - APRIL 11, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 11, 2001

**PRAYER**

The prayer was offered by Reverend Kelly Karges, United Methodist Church, Seward, 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 McDonald who was excused; and Senators Beutler, Bromm, Hartnett, Kremer, Robak, Schimek, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-second day was approved.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 55 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 55.

**AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendment to LB 462:  
AM1435

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 28-101, Revised Statutes Supplement,
- 4 2000, is amended to read:

- 5 28-101. Sections 28-101 to 28-1348 and sections 2 to 9  
6 of this act shall be known and may be cited as the Nebraska  
7 Criminal Code.
- 8 Sec. 2. It is the intent of the Legislature that the  
9 University of Nebraska discontinue its use of fetal tissue from  
10 abortions for research as soon as an adequate substitute material  
11 can be obtained. The University of Nebraska shall report to the  
12 Legislature prior to January 1 of each year its progress in finding  
13 an adequate substitute material for as long as fetal tissue  
14 continues to be used.
- 15 Sec. 3. For purposes of sections 2 to 9 of this act:  
16 (1) Abortion has the same meaning as in section 28-326;  
17 (2)(a) Consideration means:  
18 (i) Any payment made or debt incurred;  
19 (ii) Any gift, honorarium, or recognition of value  
20 bestowed;  
21 (iii) Any price, charge, or fee which is waived,  
22 forgiven, reduced, or indefinitely delayed;  
23 (iv) Any loan or debt which is canceled or otherwise  
24 forgiven; or  
1 (v) The transfer of any item from one person to another  
2 or provision of any service or granting of any opportunity for  
3 which a charge is customarily made, without charge or for a reduced  
4 charge.  
5 (b) Consideration does not mean:  
6 (i) A payment in an amount not exceeding fifty dollars  
7 for the cost of transporting, processing, preserving, and storing  
8 fetal tissue; or  
9 (ii) A payment in an amount not to exceed the actual  
10 cost, as documented by the delivery service, of transporting fetal  
11 tissue.  
12 (3) Delivery service means a motor carrier as defined in  
13 section 75-302 or any other person or entity used to transport  
14 fetal tissue;  
15 (4) Fetal tissue means any tissue, cells, or organs  
16 obtained from a dead human embryo or fetus after an abortion; and  
17 (5) Person has the same meaning as in section 49-801.
- 18 Sec. 4. Except as specifically provided in sections 2 to  
19 9 of this act, nothing in such sections shall be construed as  
20 either permitting or prohibiting the use of fetal tissue for any  
21 type of scientific, research, laboratory, or other kind of  
22 experimentation, either prior to or subsequent to any abortion.
- 23 Sec. 5. This act does not apply to:  
24 (1) The transfer of fetal tissue to a pathologist for  
25 testing or examination; or  
26 (2) The transfer of fetal tissue for the purpose of  
27 immediate burial, cremation, or final disposition.
- 1 Sec. 6. (1) No person shall solicit, offer, knowingly  
2 acquire, accept, or transfer any fetal tissue for consideration.

3 (2) No person shall solicit, offer, knowingly acquire,  
4 accept, or transfer any fetal tissue for the purpose of  
5 transplantation of such tissue into another person if:  
6 (a) The fetal tissue will be or is obtained pursuant to  
7 an abortion; and  
8 (b)(i) The donation of such fetal tissue will be or is  
9 made pursuant to a promise to the donating individual that the  
10 donated tissue will be transplanted into a recipient specified by  
11 such donating individual;  
12 (ii) Such fetal tissue will be transplanted into a  
13 relative of the donating individual; or  
14 (iii) The person who solicits or knowingly acquires or  
15 accepts the donation of such fetal tissue has provided  
16 consideration for the costs associated with such abortion.  
17 (3) Any person who intentionally, knowingly, or  
18 recklessly violates this section is guilty of a Class IV felony.  
19 Sec. 7. (1) Every person who transfers fetal tissue to  
20 another person shall submit annually a written report to the  
21 Director of Health and Human Services which contains the following:  
22 (a) The date of transfer;  
23 (b) A description of the fetal tissue;  
24 (c) The name and address of the transferor and the  
25 transferee;  
26 (d) The amount of consideration received by the  
27 transferor for making the transfer;  
1 (e) The mode of transfer or shipment; and  
2 (f) The name of the delivery service.  
3 (2) The identity of the woman donating the fetal tissue  
4 shall be confidential and shall not be included in the report  
5 required by this section.  
6 (3) No person shall ship fetal tissue without disclosing  
7 to the delivery service that human tissue is contained in such  
8 shipment.  
9 (4) Except as provided in this section, information  
10 obtained by the director under this section is confidential and  
11 shall not be disclosed in any manner that would reveal the identity  
12 of any person who submits a report to the director under this  
13 section. Such information, including information identifying any  
14 person submitting a report hereunder, may be disclosed to the  
15 Attorney General upon a showing that a reasonable cause exists to  
16 believe that a violation of sections 2 to 9 of this act has  
17 occurred. Any information disclosed to the Attorney General  
18 pursuant to this subsection shall be used solely for the purposes  
19 of a criminal prosecution.  
20 (5) For purposes of maintaining confidentiality, a report  
21 required by this section shall identify the name and address of the  
22 person submitting such report only by confidential code number  
23 assigned by the director to such person, and the Department of  
24 Health and Human Services shall maintain the reports only by

25 confidential code number.

26 (6) Any person who intentionally, knowingly, or

27 recklessly violates this section is guilty of a Class I

1 misdemeanor.

2 Sec. 8. (1) No person shall offer any monetary or other

3 inducement to any other person for the purpose of procuring an

4 abortion for the medical, scientific, experimental, or therapeutic

5 use of fetal organs or tissue.

6 (2) No person shall offer or accept any valuable

7 consideration for the fetal organs or tissue resulting from an

8 abortion. However, nothing in this subsection prohibits payment

9 for burial or other final disposition of the fetal remains or

10 payment for a pathological examination, autopsy, or postmortem

11 examination of the fetal remains.

12 (3) Any person who intentionally, knowingly, or

13 recklessly violates this section is guilty of a Class I

14 misdemeanor.

15 Sec. 9. (1) No person shall use fetal organs or tissue

16 for medical, scientific, experimental, or therapeutic use without

17 the voluntary and informed consent of the woman donating such

18 tissue. Such consent shall not be discussed or obtained prior to

19 obtaining the consent for an abortion required under section

20 28-327.

21 (2) Any person who intentionally, knowingly, or

22 recklessly violates this section is guilty of a Class I

23 misdemeanor.

24 Sec. 10. If any section in this act or any part of any

25 section is declared invalid or unconstitutional, the declaration

26 shall not affect the validity or constitutionality of the remaining

27 portions.

1 Sec. 11. This act becomes operative on January 1, 2002.

2 Sec. 12. Original section 28-101, Revised Statutes

3 Supplement, 2000, is repealed."

Senator Beutler filed the following amendment to LB 462:

AM1436

1 1. Strike original section 1.

2 2. Renumber the remaining sections and correct internal

3 references accordingly.

Senator Beutler filed the following amendment to LB 462:

AM1437

1 1. On page 4, line 4, strike "or"; and in line 5 after

2 "abortions" insert ", or (vi) any use as evidence in a court of

3 law".

Senator Landis filed the following amendment to LB 462:

AM1458

1 1. Strike original sections 5, 6, and 9.



2 2. On page 4, line 11, after "state" insert ", except  
3 employees of the Nebraska veterans homes and employees of  
4 county-owned hospitals and nursing homes,"; in line 17 after  
5 "state" insert ", except the Nebraska veterans homes and  
6 county-owned hospitals and nursing homes,"; in line 18 after  
7 "abortion" insert ", except that treatments using medications,  
8 procedures, or therapies derived in whole or in part from human  
9 fetal tissue from an induced abortion may be used in the Nebraska  
10 veterans homes and county-owned facilities, as prescribed by  
11 employees of such homes or facilities"; in line 22 after "private"  
12 insert ", except medicaid funds".  
13 3. On page 5, line 5, strike "may" and insert "shall".

### GENERAL FILE

**LEGISLATIVE BILL 398A.** Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

### ANNOUNCEMENT

The Chair announced today is Senator Bourne's birthday.

### GENERAL FILE

**LEGISLATIVE BILL 462.** The Chambers pending amendment, FA171, found on page 1455 and considered on page 1456, to his pending amendment, AM0348, was renewed.

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Dw. Pedersen moved to bracket LB 462 to January 9, 2002.

Senator Chambers offered the following amendment to the Dw. Pedersen pending motion to bracket:

FA178

Strike "January 9" and insert "April 15"

Senator Brashear raised a point of order on whether a motion to bracket to a date certain can be amended.

The Chair ruled the Chambers amendment out of order because a motion to bracket to a date certain cannot be amended.

Senators Dierks and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Hilgert 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 33 ayes, 0 nays, and 16 not voting.

Senator Hilgert requested a roll call vote on the Dw. Pedersen motion to bracket.

Voting in the affirmative, 40:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Coordsen	Cudaback	Cunningham	Engel	Erdman
Foley	Hartnett	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Landis
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Schrock	Smith	Stuhr
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 2:

Chambers      Hilgert

Present and not voting, 4:

Connealy      Robak      Schimek      Suttle

Excused and not voting, 3:

Dierks      McDonald      Pederson, D.

The Dw. Pedersen motion to bracket prevailed with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### AMENDMENTS - Print in Journal

Senator Byars filed the following amendment to LB 398A:  
AM1468

1. On page 2, line 1, strike "\$27,939" and insert
- 2 "\$34,654"; and in line 2 strike "\$25,635" and insert "\$32,350".

Senator Jensen filed the following amendment to LB 640:  
AM1411

(Amendments to Standing Committee amendments, AM1022)

1. On page 7, line 13, after "offenders" insert "and to
- 2 increase capacity for community-based services to juveniles".

3 2. On page 8, strike beginning with "Aid" in line 16  
4 through the period in line 19; and after line 21 insert the  
5 following subsection:  
6 "(5) Any county receiving funding under the County  
7 Juvenile Services Aid Program shall file an annual report as  
8 required by rules and regulations adopted and promulgated by the  
9 Office of Juvenile Services. The report shall include, but not be  
10 limited to, information on the total number of juveniles served,  
11 the units of service provided, a listing of the county's annual  
12 juvenile justice budgeted and actual expenditures, and a listing of  
13 expenditures for detention, residential treatment, and  
14 nonresidential treatment.".

Senator Chambers filed the following amendments to LB 462:

FA172

Amend AM0348

1. On page 1, strike lines 3-24 and on page 2, strike lines 1-21.

FA173

Strike section 1.

FA174

Strike section 2

FA175

Strike sections 1 and 2.

FA176

Strike sections 1, 2, 3.

FA177

Strike section 3.

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

**LEGISLATIVE BILL 398A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### **VISITORS**

Visitors to the Chamber were 22 fourth grade students and teachers from Stanton; and 50 fifth grade students and teacher from Howard Elementary School, Fremont.

### **RECESS**

At 11:40 a.m., on a motion by Senator Coordsen, 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 McDonald who was excused; and Senators Bromm, Landis, and Robak who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 620.** Title read. Considered.

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM1184, found on page 1296, was considered.

Senator Kristensen withdrew his pending amendments, AM1357 and AM1360, found on page 1379.

Senator Hartnett renewed the Hartnett et al. pending amendment, AM1384, found on page 1393, to the Standing Committee amendment.

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hartnett et al. amendment was adopted with 27 ayes, 2 nays, 16 present and not voting, and 4 excused and not voting.

**PRESIDENT MAURSTAD PRESIDING**

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

FA179

Amend AM1184

On page 2, in line 7, strike beginning with "The" through the period in line 11.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Pending.

**NOTICE OF COMMITTEE HEARING**  
**Revenue**

LR 57            Wednesday, April 18, 2001

5:00 PM

(Signed) William R. Wickersham, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 59.** Introduced by Tyson, 19; Hilgert, 7.

WHEREAS, Lt. Shane Osborn is a Nebraska resident serving his country as a member of the United States Navy; and

WHEREAS, Lt. Osborn piloted the EP-3 plane forced to make an April 1 landing on the Chinese Island of Hainan; and

WHEREAS, Lt. Osborn was lauded for his leadership while he and fellow crew members were detained for eleven days; and

WHEREAS, Lt. Osborn and his family have been in the thoughts of all Nebraskans.

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

1. That the members of the Nebraska Legislature welcome the release of Lt. Osborn and fellow crew members.

2. That a copy of this resolution be sent to Lt. Osborn's family.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 666A.** Introduced by Wehrbein, 2; Vrtiska, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 666, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

**AMENDMENTS - Print in Journal**

Senator Schrock filed the following amendment to LB 461:  
AM1471

(Amendments to Final Reading copy)

1 1. On page 3, line 21, strike "2005" and insert "2002".

Senator Dierks filed the following amendment to LB 536:  
AM1482

(Amendments to Standing Committee amendments, AM1356)

1 1. Strike section 8 and insert the following new  
2 section:

- 3 "Sec. 8. (1) Beginning October 1, 2001, through  
4 September 30, 2008, there is imposed an excise tax of fifty cents  
5 per dry ton basis upon the gross tonnage of all distiller's grain  
6 or gluten feed generated in this state by an ethanol facility that  
7 has received credits under the Ethanol Development Act. The tax  
8 shall be paid by the generator of the distiller's grain or gluten  
9 feed.
- 10 (2) The excise tax shall be imposed at the time of sale  
11 or delivery and shall be applied whether the distiller's grain or  
12 gluten feed is stored in this or any other state. The tax shall be  
13 collected, administered, and enforced by the Department of  
14 Agriculture in conjunction with the fee imposed pursuant to  
15 sections 2-3623 and 2-4012. No distiller's grain or gluten feed  
16 shall be subject to the tax imposed by this section more than once.
- 17 (3) The generator shall maintain the necessary records of  
18 the excise tax for each sale or delivery of distiller's grain or  
19 gluten feed. Records maintained by the generator shall provide (a)  
20 the name and address of the generator of the distiller's grain or  
21 gluten feed, (b) the date of the sale or delivery, (c) the number  
22 of tons of distiller's grain or gluten feed sold or delivered, (d)  
23 the dry ton basis of the distiller's grain or gluten feed as  
1 determined by formula provided by the department, and (e) the  
2 amount of excise tax imposed on each sale or delivery. The records  
3 shall be open for inspection and audit by authorized  
4 representatives of the department during normal business hours  
5 observed by the first purchaser. The generator shall render and  
6 have on file with the department by January 31 and July 31 each  
7 year on forms prescribed by the department a statement of the  
8 number of tons of distiller's grain and gluten feed sold or  
9 delivered. At the time the statement is filed, the generator shall  
10 pay and remit to the department the excise tax.
- 11 (4) The department shall remit the excise tax collected  
12 to the State Treasurer for credit to the Ethanol Production  
13 Incentive Cash Fund within thirty days after the end of each  
14 quarter.
- 15 (5) The department shall calculate its costs in  
16 collecting and enforcing the excise tax imposed by this section and  
17 shall report such costs to the Department of Administrative  
18 Services within thirty days after the end of the fiscal year.  
19 Sufficient funds to cover such costs shall be transferred from the  
20 Ethanol Production Incentive Cash Fund to the Management Services  
21 Expense Revolving Fund at the end of each calendar month. Funds  
22 shall be transferred upon the receipt of a report of costs incurred  
23 by the Department of Agriculture for the previous calendar month by  
24 the Department of Administrative Services."
- 25 2. On page 3, line 8, strike "Any" and insert "Beginning  
26 January 1, 2002, any" and after "facility" insert "for which a  
27 distilled spirits permit has not previously been issued and"; in  
1 line 9 after the second comma insert "or a facility qualifying

- 2 under subsection (5) of this section,"; in line 13 strike  
 3 "eighty-four" and insert "eighty-four-consecutive"; in line 20  
 4 strike "eighty-four-month" and insert  
 5 "eighty-four-consecutive-month"; in line 23 strike "30" and insert  
 6 "1"; and in line 25 strike "also".  
 7 3. On page 8, line 15, strike "June 30," and show as  
 8 stricken and strike the new matter and insert "December 31, 2011".  
 9 4. On page 9, line 10, strike "January" and insert  
 10 "October".  
 11 5. On page 12, line 19, after "under" insert  
 12 "subsections (4) and (5) of".

### GENERAL FILE

**LEGISLATIVE BILL 620.** Senator Wickersham offered the following amendment:

AM1477

- 1 1. Insert the following new section:  
 2 "Section 1. (1) By January 1, 2003, and every five years  
 3 thereafter there shall be an audit to determine compliance with the  
 4 Employment and Investment Growth Act, the Employment Expansion and  
 5 Investment Incentive Act, the Invest Nebraska Act, the Nebraska  
 6 Redevelopment Act, and the Quality Jobs Act. The Auditor of Public  
 7 Accounts shall contract with a qualified independent firm to  
 8 conduct the audit. The cost of the audit shall be paid from funds  
 9 appropriated by the Legislature.  
 10 (2) The purpose of the audit is to examine information  
 11 collected by the Department of Revenue and determine:  
 12 (a) The extent the data collected from the companies  
 13 receiving benefits is verified;  
 14 (b) The extent to which the projects receiving benefits  
 15 from the acts are in compliance with the law initially and  
 16 throughout the entitlement period;  
 17 (c) Whether or not actions taken by the department to  
 18 assure the requirements of the enabling act are complied with;  
 19 (d) Whether or not and to what extent new jobs are  
 20 created or preexisting jobs are moved to a new location;  
 21 (e) Whether or not and to what extent the new jobs  
 22 created actually represent new employees or merely more hours;  
 23 (f) The quality of the new jobs created compared to the  
 24 average job in the state on the basis of pay, benefits, overtime,  
 1 and other working conditions;  
 2 (g) The industry or industries in which the new jobs are  
 3 created, by standard industrial code;  
 4 (h) The nature of the investments made, that is, by  
 5 category of spending, what is purchased by the companies that is  
 6 claimed as qualified investment;  
 7 (i) The new or increased output resulting from the  
 8 project; and

9 (j) The extent to which performance standards are  
10 enforced.

11 (3) After the audit is conducted, and on or before  
12 January 1, 2003, and every five years thereafter, the auditor shall  
13 issue a report to the Legislature and Governor detailing the  
14 results of the audit and any recommendations for change. The  
15 report shall be presented using aggregated information and other  
16 techniques so as not to reveal confidential information. The  
17 report shall detail all assumptions, methods, or models that were  
18 used in performing the analysis and shall report information by  
19 industry group or expenditure category so that further analysis can  
20 be performed. The auditor shall have access to all records of the  
21 department with regard to the credits and refunds granted under the  
22 acts and the companies receiving such credits and refunds. Such  
23 records shall remain confidential in the hands of the firm  
24 conducting the audit and shall not be revealed to any person that  
25 is not employed by the department or the firm conducting the audit.  
26 No officer or employee of the firm conducting the audit shall  
27 disclose any information to any other person that is protected by  
1 state or federal confidentiality laws.

2 (4) Confidential tax returns and return information shall  
3 be examined only on the premises of the department and shall be  
4 stored in a secure place. Any person who violates subsection (3)  
5 of this section or this subsection shall be guilty of a Class IV  
6 felony and, in the discretion of the court, may be assessed the  
7 costs of prosecution."

8 2. Renumber the remaining sections and correct internal  
9 references accordingly.

## **SENATOR CUDABACK PRESIDING**

Senator Preister asked unanimous consent to be excused. No objections. So ordered.

Senator Wickersham withdrew his amendment.

Senator Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham offered the following amendment:

AM1480

- 1 1. In AM1184, on page 7, line 11, strike "thirty" and
- 2 insert "one hundred eighty".

The Wickersham amendment lost with 4 ayes, 19 nays, 20 present and not voting, and 6 excused and not voting.

Senator Wickersham offered the following amendment:

AM1484



1 1. In AM1184, on page 4, line 21, after the period  
 2 insert "The board shall approve no project that qualifies under  
 3 subdivision (3)(b) or (c) of this section until at least one  
 4 project has been approved under subdivision (3)(a) of this  
 5 section.".

## PRESIDENT MAURSTAD PRESIDING

Senators Brashear and Suttle asked unanimous consent to be excused until their return. No objections. So ordered.

The Wickersham amendment lost with 3 ayes, 20 nays, 19 present and not voting, and 7 excused and not voting.

Pending.

## AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 620:  
 AM1479

1 1. In AM1184, on page 3, line 16, strike "and"; and in  
 2 line 18 before the period insert "and  
 3 (e) Whether the project will show a positive net present  
 4 value to state and local governments in Nebraska using econometric  
 5 forecasting owned and maintained by the Legislative Fiscal Office.  
 6 The economic forecasting model used shall consider state and local  
 7 increases in the tax base or in costs of services, including  
 8 direct, indirect, and induced benefits of the project".

Senator Wickersham filed the following amendment to LB 620:  
 AM1478

1 1. In AM1184:  
 2 a. On page 3, line 24, after "if" insert "(a)"; and in  
 3 line 27 strike "that" and insert ", (b) the project" and strike  
 4 "(a)" and insert "(i)";  
 5 b. On page 4, line 9, strike "(b)" and insert "(ii)"; in  
 6 line 11 strike "(c)" and insert "(iii)"; in line 14 strike "(d)"  
 7 and insert "(iv)"; in line 16 after "hundred" insert ", and (c) the  
 8 project, if approved, will not result in credits projected to be  
 9 earned in any one year of the entitlement period, when added to  
 10 projected credits to be earned in that year by other companies that  
 11 have been approved for benefits under the Invest Nebraska Act, that  
 12 total more than ten million dollars. The projected credits to be  
 13 earned shall be determined using application information and  
 14 econometric models that are owned and maintained by the Legislative  
 15 Fiscal Office"; in line 18 strike "(3)(a), (b), and (c)" and insert  
 16 "(3)(b)(i), (ii), and (iii)"; and in line 20 strike "(3)(d)" and  
 17 insert "(3)(b)(iv)";  
 18 c. On page 5, line 5, strike "(3)(a)" and insert

- 19 "(3)(b)(i)"; in line 9 strike "(3)(b)" and insert "(3)(b)(ii)"; in  
 20 line 11 strike "(3)(c)" and insert "(3)(b)(iii)" and in line 14  
 21 strike "(3)(d)" and insert "(3)(d)(iv)"; and  
 22 d. On page 8, line 19, strike "(3)(d)" and insert  
 23 "(3)(b)(iv)".  
 24 2. On page 12, line 17, after "(e)" insert "The timing  
 1 and amount of credits expected to be earned under the act if  
 2 approved;  
 3 (f)"; in line 21 strike "(f)" and insert "(g)"; and in  
 4 line 27 strike "(h)" and insert "(i)".  
 5 3. On page 13, line 5, strike "(i)" and insert "(j)".

Senators Vrtiska and Jones filed the following amendment to LB 620:  
 AM1488

(Amendments to Standing Committee amendments, AM1184)

- 1 1. On page 4, line 1; and page 5, line 4, strike  
 2 "twenty" and insert "ten".  
 3 2. On page 4, line 2; and page 5, line 5, strike "fifty"  
 4 and insert "twenty-five".

Senator Chambers filed the following amendment to LB 659:  
 AM1487

(Amendments to Standing Committee amendments, AM1342)

- 1 1. On page 4, strike beginning with "that" in line 10  
 2 through the comma in line 12; after line 14 insert:  
 3 "(6) All forensic DNA tests shall be performed by a  
 4 laboratory which is accredited by the American Society of Crime  
 5 Laboratory Directors - LAB - Laboratory Accreditation Board or the  
 6 National Forensic Science Technology Center or by any other  
 7 national accrediting body or public agency which has requirements  
 8 that are substantially equivalent to or more comprehensive than  
 9 those of the society or center."; in line 19 strike "then"; and  
 10 strike beginning with "The" in line 19 through line 21.  
 11 2. On page 5, line 4, strike "and" and insert "or".  
 12 3. On page 7, line 17, strike "enumerated", show as  
 13 stricken, and insert "set forth".  
 14 4. On page 7, line 21; and page 8, lines 6, 13, and 19,  
 15 strike "enumerated" and insert "set forth".  
 16 5. On page 8, strike beginning with "claims" in line 16  
 17 through line 17 and insert "supports a claim of actual innocence by  
 18 a preponderance of the evidence.".

## VISITORS

Visitors to the Chamber were 50 eighth grade students and teacher from  
 Kirn Junior High School, Council Bluff, Iowa.

**ADJOURNMENT**

At 5:29 p.m., on a motion by Senator Beutler, the Legislature adjourned until 9:00 a.m., Thursday, April 12, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-FOURTH DAY - APRIL 12, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 12, 2001

**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., President Maurstad presiding.

The roll was called and all members were present except Senator McDonald who were excused; and Senators Brashear, Byars, Coordsen, Dierks, Maxwell, and Quandahl who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-third day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 12, 2001, 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

Mills, Jack D.  
Nebraska Intergovernmental Risk Management Association

Moylan, James H.  
Corrections Corporation of America

**REPORT**

The following report was received by the Legislature:

**Health and Human Services System, Nebraska**

Report on number of adults declared ineligible for cash assistance under section 68-1723

**GENERAL FILE**

**LEGISLATIVE BILL 667.** The second Standing Committee amendment, FA146, found on page 1272, was renewed.

Senator Schrock renewed his pending amendment, AM1416, found on page 1435, to the second Standing Committee amendment.

Senators Landis, Hilgert, and Redfield asked unanimous consent to be excused until they return. No objections. So ordered.

The Schrock amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The second Standing Committee amendment, as amended, was adopted with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

Senator Beutler withdrew his pending amendment, AM1207, found on page 1277.

Senator Beutler renewed his pending amendment, AM1206, found on page 1277.

The Beutler amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

**ANNOUNCEMENT**

The Chair announced today is Senator Cudaback's birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 142.** The second Thompson amendment, from her previously divided substitute amendment, found on page 1158, to the Standing Committee amendment, is as follows:

FA118

(Amendments to Standing Committee amendments, AM0226)

1 1. On page 3, line 26, after the period insert "The  
2 report shall specify the basis for the conclusion that the creation  
3 of a municipal county is not in the public interest, shall identify  
4 governmental services, if any, that should be consolidated, and  
5 shall recommend the consolidation of the services through the use  
6 of interlocal agreements or through the election process as set  
7 forth in section 9 of this act. If the commission recommends the  
8 consolidation of services through the election process, the  
9 commission shall also prepare a plan and hold public hearings for  
10 consolidation of services in the same manner as provided in  
11 sections 1 to 16 of this act for creation of a municipal county."  
12 and strike "do so" and insert "create a municipal county".  
13 2. On page 5, line 26, after "hearing" insert "in each  
14 county and municipality involved".  
15 3. On page 13, line 15, after "(8)" insert "A  
16 consolidation of services through the election process as provided  
17 for in section 1 of this act may be reversed in the same manner as  
18 provided in this section for dissolution of a municipal county.  
19 (9)".

Senator D. Pederson 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.

#### **SPEAKER KRISTENSEN PRESIDING**

#### **PRESIDENT MAURSTAD PRESIDING**

Senator Thompson asked unanimous consent to withdraw her remaining  
divided amendment, FA118. No objections. So ordered.

Senator Schimek withdrew her pending amendment, AM0924, found on  
page 1009.

Senator Schimek withdrew her pending amendment, AM0925, printed  
separately and referred to on page 1010.

Senator Brown asked unanimous consent to replace the Brown et al.  
pending amendment, AM0949, found on page 1024, with a substitute  
amendment. No objections. So ordered.

Senator Brown withdrew the Brown et al. pending amendment, AM0949,  
found on page 1024.

Senator Brown renewed the Brown et al. substitute pending amendment,  
AM1225, found on page 1313, to the Standing Committee amendment.

Senators Beutler, Connealy, and Bourne asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Brown moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Brown et al. amendment was adopted with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Quandahl asked unanimous consent to replace his pending amendment, AM1073, found on page 1142, with a substitute amendment. No objections. So ordered.

Senator Quandahl withdrew his pending amendment, AM1073, found on page 1142.

Senator Quandahl renewed his substitute pending amendment, AM1107, found on page 1160, to the Standing Committee amendment.

The Quandahl amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Pending.

## STANDING COMMITTEE REPORTS

### Education

**LEGISLATIVE BILL 744.** Indefinitely postponed.

**LEGISLATIVE BILL 749.** Indefinitely postponed.

**LEGISLATIVE BILL 793.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

### Judiciary

**LEGISLATIVE BILL 642.** Placed on General File.

**LEGISLATIVE BILL 824.** Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

## AMENDMENTS - Print in Journal

Senator Suttle filed the following amendment to LB 468:  
AM1493

1 1. Strike the original sections and insert the following

2 new sections:

3 "Section 1. Sections 1 to 6 of this act shall be known



4 and may be cited as the Nursing Student Loan Act.

5 Sec. 2. For purposes of the Nursing Student Loan Act:

6 (1) Approved nursing program means a program offered by a  
7 public or private institution in this state (a) which consists of  
8 courses of instruction in regularly scheduled classes leading to a  
9 master of science degree, a bachelor of science degree, an  
10 associate degree, or a diploma in nursing or (b) for the  
11 preparation for licensure as a licensed practical nurse available  
12 to regularly enrolled undergraduate or graduate students;

13 (2) Department means the Department of Health and Human  
14 Services Regulation and Licensure;

15 (3) Nontraditional student means a student who has not  
16 attended classes as a regular full-time student for at least three  
17 years; and

18 (4) Practice of nursing has the definition found in  
19 section 71-1,132.05.

20 Sec. 3. The department shall administer a student loan  
21 program under the Nursing Student Loan Act which shall make loans  
22 directly to students enrolled in approved nursing programs in the  
23 State of Nebraska as provided in section 6 of this act. The number  
24 of loans made to students at each institution which has an approved  
1 nursing program shall be in direct proportion to the number of  
2 students enrolled in each nursing program, except that the program  
3 shall include at least one student at each institution in the state  
4 which has an approved nursing program. The funds shall be loaned  
5 in a manner intended to result in the greatest increase in the  
6 number of persons engaged in the study of nursing. Loans shall be  
7 made available for students beginning January 1, 2002, for the  
8 2001-02 academic year and in each fiscal year thereafter. It is  
9 the intent of the Legislature that a portion of the loans allocated  
10 be used to enhance the educational opportunities of nontraditional  
11 and ethnic minority students.

12 Sec. 4. (1) Selection of students to receive loans under  
13 the Nursing Student Loan Act shall be based on the following:

14 (a) Residency in and expression of an intention and  
15 motivation to practice in Nebraska which factor shall be given  
16 first priority; and

17 (b) Substantial financial need as defined in section  
18 85-990.

19 (2) Each recipient of a loan under the act shall agree to  
20 engage in the practice of nursing in the State of Nebraska for the  
21 equivalent of one year of full-time practice for each year a loan  
22 is received.

23 (3) Each approved nursing program shall forward to the  
24 department the names of the students recommended to receive loans  
25 under the act, based on the criteria specified in subsections (1)  
26 and (2) of this section, and any other information and  
27 documentation the department deems necessary.

1 Sec. 5. (1) Loans received under the Nursing Student

2 Loan Act shall be used only for educational expenses for an  
3 approved nursing program. The use of such loan funds by a student  
4 is subject to review by the department.

5 (2) Each loan shall be for one academic year. Each  
6 student shall not be loaned more than one thousand dollars per  
7 academic year nor a total of more than two thousand dollars.

8 (3) If a student who has received a loan discontinues the  
9 approved nursing program before completing the program, the student  
10 shall repay one hundred percent of the outstanding loan principal  
11 with simple interest at a rate of one point below the prime  
12 interest rate. Such repayment shall commence within six months  
13 after the date of discontinuation of the course of study and shall  
14 be completed within the number of years for which loans were  
15 awarded.

16 (4) After completion of the approved nursing program, a  
17 loan awarded to a student shall be forgiven when the recipient of  
18 the loan has engaged in the full-time practice of nursing in  
19 Nebraska for a period of time which would be the equivalent of  
20 full-time practice for the number of years for which loans were  
21 received.

22 (5) If a recipient of a loan under the act is not engaged  
23 in full-time practice, or the equivalent of full-time practice, as  
24 required in subsection (2) of section 4 of this act, the recipient  
25 shall repay one hundred twenty-five percent of the outstanding loan  
26 principal. Such repayment shall be with simple interest at a rate  
27 of one point below the prime interest rate. Interest shall accrue  
1 beginning upon completion of the approved nursing program. Such  
2 repayment shall commence within six months after the date of  
3 discontinuation of the practice of nursing in Nebraska and shall be  
4 completed within the number of years for which loans were awarded.

5 Sec. 6. The department, in conjunction with approved  
6 nursing programs, shall adopt and promulgate rules and regulations  
7 to carry out the Nursing Student Loan Act. In conformance with  
8 such rules and regulations, institutions with approved nursing  
9 programs may act as agents of the department for the distribution  
10 of the loans to eligible students. The department may contract  
11 with outside sources to carry out the act."

Senators Stuhr and Baker filed the following amendment to LB 667:  
(Amendment, AM1454, may be found in the Bill Books. The amendment  
has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Baker filed the following amendment to LB 667:  
(Amendment, AM1499, 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 142.** Senator Schimek withdrew the Schimek et al.

pending amendment, AM1062, printed separately and referred to on page 1144.

Senator Chambers renewed his pending amendment, FA116, found on page 1164, to the Standing Committee amendment.

Senator Chambers withdrew his amendment.

Senator Dw. Pedersen withdrew the Dw. Pedersen et al. pending amendment, AM0724, found on page 942.

Senators Robak and Maxwell asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment to the Standing Committee amendment.

AM1501

(Amendments to Standing Committee amendments, AM0226)

- 1 1. Insert the following new amendment:
- 2 "3. On page 4, line 1, strike 'A' and insert '(a) Except
- 3 as provided in subdivision (1)(b) of this section, a'; and in line
- 4 22 after the period insert
- 5 '(b) A municipal county created under section 1 of this
- 6 act, in which is situated a city of the metropolitan class, shall
- 7 be governed by a council of fifteen members who shall be elected by
- 8 districts. The council members shall be elected on a nonpartisan
- 9 ballot. The area involved in the consolidation shall be divided
- 10 into fifteen council districts of compact and contiguous territory.
- 11 Such districts shall be numbered consecutively from one to fifteen.
- 12 One council member shall be elected from each district. The
- 13 division shall be made by the county board members of each county
- 14 involved, by January 31 of the year in which the council members
- 15 are to be elected. Each council member shall be elected to a
- 16 four-year term, except that at the first general election following
- 17 the formation, the members elected from even-numbered districts
- 18 shall be elected to four-year terms and members elected from
- 19 odd-numbered districts shall be elected to two-year terms and to
- 20 four-year terms thereafter. A majority of the council members
- 21 shall constitute a quorum for the purpose of transacting business.
- 22 The council shall annually elect a chairperson from among its
- 23 members. The council shall be responsible for redrawing the
- 1 council district boundaries pursuant to section 32-553.
- 2 (c)'. "
- 3 2. Renumber the remaining amendments accordingly.

The Chambers amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senators Beutler and Hilgert asked unanimous consent to be excused until

they return. No objections. So ordered.

Senator Thompson offered the following amendment to the Standing Committee amendment.

AM1502

(Amendments to Standing Committee amendments, AM0226)

- 1 1. On page 3, line 26, after the period insert "The
- 2 report shall specify the basis for the conclusion that the creation
- 3 of a municipal county is not in the public interest, may identify
- 4 governmental services, if any, that should be consolidated, and
- 5 shall recommend the consolidation of the services among commission
- 6 participants through the use of interlocal agreements or through an
- 7 election pursuant to section 9 of this act. If the commission
- 8 recommends the consolidation of services through an election, the
- 9 commission shall also prepare a partial merger plan and hold public
- 10 hearings on the plan in the same manner as provided in sections 1
- 11 to 16 of this act for creation of a municipal county." and strike
- 12 "do so" and insert "create a municipal county".
- 13 2. On page 5, line 26, after "hearing" insert "in each
- 14 county and municipality involved".
- 15 3. Insert the following new amendment:
- 16 "9. On page 13, line 15, after '(8)' insert 'A
- 17 consolidation of services through an election as provided for in
- 18 section 1 of this act may be reversed in the same manner as
- 19 provided in this section for dissolution of a municipal county.
- 20 (9)'".
- 21 4. Renumber the remaining amendments accordingly.

Senator Thompson withdrew her amendment.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Senator Jones moved to bracket LB 142 until February 10, 2002.

Senator Jones moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Senator Jones requested a roll call vote on his motion to bracket.

Voting in the affirmative, 10:

Burling	Chambers	Cunningham	Dierks	Erdman
Hudkins	Jones	Kristensen	Tyson	Vrtiska

Voting in the negative, 24:

Aguilar	Beutler	Brashear	Brown	Bruning
Byars	Engel	Foley	Hilgert	Jensen

Kruse	Landis	Maxwell	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Smith
Stuhr	Suttle	Wehrbein	Wickersham	

Present and not voting, 11:

Baker	Bromm	Coordsen	Cudaback	Hartnett
Janssen	Kremer	Pedersen, Dw.	Preister	Schrock
Thompson				

Excused and not voting, 4:

Bourne	Connealy	McDonald	Pederson, D.
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The Jones motion to bracket failed with 10 ayes, 24 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Schimek moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Aguilar	Baker	Bourne	Brashear	Brown
Bruning	Byars	Coordsen	Cudaback	Foley
Hilgert	Jensen	Kremer	Kruse	Landis
Maxwell	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Smith	Stuhr	Suttle
Wehrbein	Wickersham			

Voting in the negative, 14:

Bromm	Chambers	Cunningham	Dierks	Erdman
Hudkins	Janssen	Jones	Kristensen	Pedersen, Dw.
Schrock	Thompson	Tyson	Vrtiska	

Present and not voting, 5:

Beutler	Burling	Engel	Hartnett	Preister
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Excused and not voting, 3:

Connealy	McDonald	Pederson, D.
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Advanced to E & R for review with 27 ayes, 14 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB 142:

AM1495

(Amendments to Standing Committee amendments, AM0226)

- 1 1. On page 1, line 3, before "Areas" insert "(1)"; in
- 2 line 12 strike "(1)" and insert "(a)"; in line 15 strike "(2)" and
- 3 insert "(b)"; and after line 20 insert
- 4 "(2) All political subdivisions subject to municipal
- 5 county levy authority under section 77-3443 which are within the
- 6 boundaries of a municipal county shall continue to exist after
- 7 formation of the municipal county.".
- 8 2. On page 3, line 18, after the underscored period
- 9 insert:
- 10 "(4) The property within a fire protection district which
- 11 is within the boundaries of a municipal county shall not be subject
- 12 to the levy of the municipal county for fire protection and
- 13 emergency services provided outside the fire protection district.".

Senator Janssen filed the following amendment to LB 142:

AM1496

(Amendments to Standing Committee amendments, AM0226)

- 1 1. On page 1, line 3, before "Areas" insert "(1)"; in
- 2 line 12 strike "(1)" and insert "(a)"; in line 15 strike "(2)" and
- 3 insert "(b)"; and after line 20 insert
- 4 "(2) All political subdivisions subject to municipal
- 5 county levy authority under section 77-3443 which are within the
- 6 boundaries of a municipal county shall continue to exist after
- 7 formation of the municipal county.".

### UNANIMOUS CONSENT - Member Excused

Senator Chambers asked unanimous consent to be excused until he returns.  
No objections. So ordered.

### BILLS ON FINAL READING

#### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 56 with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 56.**

A BILL FOR AN ACT relating to trusts and estates; to amend section 12-1107, Revised Statutes Supplement, 2000; to adopt the Uniform Principal and Income Act; 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.

Whereupon the 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	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers      McDonald      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 408 with 38 ayes, 2 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 408. With Emergency.**

A BILL FOR AN ACT relating to retirement; to amend sections 23-2307, 23-2315.01, 24-702, 24-703, 79-974, 81-2014.01, 81-2017, 81-2018, 81-2031, 84-1308, 84-1323.01, and 84-1503.03, Reissue Revised Statutes of Nebraska, and sections 23-2309.01, 23-2310.04, 23-2310.05, 24-701, 24-701.01, 24-706, 30-3209, 79-902, 79-921, 79-933.05, 79-933.06, 79-958, 81-2014, 84-1310.01, 84-1311.03, and 84-1314, Revised Statutes Supplement, 2000; to change provisions relating to expense funds, purchase

of service, investment allocations, disability, termination of employment, investments by certain counties, and employee contributions; to create funds; to redefine terms; to provide powers and duties; 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, 46:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers      McDonald      Pederson, D.

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 438 with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 438.**

A BILL FOR AN ACT relating to livestock; to amend sections 54-701, 54-701.02, 54-703 to 54-705, 54-742, 54-746, and 54-751 to 54-753, Reissue Revised Statutes of Nebraska, and sections 54-701.03 and 54-744, Revised Statutes Supplement, 2000; to change provisions relating to livestock disease prevention and control and livestock carcass disposal; to define terms; to provide for voluntary livestock certification programs; to provide powers and duties; to provide penalties; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 3:

Chambers      McDonald      Pederson, D.

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 444.**

A BILL FOR AN ACT relating to insurance; to amend section 44-7501, Revised Statutes Supplement, 2000; to provide requirements for automobile liability insurance and rating systems; 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, 46:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer

Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Chambers      McDonald      Pederson, D.

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

**LEGISLATIVE BILL 585.** With Emergency.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-804, Reissue Revised Statutes of Nebraska; to provide for enhanced wireless 911 service; to establish a surcharge on wireless service subscribers; to define terms; to provide powers and duties; to create an advisory board; to create a fund; to provide for confidentiality of certain records; to provide immunity as prescribed; 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, 36:

Aguilar	Baker	Brashear	Bromm	Brown
Bruning	Burling	Byars	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Erdman	Foley
Hartnett	Hudkins	Janssen	Jensen	Jones
Kremer	Kruse	Maxwell	Pedersen, Dw.	Price
Quandahl	Raikes	Robak	Schrock	Smith
Stuhr	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 6:

Bourne	Chambers	Hilgert	Landis	Redfield
Suttle				

Present and not voting, 5:

Beutler	Engel	Kristensen	Preister	Schimek
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Excused and not voting, 2:

McDonald Pederson, D.

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

**LEGISLATIVE BILL 585A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 585, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

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

Voting in the affirmative, 38:

Aguilar	Baker	Brashear	Bromm	Brown
Bruning	Burling	Byars	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Engel	Erdman
Foley	Hartnett	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Maxwell
Price	Quandahl	Raikes	Robak	Schimek
Schrock	Smith	Stuhr	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 6:

Bourne	Chambers	Hilgert	Landis	Redfield
Suttle				

Present and not voting, 3:

Beutler Pedersen, Dw. Preister

Excused and not voting, 2:

McDonald Pederson, D.

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

**LEGISLATIVE BILL 706.**

A BILL FOR AN ACT relating to the Nebraska State Quarter; to establish a committee and design selection process.

Whereupon the 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

McDonald      Pederson, D.

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

#### **LEGISLATIVE BILL 750.** With Emergency.

A BILL FOR AN ACT relating to the college savings plan; to amend sections 85-1802, 85-1804, 85-1806, 85-1808, and 85-1809, Revised Statutes Supplement, 2000; to change provisions of the plan relating to costs, beneficiaries, and cancellation; 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, 47:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

McDonald Pederson, D.

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

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 768 with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

#### LEGISLATIVE BILL 768.

A BILL FOR AN ACT relating to the Lieutenant Governor; to amend sections 32-101, 32-619, 32-627, 32-1122, 32-1603, 32-1604, 32-1608, 32-1611, and 49-1410, Reissue Revised Statutes of Nebraska, and section 32-813, Revised Statutes Supplement, 2000; to provide for the selection of the candidate for Lieutenant Governor by the candidate for Governor; to change provisions relating to campaign finance limitations and candidate committees; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

McDonald Pederson, D. 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 808 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 808. With Emergency.

A BILL FOR AN ACT relating to emergency services; to amend sections 23-3547 and 23-3594, Reissue Revised Statutes of Nebraska, and sections 13-303, 35-514.02, 35-1301, 35-1303, 35-1309, 35-1310, 35-1312, 35-1313, 35-1316, 35-1318, 35-1320, 35-1321, 35-1324, 35-1326, 35-1327, 35-1330, and 84-1503, Revised Statutes Supplement, 2000; to authorize the provision of ambulance service as prescribed; to change and eliminate provisions relating to volunteer emergency responders; to eliminate a board and a fund; to provide standard criteria for qualified active service; to transfer powers and duties; to harmonize provisions; to repeal the original sections; to outright repeal sections 35-1304 to 35-1308, 35-1311, 35-1325, and 35-1328, Revised Statutes Supplement, 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

McDonald      Pederson, D.      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.

**MOTION - Return LB 113 to Select File**

Senator Brown moved to return LB 113 to Select File for the following specific amendment:

FA180

Strike the enacting clause.

Senator Brown withdrew her motion to return.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 113 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 113.**

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-417, 28-418, 28-427, 28-432, 28-433, 28-437, and 28-438, Reissue Revised Statutes of Nebraska, and section 28-405, Revised Statutes Supplement, 2000; to prohibit certain sales and possession of ephedrine, pseudoephedrine, and phenylpropanolamine; to require labeling for food and dietary supplements; to provide requirements for sales of crystalline iodine; to prohibit possession of anhydrous ammonia as prescribed; to provide penalties; to create funds and provide duties; to require registration of manufacturers and wholesale distributors; to provide for fees; to change controlled substance schedules; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	Pedersen, Dw.	Preister	Quandahl
Raikes	Schimek	Schrock	Smith	Stuhr
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 6:

Chambers	Janssen	Landis	Price	Redfield
Suttle				

Excused and not voting, 3:

McDonald Pederson, D. 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 113A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 113, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Quandahl	Raikes	Schimek	Schrock	Smith
Stuhr	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 5:

Chambers	Janssen	Price	Redfield	Suttle
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Excused and not voting, 3:

McDonald Pederson, D. Robak

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

### UNANIMOUS CONSENT - Member Excused

Senator Dierks asked unanimous consent to be excused until he returns. No



objections. So ordered.

**WITHDRAW - Amendments to LB 362**

Senator Beutler withdrew his pending amendment, AM0523, found on page 688, to LB 362.

Senator Landis withdrew his pending amendment, AM0995, printed separately and referred to on page 1149, to LB 362.

**MOTION - Return LB 362 to Select File**

Senator Landis moved to return LB 362 to Select File for his specific pending amendment, AM1219, printed separately and referred to on page 1300.

The Landis motion to return prevailed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 362.** The Landis specific pending amendment, AM1219, printed separately and referred to on page 1300, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

**MOTION - Return LB 668 to Select File**

Senator Hilgert moved to return LB 668 to Select File for his specific pending amendment, AM1375, found on page 1392.

The Hilgert motion to return prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 668.** The Hilgert specific pending amendment, AM1375, found on page 1392, was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 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 56, 408, 438, 444, 585, 585A, 706, 750, 768, 808, 113, and 113A.

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

The following bills were correctly engrossed: LBs 277, 277A, and 398.

**Enrollment and Review Change to LB 277**

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

ER9054

1. In the Redfield-Wickersham amendment, AM1396:

a. On page 3, line 9, "returns" has been inserted after "joint"; in lines 13 and 26 "adjusted" has been inserted after "amount"; in line 20 "returns" has been inserted after "single"; and in line 22 the comma has been struck; and

b. On page 4, line 5, the stricken "subsection (2)" has been reinstated and "subsections (2)" has been struck; in line 10 "returns" has been inserted after "joint" and "itemize" has been struck and "itemized" inserted; and in line 11 "return" has been struck and "returns" inserted and "elect" has been struck and "elected" inserted.

2. In the Standing Committee amendments, AM1120:

a. Sections 4 and 5 have been struck and the following new sections inserted:

"Sec. 4. Sections 1, 3, and 5 of this act become operative for all taxable years beginning or deemed to begin on or after January 1, 2002, under the Internal Revenue Code of 1986, as amended. The other sections of this act become operative on their effective date.

Sec. 5. Original section 77-2732, Reissue Revised Statutes of Nebraska, and section 77-2715.02, Revised Statutes Supplement, 2000, are repealed.

Sec. 6. Original section 77-2716.01, Revised Statutes Supplement, 2000, is repealed.";

b. On page 1, line 15, an underscored comma has been inserted after "\$24,800".

3. On page 1, line 5, "for certain spouses" and all amendments thereto have been struck; and in line 6 "an operative date" has been struck and "operative dates" inserted.

**Enrollment and Review Change to LB 398**

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

ER9050

1. In the Byars amendment, AM1409:

a. On page 1, line 23, "of" has been struck and "if" inserted; and

b. On page 2, line 3, the comma has been struck; and in line 19 "a" has been inserted after "grant".

2. In the E & R amendments, AM7095, on page 1, line 10, "25" has been struck and "26" inserted.

3. In the Standing Committee amendments, AM0975:

a. Section 86 has been struck and the following new section inserted:

"Sec. 2. Section 28-438, Reissue Revised Statutes of Nebraska, is amended to read:

28-438. This article section, sections 28-401 to 28-445, and section 3 of this act shall be known and may be cited as the Uniform Controlled Substances Act.";

b. On page 20, line 10, "subdivision (c) of" has been struck; and the matter beginning with "A" in line 11 through line 14 and all amendments thereto have been struck;

c. On page 39, line 25, "such" has been struck and "the" inserted;

d. On page 40, line 11, "this article" has been struck, shown as stricken, and "the Uniform Controlled Substances Act" inserted;

e. On page 110, line 14, "package" has been struck and "container" inserted;

f. On page 134, line 25, the stricken comma has been reinstated;

g. On page 140, line 21, the first "and" has been struck;

h. On page 142, line 10, "88, and 90" has been struck and "94, and 96" inserted; and in line 20 "28-438," has been inserted after "28-429,;" and

i. Sections have been renumbered accordingly.

4. On page 1, lines 2 through 17 and all amendments thereto have been struck and "28-409, 28-413, 28-417, 28-418, 28-429, 28-438, 28-442, 71-161.12, 71-161.16, 71-1,144.05, 71-1,145.01, 71-1,147.13, 71-1,147.27, 71-1,147.32, 71-1,147.36, 71-1,147.47, 71-1,147.52, 71-2501, 71-5405 to 71-5407, 71-6045, and 71-7420, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-406 to 28-408, 28-410 to 28-412, 28-414 to 28-416, 71-101, 71-147, 71-155.01, 71-161.13, 71-172.01, 71-1,142, 71-1,143, 71-1,145, 71-1,147, 71-1,147.15, 71-1,147.31, 71-1,147.33, 71-1,147.34, 71-1,147.35, 71-1,147.42 to 71-1,147.46, 71-1,147.48, 71-1,147.50, 71-1,147.53, 71-1,147.55 to 71-1,147.57, 71-1,147.59, 71-401, 71-425, 71-15,139, 71-2407, 71-2411, 71-2413, 71-2417, 71-2419, 71-2421, 71-5402, 71-6721, 71-7409, 71-7416, and 71-7417, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to pharmacies and pharmacists, controlled substances, health care examining boards, drug paraphernalia, emergency box drugs, drug product selection, drug dispensing permits, drug and poison labeling, and wholesale drug distribution; to change provisions relating to drug dispensing; to adopt the Mail Order Contact Lens Act; to define, redefine, and eliminate terms; to provide, change, and eliminate penalties; to provide for and change fees; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 28-402 and 71-1,147.14, Reissue Revised Statutes of Nebraska, and sections 71-1,147.39 to 71-1,147.41, 71-1,147.49, 71-1,147.51, 71-1,147.58, 71-1,147.60, 71-1,147.61, and 71-462, Revised Statutes Supplement, 2000; and to declare an emergency." inserted.

(Signed) Philip Erdman, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 692. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 39 fourth grade students and teachers from Louisville; 40 students and teachers from Omaha South High School; 2 students and teacher from Lehr Home School, Red Cloud; Senator Wehrbein's grandson, Kelby, 55 fourth grade students, and teachers from Conestoga Elementary School, Nehawka; Senator Kremer's daughter, son-in-law, and grandchildren, Sherri, Brian, Hannah, Landon, Kaitlyn, and Luke Holm from Minneapolis, Minnesota; 40 second and third grade students and teachers from Arnold Elementary School, Lincoln; and Ulan Dushebaev from Kyrgyzstan.

**ADJOURNMENT**

At 1:28 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Tuesday, April 17, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**SIXTY-FIFTH DAY - APRIL 17, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 17, 2001

**PRAYER**

The prayer was offered by Reverend Todd Storm, First Congregational Church, Wahoo, 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 Landis, McDonald, and D. Pederson who were excused; and Senators Beutler, Brashear, Brown, Dierks, Engel, Jensen, Kristensen, Dw. Pedersen, Price, Schimek, Schrock, and Tyson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-fourth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 12, 2001, at 1:30 p.m., were the following: LBs 56, 408e, 438, 444, 585e, 585Ae, 706, 750e, 768, 808e, 113, and 113A.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**SELECT FILE**

**LEGISLATIVE BILL 398A.** Senator Byars renewed his pending amendment, AM1468, found on page 1464.

The Byars amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 242.** Senator Chambers renewed his pending amendment, FA165, found on page 1354.

Senator Connealy 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 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 13:

Brown	Chambers	Connealy	Foley	Hartnett
Kristensen	Kruse	Preister	Price	Robak
Suttle	Vrtiska	Wehrbein		

Voting in the negative, 27:

Aguilar	Baker	Bourne	Bromm	Bruning
Burling	Byars	Coordsen	Cudaback	Dierks
Engel	Erdman	Hilgert	Hudkins	Janssen
Jones	Kremer	Pedersen, Dw.	Quandahl	Raikes
Redfield	Schrock	Smith	Stuhr	Thompson
Tyson	Wickersham			

Present and not voting, 4:

Beutler	Cunningham	Maxwell	Schimek
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Excused and not voting, 5:

Brashear	Jensen	Landis	McDonald	Pederson, D.
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The Chambers amendment lost with 13 ayes, 27 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Wickersham renewed the Wickersham-Quandahl pending amendment, AM1429, found on page 1455.

Pending.

**AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendments to LB 242:

AM1518

- 1 1. On page 6, line 25, after "member" insert "in state
- 2 government".

AM1520

- 1 1. On page 6, line 7, after "and" insert "to the person
- 2 in charge of keeping records for the political subdivision. The
- 3 official shall".

AM1521

- 1 1. On page 8, line 10, strike "or" and insert "and".

AM1519

- 1 1. On page 6, strike lines 19 and 20.

AM1522

- 1 1. On page 11, strike beginning with "the" in line 6
- 2 through "allow" in line 7; and in line 8 strike "to install and
- 3 use" and insert "from installing and using".

**GENERAL FILE**

**LEGISLATIVE BILL 620.** Senator Wickersham renewed his pending amendment, AM1479, found on page 1471.

Senators Robak, Erdman, and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

**PRESIDENT MAURSTAD PRESIDING**

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

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

FA183

Amend AM1479

1. In line 5 after "forecasting" insert "models".

Senator Chambers asked unanimous consent to replace his pending amendment, FA183, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA183.

Senator Chambers offered the following substitute amendment to the

Wickersham pending amendment:

FA184

Amend AM1479

On line 4, strike "econometric" and insert "economic" and on line 5 after "forecasting" insert "models"

Senators Cunningham, Cudaback, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Pending.

### MESSAGE FROM THE GOVERNOR

April 17, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 56, 113, 113A, 408e, 438, 444, 585e, 585Ae, 706, 750e, 768, and 808e were received in my office on April 12, 2001.

These bills were signed by me on April 17, 2001 and delivered to the Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

### AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 242:

FA181

1. On page 10 in line 24 after "employee" insert "except the Head Football Coach at the University of Nebraska at Lincoln."

### VISITORS

Visitors to the Chamber were Judi Storm from Wahoo; 50 fourth grade students and teachers from Sandoz Elementary School, Omaha; 7 students and teacher from Clinton Elementary School, Lincoln; 42 fourth grade students and teachers from Montclair Elementary School, Omaha; 20 fourth grade students and teacher from Nemaha Valley Elementary School, Cook; and Pete and Mercedes Marez from Scottsbluff.



**RECESS**

At 12:04 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 Landis, McDonald, and D. Pederson who were excused; and Senators Bourne, Bromm, Cunningham, Dierks, Kruse, and Robak who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 620.** The Wickersham pending amendment, AM1479, found on page 1471 and considered in this day's Journal, as amended, was renewed.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

**PRESIDENT MAURSTAD PRESIDING**

Senator Chambers requested a record vote on the Wickersham amendment.

Voting in the affirmative, 16:

Beutler	Burling	Chambers	Coordsen	Engel
Erdman	Foley	Hudkins	Janssen	Jones
Raikes	Robak	Schimek	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 19:

Aguilar	Bourne	Brashear	Brown	Byars
Dierks	Hartnett	Hilgert	Jensen	Kremer
Kristensen	Maxwell	Pedersen, Dw.	Price	Quandahl
Redfield	Smith	Suttle	Tyson	

Present and not voting, 7:

Baker	Connealy	Cudaback	Preister	Schrock
Stuhr	Thompson			

Excused and not voting, 7:

Bromm            Bruning            Cunningham    Kruse            Landis  
McDonald       Pederson, D.

The Wickersham amendment, as amended, lost with 16 ayes, 19 nays, 7 present and not voting, and 7 excused and not voting.

Senator Wickersham renewed his pending amendment, AM1478, found on page 1471.

Senator Bourne asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham offered the following amendment to his pending amendment:

FA190

Amend AM1478

line 12 strike "ten" and insert "fifty"

Senator Wickersham withdrew his amendment.

Pending.

## RESOLUTION

### LEGISLATIVE RESOLUTION 60. Introduced by Vrtiska, 1.

WHEREAS, The Johnson-Brock High School 2000-01 industrial technology class participated in the Electric Car Endurance Rally at the Lincoln campus of Southeast Community College on Sunday, April 8; and

WHEREAS, the class is taught by Lyle Stewart and the participants are Josh Amen, Josh Antonides, Loree Antonides, Andy Bednar, William Bickford, Andy Boellstroff, Tristan Brakhan, Jason Conn, Nathan Findeis, Shari Gerdes, Joel Grotrian, Mitch Neddenriep, Rita Neddenriep, Brian Pugh, and Brandon Volker; and

WHEREAS, the Johnson-Brock High School industrial technology class won first place in Class D-1 in the Electric Car Endurance Rally for the third consecutive year; and

WHEREAS, the championship won by the Johnson-Brock High School industrial technology class was the result of many hours of hard work by the class members and their teacher.

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

1. That the Legislature congratulates the Johnson-Brock High School industrial technology class members and teacher.

2. That a copy of this resolution be sent to Johnson-Brock High School.

Laid over.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 667.** Placed on Select File as amended.

E & R amendment to LB 667:

AM7099

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 46-636, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 46-636. The Legislature finds that the pumping of water
- 6 for irrigation purposes from water wells located within fifty feet
- 7 of the bank of a channel of any natural stream may have a direct
- 8 effect on the surface flow of such stream.
- 9 Sec. 2. Section 46-637, Revised Statutes Supplement,
- 10 2000, is amended to read:
- 11 46-637. The use of water described in section 46-636 may
- 12 only be made after securing a permit from the Department of Natural
- 13 Resources for such use. If the applicant is an individual, the
- 14 application for a permit shall include the applicant's social
- 15 security number. In approving or disapproving applications for
- 16 such permits, the Director of Natural Resources shall take into
- 17 account the effect that such pumping may have on the amount of
- 18 water in the stream and its ability to meet the requirements of
- 19 appropriators from the stream. This section does not apply to (1)
- 20 water wells located within fifty feet of the bank of a channel of
- 21 any natural stream which were in existence on July 1, 2000, and (2)
- 22 replacement water wells as defined in section 46-602 that are
- 23 located within fifty feet of the banks of a channel of a stream if
- 24 the water wells being replaced were originally constructed prior to
- 1 July 1, 2000, and were located within fifty feet of the bank of a
- 2 channel of any natural stream.
- 3 Sec. 3. Section 46-656.25, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 46-656.25. (1) A district in which a management area has
- 6 been designated shall by order adopt one or more of the following
- 7 controls for the management area:
- 8 (a) It may determine the permissible total withdrawal of
- 9 ground water for each day, month, or year and allocate such
- 10 withdrawal among the ground water users;
- 11 (b) It may adopt a system of rotation for use of ground
- 12 water;
- 13 (c) It may adopt well-spacing requirements more
- 14 restrictive than those found in sections 46-609 and 46-651;
- 15 (d) It may require the installation of devices for
- 16 measuring ground water withdrawals from water wells;
- 17 (e) It may adopt a system which requires reduction of
- 18 irrigated acres pursuant to subsection (2) of section 46-656.26;
- 19 (f) It may require the use of best management practices;

- 20 (g) It may require the analysis of water or deep soils  
21 for fertilizer and chemical content;
- 22 (h) It may provide educational requirements, including  
23 mandatory educational requirements, designed to protect water  
24 quality or to stabilize or reduce the incidence of ground water  
25 depletion, conflicts between ground water users and surface water  
26 appropriators, disputes over interstate compacts or decrees, or  
27 difficulties fulfilling the provisions of other formal state  
1 contracts or agreements;
- 2 (i) It may require water quality monitoring and reporting  
3 of results to the district for all water wells within all or part  
4 of the management area; and
- 5 (j) It may adopt and promulgate such other reasonable  
6 rules and regulations as are necessary to carry out the purpose for  
7 which a management area was designated.
- 8 (2) In adopting, amending, or repealing any control  
9 authorized by subsection (1) of this section or sections 46-656.26  
10 and 46-656.27, the district's considerations shall include, but not  
11 be limited to, whether it reasonably appears that such action will  
12 mitigate or eliminate the condition which led to designation of the  
13 management area or will improve the administration of the area.
- 14 (3) Upon request by the district, the Director of Natural  
15 Resources shall review and comment on the adoption, amendment, or  
16 repeal of any authorized control in a management area. The  
17 director may hold a public hearing to consider testimony regarding  
18 the control prior to commenting on the adoption, amendment, or  
19 repeal of the control. The director shall consult with the  
20 district and fix a time, place, and date for such hearing. In  
21 reviewing and commenting on an authorized control in a management  
22 area, the director's considerations shall include, but not be  
23 limited to, those enumerated in subsection (2) of this section.
- 24 (4) If because of varying ground water uses, varying  
25 surface water uses, different irrigation distribution systems, or  
26 varying climatic, hydrologic, geologic, or soil conditions existing  
27 within a management area the uniform application throughout such  
1 area of one or more controls would fail to carry out the intent of  
2 the Nebraska Ground Water Management and Protection Act in a  
3 reasonably effective and equitable manner, the controls adopted by  
4 the district pursuant to this section may contain different  
5 provisions for different categories of ground water use or portions  
6 of the management area which differ from each other because of  
7 varying climatic, hydrologic, geologic, or soil conditions. Any  
8 differences in such provisions shall recognize and be directed  
9 toward such varying ground water uses or varying conditions.
- 10 Except as otherwise provided in this section, the provisions of all  
11 controls for different categories of ground water use shall be  
12 uniform for all portions of the area which have substantially  
13 similar climatic, hydrologic, geologic, and soil conditions.
- 14 (5) The district may establish different water

15 allocations for different irrigation distribution systems, on the  
16 condition that such different water allocations shall be authorized  
17 for no more than five years from the time such allocations are  
18 adopted.

19 (6)(a) The district may establish different provisions  
20 for different hydrologic relationships between ground water and  
21 surface water.

22 (b) For management areas a purpose of which is the  
23 integrated management of hydrologically connected ground water and  
24 surface water, the district may establish different provisions for  
25 water wells constructed before the designation of a management area  
26 for integrated management of hydrologically connected ground water  
27 and surface water and for water wells constructed on or after the  
1 designation date or any other later date or dates established by  
2 the district.

3 (c) For a management area in a basin or part of a basin  
4 that is or was the subject of litigation over an interstate water  
5 compact or decree in which the State of Nebraska is a named  
6 defendant, the district may establish different provisions for  
7 restriction of water wells constructed after January 1, 2001, if  
8 such litigation was commenced before or on the effective date of  
9 this act. If such litigation is commenced after the effective date  
10 of this act, the district may establish different provisions for  
11 restriction of water wells constructed after the date on which such  
12 litigation is commenced in federal court. An appeal from a  
13 decision of the district under this subdivision shall be in  
14 accordance with the hearing procedures established in the Nebraska  
15 Ground Water Management and Protection Act.

16 (d) The district shall make a replacement water well as  
17 defined in section 46-602, or as further defined in district rules  
18 and regulations, subject to the same provisions as the water well  
19 it replaces.

20 (7) If the district determines, following a public  
21 hearing conducted pursuant to section 46-656.19, that the impact on  
22 surface water supplies or the depletion or contamination of the  
23 ground water supply in the management area or any portion of the  
24 management area is so excessive that the public interest cannot be  
25 protected solely through implementation of reasonable controls  
26 adopted pursuant to subsection (1) of this section, it may close  
27 all or a portion of the management area to the issuance of any  
1 additional permits for a period of not more than five calendar  
2 years. The area may be further closed thereafter by a similar  
3 procedure for additional time periods of the same length. Any such  
4 area may be reopened at any time the district determines that  
5 conditions warrant new permits at which time the district shall  
6 consider all previously submitted applications for permits in the  
7 order in which they were received.

8 (8) Whenever a management area designated under section  
9 46-656.39 or 46-656.52 encompasses portions of two or more

10 districts, the responsibilities and authorities delegated in this  
 11 section and sections 46-656.26 and 46-656.27 shall be exercised  
 12 jointly and uniformly by agreement of the respective boards of all  
 13 districts so affected. Whenever management areas designated by two  
 14 or more districts adjoin each other, the districts are encouraged  
 15 to exercise the responsibilities and authorities jointly and  
 16 uniformly by agreement of the respective boards.  
 17 (9) For the purpose of determining whether conflicts  
 18 exist between ground water users and surface water appropriators,  
 19 surface water appropriators under the Nebraska Ground Water  
 20 Management and Protection Act does not include holders of instream  
 21 flow appropriations under sections 46-2,107 to 46-2,119.  
 22 Sec. 4. Original section 46-636, Reissue Revised  
 23 Statutes of Nebraska, and sections 46-637 and 46-656.25, Revised  
 24 Statutes Supplement, 2000, are repealed.  
 25 Sec. 5. Since an emergency exists, this act takes effect  
 26 when passed and approved according to law."  
 27 2. On page 1, strike beginning with "46-656.25" in line  
 1 through line 4 and insert "46-636, Reissue Revised Statutes of  
 2 Nebraska, and sections 46-637 and 46-656.25, Revised Statutes  
 3 Supplement, 2000; to change provisions relating to pumping for  
 4 irrigation purposes; to provide for regulation of water wells in  
 5 certain areas as prescribed; to repeal the original sections; and  
 6 to declare an emergency."

### Correctly Engrossed

The following bill was correctly engrossed: LB 398A.

(Signed) Philip Erdman, Chairperson

### ATTORNEY GENERAL'S OPINION

#### Opinion #01015

DATE: April 13, 2001

SUBJECT: LB 804

REQUESTED BY: Senator Merton L. Dierks  
 Nebraska State Legislature

Mary Harding, Executive Director  
 Nebraska Environmental Trust

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

Neb. Rev. Stat. §§ 2-5304 and 2-5305 (Cum. Supp. 2000) provide that the

Director of Natural Resources, in consultation with the carbon sequestration advisory committee, shall conduct an assessment of agricultural lands in Nebraska for past carbon sequestration and future carbon sequestration potential, shall prepare a report to the Legislature on or before December 1, 2001, and shall publish a report of the findings on or before January 1, 2002. Senator Dierks has introduced LB 804 which would amend these statutes so as to provide that these duties of the Director of Natural Resources are "permissive rather than mandatory." Introducer's Statement of Intent, LB 804, dated January 30, 2001.

In your opinion request letter you state that an environmental trust grant has been requested to partially fund the assessment and reports, but that the Environmental Trust Board is concerned that provisions of Neb. Rev. Stat. § 81-15,176 (Cum. Supp. 2000) "may prohibit funding of projects that are mandated by statute." You ask for our opinion on the meaning of § 81-15,176(2)(a) and whether the Environmental Trust Board would be in violation of this provision by funding the grant request submitted by the Director of Natural Resources.

Neb. Rev. Stat. § 81-15,176(2)(a) provides that: "[T]he board shall establish criteria for determining the eligibility of projects for grant assistance, which criteria shall include the following: (a) The grants shall not provide direct assistance to regulatory programs or to implement actions mandated by regulations except remediation; . . . ." The same language is found in regulations promulgated by the Environmental Trust Board at 137 NAC 4 § 001.06, 001.07, 007.01 and 007.02. In our view, this statute and these regulations do not prohibit the Environmental Trust Board from funding the grant proposal submitted by the Director of Natural Resources.

First, it does not appear to us that the assessment of agricultural land for carbon sequestration potential and the two reports to be prepared by the Director of Natural Resources constitute a regulatory program as that term is employed in § 81-15,176(2)(a). In the absence of anything indicating to the contrary, statutory language should be given its plain and ordinary meaning. *Nickel v. Saline County School Dist. No. 163*, 251 Neb. 762, 559 N.W.2d 480 (1997). The word "regulate" has been defined to mean "to control, to direct, or govern according to a rule, principle, or system." WEBSTER'S NEW WORLD DICTIONARY 1197 (2<sup>nd</sup> College ed. 1982). The duties assigned to the Director of Natural Resources involve gathering data, performing an analysis and providing reports of that information. There is no regulatory aspect to those duties.

Second, the assessment and reports are not mandated by regulations. While the Director of Natural Resources is currently required by statute to conduct an assessment of agricultural lands and provide reports of the findings, we are unaware of any regulations which mandate these duties. Rules and regulations are issued by agencies after following the formal procedure set forth in the Administrative Procedure Act. Neb. Rev. Stat. §§ 84-901 to 84-920 (1999). To our knowledge, no regulations have been

promulgated pursuant to Neb. Rev. Stat. §§ 2-5304 and 2-5305.

In conclusion, it is our opinion that Neb. Rev. Stat. § 81-15,176(2)(a) does not prohibit the Environmental Trust Board from funding the grant proposal submitted by the Director of Natural Resources and that the Board may approve the grant proposal if it chooses to do so after consideration of all relevant criteria.

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

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

09-225-11.op

#### GENERAL FILE

**LEGISLATIVE BILL 620.** Senator Wickersham offered the following amendment to his pending amendment:

FA191

Amend AM1478

On page 1, line 12, strike "ten million dollars" and insert "the amount included in the budget adopted by the Legislature for tax expenditures regarding The Invest Nebraska Act for the particular year."

The Wickersham amendment lost with 4 ayes, 25 nays, 17 present and not voting, and 3 excused and not voting.

The Wickersham amendment, AM1478, lost with 4 ayes, 29 nays, 13 present and not voting, and 3 excused and not voting.

Senators Vrtiska and Jones renewed their pending amendment, AM1488, found on page 1472.

The Vrtiska-Jones amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Kristensen moved to invoke cloture on LB 620, pursuant to Rule 7, Section 10.

Senator Kristensen 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 the Kristensen motion to invoke cloture.

Voting in the affirmative, 42:



Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein			

Voting in the negative, 3:

Chambers      Raikes      Wickersham

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Landis      McDonald      Pederson, D.

The Kristensen motion to invoke cloture prevailed with 42 ayes, 3 nays, 1 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 41:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Redfield	Robak	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein				

Voting in the negative, 3:

Chambers      Raikes      Wickersham

Present and not voting, 2:

Beutler      Schimek

Excused and not voting, 3:

Landis            McDonald       Pederson, D.

Advanced to E & R for review with 41 ayes, 3 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### UNANIMOUS CONSENT - Member Excused

Senator Cudaback asked unanimous consent to be excused. No objections. So ordered.

### AMENDMENTS - Print in Journal

Senator Kristensen filed the following amendment to LB 620:  
AM1511

(Amendments to Standing Committee amendments, AM1184)

- 1 1. On page 1, line 15, after "employees" insert "whose
- 2 compensation paid by the company for the year is at least one
- 3 hundred twenty percent of the Nebraska average annual wage".

Senator Kristensen filed the following amendment to LB 620:  
AM1540

- 1 1. On page 4, lines 16 and 17, strike "but" through
- 2 "because" and insert "even though".

Senator Chambers filed the following amendment to LB 620:  
FA182

1. On page 2, strike beginning with "make" in line 3 through line 9 and insert "enact appropriate legislation to encourage new businesses to relocate to and existing businesses to expand in Nebraska and to provide appropriate inducements to encourage new and existing businesses to do so. The goals of the policy, to be achieved in a manner that is both fiscally sound and effective, are (a) to aid in the economic and population growth of the state and (b) to assist in the creation of better jobs for the residents of the state."

Senator Beutler filed the following amendment to LB 620:  
AM1541

(Amendments to AM1184)

- 1 1. On page 4, line 16, after the period insert "In
- 2 addition, if the project is only a portion of an new interdependent
- 3 operation, then all new full-time employees of the new
- 4 interdependent operation who are not new employees of the project
- 5 shall be paid a minimum wage of (i) at least eight dollars and
- 6 nineteen cents per hour for those employees who receive health care
- 7 benefits and (ii) at least nine dollars and one cent per hour for
- 8 those employees who do not receive health care benefits. The
- 9 employer shall adjust the minimum wages required under this section
- 10 for new full-time employees of the new interdependent operation on

11 July 1 of each year beginning in 2002. The minimum wage for  
 12 employees who receive health care benefits shall be one hundred  
 13 percent of the federal poverty guidelines for a family of four,  
 14 based on a forty-hour work week at fifty-two weeks per year, and  
 15 the minimum wage for employees who do not receive health care  
 16 benefits shall be one hundred ten percent of such guidelines."

Senator Chambers filed the following amendments to LB 620:  
 FA185

1. On page 8 in line 1, strike beginning with "In" through "the" in line 3 and insert "The".
2. In line 8, strike beginning with "Such" through the period in line 9.

FA186

1. On page 2 in line 23, strike the period and add "or who has been or will be transferred by the company from any branch or division of the company in another state to be employed at the project by the company."

FA187

1. On page 3 in line 16, add "Genetic testing or screening of employees is prohibited."

FA188

1. On page 3 in line 18, strike the first "by" and after the second "by" strike "or for the benefit of" and insert "the company to ensure".

FA189

1. On page 1 in line 25, strike "actual".

## GENERAL FILE

**LEGISLATIVE BILL 833.** Title read. Considered.

The Standing Committee amendment, AM1338, printed separately and referred to on page 1340, was considered.

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

AM1551

(Amendments to Standing Committee amendments, AM1338)

- 1 1. On page 10, line 11, strike "and" and in line 14
- 2 after "schools" insert "; and
- 3 (g) Specify that any equipment obtained through a grant
- 4 is the property of the school district and not the department".

The Bromm amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senators Byars, Schrock, Aguilar, Bruning, and Preister asked unanimous

consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 620:

AM1550

(Amendments to AM1184)

1 1. On page 4, line 16, after the period insert "In  
2 addition, if the number of new employees of the project are less  
3 than three-quarters of the number of new employees of a new  
4 interdependent operation of which the project is a part, then all  
5 new full-time employees of the new interdependent operation who are  
6 not new employees of the project shall be paid a minimum wage of  
7 (i) at least eight dollars and nineteen cents per hour for those  
8 employees who receive health care benefits and (ii) at least nine  
9 dollars and one cent per hour for those employees who do not  
10 receive health care benefits. The employer shall adjust the  
11 minimum wages required under this section for new full-time  
12 employees of the new interdependent operation on July 1 of each  
13 year beginning in 2002. The minimum wage for employees who receive  
14 health care benefits shall be one hundred percent of the federal  
15 poverty guidelines for a family of four, based on a forty-hour work  
16 week at fifty-two weeks per year, and the minimum wage for  
17 employees who do not receive health care benefits shall be one  
18 hundred then percent of such guidelines.".

Senator Chambers filed the following amendment to LB 305:

FA192

Amend AM1406

1. On page 1 in line 16, strike "five and one-fourth" and insert "four and one-half"

Senator Chambers filed the following amendment to LB 305:

FA193

Amend AM1406

1. On page 1 in line 16, strike "five and one-fourth" and insert "four".

Senator Chambers filed the following amendment to LB 305:

FA194

Amend AM1406

Strike sections 1 and 2.

Senator Kristensen filed the following amendment to LB 465:

(Amendment, AM1172, 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 598:  
(Amendment, AM1549, 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 516:  
AM1552

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 5. Section 76-902, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 76-902. The tax imposed by section 76-901 shall not
- 5 apply to:
- 6 (1) Deeds recorded prior to November 18, 1965;
- 7 (2) Deeds to property transferred by or to the United
- 8 States of America, the State of Nebraska, or any of their agencies
- 9 or political subdivisions;
- 10 (3) Deeds which secure or release a debt or other
- 11 obligation;
- 12 (4) Deeds which, without additional consideration,
- 13 confirm, correct, modify, or supplement a deed previously recorded
- 14 but which do not extend or limit existing title or interest;
- 15 (5)(a) Deeds between husband and wife, or parent and
- 16 child, without actual consideration therefor, and (b) deeds to or
- 17 from a family corporation, partnership, or limited liability
- 18 company when all the shares of stock of the corporation or interest
- 19 in the partnership or limited liability company are owned by
- 20 members of a family, or a trust created for the benefit of a member
- 21 of that family, related to one another within the fourth degree of
- 22 kindred according to the rules of civil law, and their spouses, for
- 23 no consideration other than the issuance of stock of the
- 1 corporation or interest in the partnership or limited liability
- 2 company to such family members or the return of the stock to the
- 3 corporation in partial or complete liquidation of the corporation
- 4 or deeds in dissolution of the interest in the partnership or
- 5 limited liability company. In order to qualify for the exemption
- 6 for family corporations, partnerships, or limited liability
- 7 companies, the property shall be transferred in the name of the
- 8 corporation or partnership and not in the name of the individual
- 9 shareholders, partners, or members;
- 10 (6) Tax deeds;
- 11 (7) Deeds of partition;
- 12 (8) Deeds made pursuant to mergers, consolidations,
- 13 sales, or transfers of the assets of corporations pursuant to plans
- 14 of merger or consolidation filed with the office of Secretary of
- 15 State. A copy of such plan filed with the Secretary of State shall
- 16 be presented to the register of deeds before such exemption is
- 17 granted;

18 (9) Deeds made by a subsidiary corporation to its parent  
 19 corporation for no consideration other than the cancellation or  
 20 surrender of the subsidiary's stock;

21 (10) Cemetery deeds;

22 (11) Mineral deeds;

23 (12) Deeds executed pursuant to court decrees;

24 (13) Land contracts;

25 (14) Deeds which release a reversionary interest, a

26 condition subsequent or precedent, a restriction, or any other

27 contingent interest;

1 (15) Deeds of distribution executed by a personal

2 representative conveying to devisees or heirs property passing by

3 testate or intestate succession;

4 (16) Deeds transferring property located within the

5 boundaries of an Indian reservation if the grantor or grantee is a

6 reservation Indian;

7 (17) Deeds transferring property into a trust if the

8 transfer of the same property would be exempt if the transfer was

9 made directly from the grantor to the beneficiary or beneficiaries

10 under the trust. No such exemption shall be granted unless the

11 register of deeds is presented with a signed statement certifying

12 that the transfer of the property is made under such circumstances

13 as to come within one of the exemptions specified in this section

14 and that evidence supporting the exemption is maintained by the

15 person signing the statement and is available for inspection by the

16 Department of Revenue;

17 (18) Deeds transferring property from a trustee to a

18 beneficiary of a trust;

19 (19) Deeds which convey property held in the name of any

20 partnership or limited liability company not subject to subdivision

21 (5) of this section to any partner in the partnership or member of

22 the limited liability company or to his or her spouse;

23 (20) Leases; or

24 (21) Easements; or

25 (22) Deeds which transfer title from a trustee to a

26 beneficiary pursuant to a power of sale exercised by a trustee

27 under a trust deed.

1 Sec. 7. Sections 5 and 8 of this act become operative on

2 October 1, 2001. The other sections of this act become operative

3 on their effective date.

4 Sec. 8. Original section 76-902, Reissue Revised

5 Statutes of Nebraska, is repealed."

6 2. On page 1, line 2, strike "and" and after the last

7 comma insert "and 76-902,"; in line 7 after the semicolon insert

8 "to provide an exemption to the documentary stamp tax as

9 prescribed;" and in line 8 after the semicolon insert "to provide

10 operative dates;"

11 3. Renumber the remaining sections accordingly.

**RESOLUTION****LEGISLATIVE RESOLUTION 61.** Introduced by Erdman, 47.

WHEREAS, Todd Allen Hoerler of Bridgeport earned the Boy Scouts' highest honor and rank of Eagle Scout and was awarded the Eagle Award on Saturday, March 24, 2001; and

WHEREAS, Todd has served in the Boy Scouts since 1991 as a Tiger Cub and Cub Scout; and as a member of the Webelos Eagle Patrol, he earned his Arrow of Light Award in 1996; and

WHEREAS, as a member of Troop 96, Todd, for his Eagle Scout service project, installed playground equipment at the Camp Clarke Raiders area, leading a group of Scouts and Camp Clarke Raiders in designing, preparing the site, installing the equipment, and landscaping the area; and

WHEREAS, Todd, a sophomore at Bridgeport High School, in becoming an Eagle Scout, has achieved a rank that fewer than four percent of all boys who join the Boy Scouts attain; and

WHEREAS, Todd Hoerler, throughout his Scouting career, has represented his troop and community with excellence.

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

1. That the Legislature congratulates Todd Hoerler on his achievement of the elite rank of Eagle Scout in the Boy Scouts of America and recognizes his outstanding community service efforts in Bridgeport.
2. That a copy of this resolution to sent to Todd Hoerler and his family.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Robak asked unanimous consent to have her name added as cointroducer to LB 833. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 62 fourth grade students and teachers from Hayward Elementary School and the Nebraska Center for Education of Blind or Visually Impaired Children, Nebraska City; 24 fourth grade students and teacher from Emmanuel Lutheran Elementary School, York; and Ron and Jean Watters from Brookville, Kansas.

**ADJOURNMENT**

At 5:33 p.m., on a motion by Senator Smith, the Legislature adjourned until 9:00 a.m., Wednesday, April 18, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**SIXTY-SIXTH DAY - APRIL 18, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 18, 2001

**PRAYER**

The prayer was offered by Senator Jones.

**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 McDonald, D. Pederson, and Preister who were excused; and Senators Bromm, Brown, Dierks, Hartnett, Schimek, and Tyson who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-fifth day was approved.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 58 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 58.

**UNANIMOUS CONSENT - Member Excused**

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 641.** Title read. Considered.

The Standing Committee amendment, AM0472, printed separately and referred to on page 675, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

### **SENATOR CUDABACK PRESIDING**

Senators Kristensen and Erdman asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 468.** Title read. Considered.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Suttle renewed her pending amendment, AM1493, found on page 1478.

The Suttle amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

### **SELECT COMMITTEE REPORTS**

#### **Enrollment and Review**

#### **Correctly Reengrossed**

The following bills were correctly reengrossed: LBs 362 and 668.

#### **Enrollment and Review Change to LB 362**

#### **(Final Reading copy)**

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

ER9056

1. In the Landis amendment, AM1219:

a. On page 4, line 25, "institutions" has been struck and "institution" inserted;

b. On page 39, line 14, "or" has been struck, shown as stricken, and an underscored comma inserted; and in line 15 ", or qualifying mutual financial institution" has been inserted after "institution";

c. On page 63, line 6, "paid-up" has been struck and shown as stricken;

and

- d. On page 85, line 2, "savings" has been struck and "financial" inserted.
2. On page 1, line 1, "the" has been struck.

(Signed) Philip Erdman, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 659.** Title read. Considered.

The Standing Committee amendment, AM1342, found on page 1399, was considered.

Senator Chambers renewed his pending amendment, AM1487, found on page 1472, to the Standing Committee amendment.

Senators Beutler and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

## SPEAKER KRISTENSEN PRESIDING

Advanced to E & R for review with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 781.** Title read. Considered.

The Standing Committee amendment, AM1352, found on page 1403, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 62.** Introduced by Hilgert, 7.

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, 2001, 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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That April 28, 2001, 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.

### **VISITORS**

Visitors to the Chamber were Ardell Phipps from Wakefield; 48 fourth and fifth grade students and teacher from Amherst; 65 fourth grade students and teachers from St. Wenceslaus Elementary School, Wahoo; 43 fourth grade students and teachers from North Bend Central Public School; and 66 fourth grade students and teacher from Hickory Hill Elementary School, Papillion.

### **RECESS**

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

### **AFTER RECESS**

The Legislature reconvened at 1:31 p.m., Speaker Kristensen presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators McDonald, D. Pederson, Preister, and Robak who were excused; and Senators Beutler, Brown, Byars, Chambers, Engel, Hartnett, Landis, and Tyson who were excused until they arrive.

### **UNANIMOUS CONSENT - Member Excused**

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

### **GENERAL FILE**

**LEGISLATIVE BILL 598.** Title read. Considered.

The Standing Committee amendment, AM0192, found on page 715, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Senator Thompson withdrew her pending amendment, AM0928, found on page 1127.

Senator Thompson withdrew her pending amendment, AM1549, printed separately and referred to on page 1515.

Senator Thompson offered the following amendment:  
AM1568

1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 43-286, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 43-286. (1) When any juvenile is adjudicated to be a
- 6 juvenile described in subdivision (1), (2), or (4) of section
- 7 43-247:
- 8 (a) The court may continue the dispositional portion of
- 9 the hearing, from time to time upon such terms and conditions as
- 10 the court may prescribe, including an order of restitution of any
- 11 property stolen or damaged or an order requiring the juvenile to
- 12 participate in community service programs, if such order is in the
- 13 interest of the juvenile's reformation or rehabilitation, and,
- 14 subject to the further order of the court, may:
- 15 (i) Place the juvenile on probation subject to the
- 16 supervision of a probation officer;
- 17 (ii) Permit the juvenile to remain in his or her own home
- 18 or be placed in a suitable family home, subject to the supervision
- 19 of the probation officer; or
- 20 (iii) Cause the juvenile to be placed in a suitable
- 21 family home or institution, subject to the supervision of the
- 22 probation officer. If the court has committed the juvenile to the
- 23 care and custody of the Department of Health and Human Services,
- 24 the department shall pay the costs of the suitable family home or
- 1 institution which are not otherwise paid by the juvenile's parents.
- 2 Under subdivision (1)(a) of this section, upon a
- 3 determination by the court that there are no parental, private, or
- 4 other public funds available for the care, custody, and maintenance
- 5 of a juvenile, the court may order a reasonable sum for the care,
- 6 custody, and maintenance of the juvenile to be paid out of a fund
- 7 which shall be appropriated annually by the county where the
- 8 petition is filed until a suitable provision may be made for the
- 9 juvenile without such payment; or
- 10 (b)(i) After adjudication, the ~~The~~ court may commit such
- 11 juvenile to the care and custody of the Office of Juvenile
- 12 Services, ~~but a~~ and order the Office of Juvenile Services to
- 13 prepare and file with the court a proposed plan for the care and
- 14 level of treatment to be provided to the juvenile. If any other
- 15 party, including, but not limited to, the juvenile, the parents, or
- 16 the county attorney, proves by a preponderance of the evidence that
- 17 the office's plan is not in the juvenile's best interests, the

18 court shall disapprove the plan. The court may also modify the  
19 plan by ordering a different level of treatment or order the office  
20 to develop an alternative plan. Rules of evidence shall not apply  
21 at the dispositional hearing when the court considers the plan. At  
22 the disposition hearing, the court may order the office to carry  
23 out the plan or the court may choose an alternative disposition.  
24 The office or any other party may request a review of the court's  
25 order concerning the juvenile by a juvenile review panel as  
26 provided in section 43-287.04.

27 (ii) A juvenile under the age of twelve years shall not  
1 be placed at the Youth Rehabilitation and Treatment Center-Geneva  
2 or the Youth Rehabilitation and Treatment Center-Kearney unless he  
3 or she has violated the terms of probation or has committed an  
4 additional offense and the court finds that the interests of the  
5 juvenile and the welfare of the community demand his or her  
6 commitment. This minimum age provision shall not apply if the act  
7 in question is murder or manslaughter.

8 (iii) Within thirty days after an order committing a  
9 juvenile to the care and custody of the Office of Juvenile Services  
10 and at least once each six months thereafter until the juvenile  
11 reaches the age of majority, the office shall file with the court a  
12 report stating the location of the juvenile's placement and the  
13 level of treatment the juvenile is receiving. If the office  
14 proposes a change in the place or level of treatment, the procedure  
15 provided in section 43-408 shall be followed.

16 (2) When any juvenile is found by the court to be a  
17 juvenile described in subdivision (3)(b) of section 43-247, the  
18 court may enter such order as it is empowered to enter under  
19 subdivision (1)(a) of this section or enter an order committing or  
20 placing the juvenile to the care and custody of the Department of  
21 Health and Human Services.

22 (3) Beginning July 15, 1998, when any juvenile is  
23 adjudicated to be a juvenile described in subdivision (1), (2),  
24 (3)(b), or (4) of section 43-247 because of a nonviolent act or  
25 acts and the juvenile has not previously been adjudicated to be  
26 such a juvenile because of a violent act or acts, the court may,  
27 with the agreement of the victim, order the juvenile to attend  
1 juvenile offender and victim mediation with a mediator or at an  
2 approved center selected from the roster made available pursuant to  
3 section 25-2908.

4 (4)(a) When a juvenile is placed on probation or under  
5 the supervision of the court and it is alleged that the juvenile is  
6 again a juvenile described in subdivision (1), (2), (3)(b), or (4)  
7 of section 43-247, a petition may be filed and the same procedure  
8 followed and rights given at a hearing on the original petition.  
9 If an adjudication is made that the allegations of the petition are  
10 true, the court may make any disposition authorized by this section  
11 for such adjudications.

12 (b) When a juvenile is placed on probation or under the

13 supervision of the court for conduct under subdivision (1), (2),  
14 (3)(b), or (4) of section 43-247 and it is alleged that the  
15 juvenile has violated a term of probation or supervision or that  
16 the juvenile has violated an order of the court, a motion to revoke  
17 probation or supervision or to change the disposition may be filed  
18 and proceedings held as follows:

19 (i) The motion shall set forth specific factual  
20 allegations of the alleged violations and a copy of such motion  
21 shall be served on all persons required to be served by sections  
22 43-262 to 43-267;

23 (ii) The juvenile shall be entitled to a hearing before  
24 the court to determine the validity of the allegations. At such  
25 hearing the juvenile shall be entitled to those rights relating to  
26 counsel provided by section 43-272 and those rights relating to  
27 detention provided by sections 43-254 to 43-256. The juvenile  
1 shall also be entitled to speak and present documents, witnesses,  
2 or other evidence on his or her own behalf. He or she may confront  
3 persons who have given adverse information concerning the alleged  
4 violations, may cross-examine such persons, and may show that he or  
5 she did not violate the conditions of his or her probation or, if  
6 he or she did, that mitigating circumstances suggest that the  
7 violation does not warrant revocation. The revocation hearing  
8 shall be held within a reasonable time after the juvenile is taken  
9 into custody;

10 (iii) The hearing shall be conducted in an informal  
11 manner and shall be flexible enough to consider evidence, including  
12 letters, affidavits, and other material, that would not be  
13 admissible in an adversarial criminal trial;

14 (iv) The juvenile shall be given a preliminary hearing in  
15 all cases when the juvenile is confined, detained, or otherwise  
16 significantly deprived of his or her liberty as a result of his or  
17 her alleged violation of probation. Such preliminary hearing shall  
18 be held before an impartial person other than his or her probation  
19 officer or any person directly involved with the case. If, as a  
20 result of such preliminary hearing, probable cause is found to  
21 exist, the juvenile shall be entitled to a hearing before the court  
22 in accordance with this subsection;

23 (v) If the juvenile is found by the court to have  
24 violated the terms of his or her probation, the court may modify  
25 the terms and conditions of the probation order, extend the period  
26 of probation, or enter any order of disposition that could have  
27 been made at the time the original order of probation was entered;  
1 and

2 (vi) In cases when the court revokes probation, it shall  
3 enter a written statement as to the evidence relied on and the  
4 reasons for revocation.

5 Sec. 2. Section 43-287.01, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 43-287.01. The purpose of sections 43-287.01 to

8 43-287.06 is to provide for an expedited review of juvenile  
9 dispositions by the courts. It is the intent to allow such review  
10 only when a court orders the implementation of a plan different  
11 than the plan prepared by the Department of Health and Human  
12 Services or Office of Juvenile Services for the care, placement,  
13 and services to be provided to such juvenile and the department,  
14 office, or any other party believes such court-ordered plan not to  
15 be in the best interests of the juvenile.

16 It is the intent of sections 43-287.01 to 43-287.06 to  
17 remove contested dispositional plans from the appellate process for  
18 the purpose of expediting review by a juvenile review panel.  
19 Nothing in such sections shall otherwise limit the right of any  
20 party to appeal other final orders of a juvenile court pursuant to  
21 sections 43-2,106 and 43-2,106.01.

22 Sec. 3. Section 43-287.03, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 43-287.03. A juvenile review panel shall review a  
25 disposition of a court when the court makes an order directing the  
26 implementation of a plan different from the plan prepared by the  
27 Department of Health and Human Services or Office of Juvenile  
1 Services concerning the care, placement, ~~or~~ services, or level of  
2 treatment to be provided to the juvenile and the department,  
3 office, or any other party believes that the court's order is not  
4 in the best interests of the juvenile.

5 Sec. 4. Section 43-287.04, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 43-287.04. If the Department of Health and Human  
8 Services, Office of Juvenile Services, or any other party desires  
9 to have a disposition described in section 43-287.03 reviewed, the  
10 department, office, or other party shall have ten days after  
11 disposition by the court to file a request for review by a juvenile  
12 review panel. Such request for review shall be filed with the  
13 clerk of the county court or separate juvenile court where the  
14 action was originally heard. Upon receipt of the request for  
15 review, the clerk of the county court or separate juvenile court  
16 shall forward a copy of the request to the Clerk of the Supreme  
17 Court.

18 Sec. 5. Section 43-287.05, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 43-287.05. A juvenile review panel shall review the  
21 disposition of a court de novo on the record. The record shall  
22 consist of a transcript and bill of exceptions which shall be  
23 requested and prepared as in appeals from the county court to the  
24 district court. A juvenile review panel shall affirm the  
25 disposition unless it is shown by a preponderance of the evidence  
26 that the disposition was not in the best interests of the juvenile,  
27 in which case the panel may modify the court-ordered plan or the  
1 plan of the Department of Health and Human Services or Office of  
2 Juvenile Services or may substitute the department's or office's



3 plan for the court-ordered plan and remand the case back to the  
4 court with directions to implement such plan. Such review shall  
5 stay the enforcement of any order entered by the court.  
6 The review by the juvenile review panel shall be as  
7 expeditious as possible, and a decision shall be made within thirty  
8 days after receiving the bill of exceptions from the court  
9 stenographer. The panel's decision shall be final and binding on  
10 the parties, except that the decision may be appealed as provided  
11 in section 43-287.06.

12 Sec. 6. Section 43-287.06, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 43-287.06. The Department of Health and Human Services,  
15 the Office of Juvenile Services, or any other party may appeal from  
16 any final order or judgment entered by the juvenile review panel.  
17 Such order or judgment shall be reviewed by the Court of Appeals or  
18 the Supreme Court within the same time and in the same manner  
19 prescribed by law for review of an order or judgment of the  
20 district court. The appellate court shall review the disposition  
21 of the juvenile review panel de novo on the record submitted to the  
22 panel. Any appeal made pursuant to this section shall not stay any  
23 order of a juvenile review panel.

24 Sec. 7. Section 43-408, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 43-408. (1) Whenever any juvenile is committed under any  
27 provision of law to the Office of Juvenile Services, to any  
1 facility operated by the Office of Juvenile Services, or to the  
2 custody of the Administrator of the Office of Juvenile Services, a  
3 superintendent of a facility, or an administrator of a program, the  
4 juvenile is deemed committed to the Office of Juvenile Services.  
5 Juveniles committed to the Office of Juvenile Services shall also  
6 be considered committed to the care and custody of the Department  
7 of Health and Human Services for the purpose of obtaining health  
8 care and treatment services.

9 (2) A juvenile may be committed to the Office of Juvenile  
10 Services by a court as a disposition under section 43-286. The  
11 committing court shall order the initial level of treatment for a  
12 juvenile committed to the office. The committing court shall not  
13 order a specific placement for a juvenile committed to the office.  
14 Office of Juvenile Services. The court shall continue to maintain  
15 jurisdiction over any juvenile committed to the Office of Juvenile  
16 Services until such time that the juvenile is discharged from the  
17 Office of Juvenile Services. The court shall conduct review  
18 hearings every six months, or at the request of the juvenile, for  
19 any juvenile committed to the Office of Juvenile Services who is  
20 placed outside his or her home, ~~except for a juvenile residing~~  
21 ~~at a youth rehabilitation and treatment center.~~ The court shall  
22 determine whether the out-of-home placement is in the best  
23 interests of the juvenile, with due consideration being given by  
24 the court to public safety.

25 (3) After the initial level of treatment is ordered by  
26 the committing court, the Office of Juvenile Services shall  
27 designate suitable placement and treatment services to be provided.

1 (4) After a juvenile is committed to the Office of  
2 Juvenile Services, if the office proposes a change in placement or  
3 in the level of treatment, the procedure provided in this  
4 subsection shall be followed. For transfer of placement or level  
5 of treatment hearings under this subsection, the burden of proof to  
6 justify the transfer is on the Office of Juvenile Services, the  
7 standard of proof is clear and convincing evidence, and the strict  
8 rules of evidence do not apply. Transfers Except as provided in  
9 subdivision (b) of this section, the office shall notify the  
10 parties prior to any change of placement of a juvenile. Such  
11 transfers of juveniles from one place of treatment to another or  
12 from one level of treatment to another are is subject to section  
13 43-251.01 and to the following:

14 (a) Except as provided in subdivision (b) of this  
15 subsection, if the Office of Juvenile Services proposes to transfer  
16 the juvenile from a less restrictive to a more restrictive place of  
17 treatment, a plan outlining the proposed change and the reasons for  
18 the proposed change shall be presented to the court which committed  
19 the juvenile. Such change shall occur only after a hearing and a  
20 finding by the committing court that the change is in the best  
21 interests of the juvenile, with due consideration being given by  
22 the court to public safety. At the hearing, the juvenile has the  
23 right to be represented by counsel;

24 (b) The Office of Juvenile Services may make an immediate  
25 temporary change of placement without prior approval by the  
26 committing court only if the juvenile is in a harmful or dangerous  
27 situation, is suffering a medical emergency, is exhibiting behavior  
1 which warrants temporary removal, or has been placed in a  
2 non-state-owned facility and such facility has requested that the  
3 juvenile be removed. Approval of the committing court shall be  
4 sought within fifteen days of making an immediate temporary change,  
5 at which time a hearing shall occur before the court. The court  
6 shall determine whether it is in the best interests of the juvenile  
7 to remain in the new place of treatment, with due consideration  
8 being given by the court to public safety. At the hearing, the  
9 juvenile has the right to be represented by counsel; and

10 (c) If the proposed change seeks to transfer the juvenile  
11 from a more restrictive to a less restrictive place or level of  
12 treatment or to transfer the juvenile from the juvenile's current  
13 place of treatment to another which has the same level of  
14 restriction as the current place of treatment, the Office of  
15 Juvenile Services shall notify the juvenile, the juvenile's  
16 parents, custodian, or legal guardian, the committing court, the  
17 county attorney, the counsel for the juvenile, and the guardian ad  
18 litem of the proposed change. The juvenile has fifteen days after  
19 the date of the notice to request an administrative hearing with

20 the Office of Juvenile Services, at which time the Office of  
 21 Juvenile Services shall determine whether it is in the best  
 22 interests of the juvenile for the proposed change to occur, with  
 23 due consideration being given by the office to public safety. The  
 24 juvenile may be represented by counsel at the juvenile's own  
 25 expense. If the juvenile is aggrieved by the administrative  
 26 decision of the Office of Juvenile Services, the juvenile may  
 27 appeal that decision to the committing court within fifteen days  
 1 after the Office of Juvenile Services' decision. At the hearing  
 2 before the committing court, the juvenile has the right to be  
 3 represented by counsel.  
 4 ~~(5)~~ (4) The committing court's review of a change of  
 5 place of treatment or level of treatment pursuant to this section  
 6 does not apply to parole revocation hearings.  
 7 Sec. 8. Original sections 43-287.01, 43-287.03 to  
 8 43-287.06, and 43-408, Reissue Revised Statutes of Nebraska, and  
 9 section 43-286, Revised Statutes Supplement, 2000, are repealed."

#### SENATOR SCHIMEK PRESIDING

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

#### SPEAKER KRISTENSEN PRESIDING

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

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

Senator Thompson requested a roll call vote on her amendment.

Senator Baker requested the roll call vote be taken in reverse order.

Voting in the affirmative, 5:

Bourne	Connealy	Landis	Schimek	Suttle
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Voting in the negative, 29:

Aguilar	Baker	Bromm	Brown	Bruning
Burling	Cunningham	Dierks	Engel	Erdman
Foley	Hilgert	Hudkins	Jensen	Jones
Kremer	Kristensen	Maxwell	Pedersen, Dw.	Price
Quandahl	Raikes	Redfield	Schrock	Smith
Stuhr	Tyson	Vrtiska	Wehrbein	

Present and not voting, 8:

Brashear	Byars	Chambers	Coordsen	Cudaback
Kruse	Thompson	Wickersham		

Excused and not voting, 7:

Beutler	Hartnett	Janssen	McDonald	Pederson, D.
Preister	Robak			

The Thompson amendment lost with 5 ayes, 29 nays, 8 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

### AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB 366:  
AM1465

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 39-1803, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 39-1803. (1) In any case in which the boundary line of
- 5 an incorporated city extends in and along a public road, which road
- 6 has not been paved or macadamized, then the county board of any
- 7 county in which such road lies, is hereby authorized and empowered
- 8 to maintain and keep in repair and proper condition for travel the
- 9 full width of such road, including the portion which lies within
- 10 the corporate limits, as well as the portion which lies outside of
- 11 said the corporate limits, and to pay the cost and expense of such
- 12 maintenance, repair, and upkeep, so long as said the road remains
- 13 unpaved.
- 14 (2) A county may enter into an agreement under the
- 15 Interlocal Cooperation Act with a city or village located in such
- 16 county to appropriate and use county road funds for the
- 17 improvement, maintenance, or repair of a road or street that is:
- 18 (a) Located within the corporate limits of the city or
- 19 village if the street is classified as other arterial, collector,
- 20 or local under subsections (4) through (6) of section 39-2104 and
- 21 such street acts as a direct link or extension of an other
- 22 arterial, as described in subsection (5) of section 39-2103;
- 23 (b) Located on the boundary between the corporate limits
- 24 of the city or village and the county; or
- 1 (c) A city or village road or street directly impacted by
- 2 county operations or through traffic."
- 3 2. On page 4, line 6, after "section" insert "39-1803,
- 4 Reissue Revised Statutes of Nebraska, and section"; and in line 7

5 strike "is" and insert "are".

6 3. Renumber the remaining section accordingly.

Senator Coordsen filed the following amendment to LB 305:  
AM1570

(Amendments to Standing Committee amendments, AM1406)

1 1. Insert the following new section:

2 "Section 1. Section 77-2701.01, Reissue Revised Statutes  
3 of Nebraska, is amended to read:

4 77-2701.01. Pursuant to section 77-2715.01, for all  
5 taxable years beginning or deemed to begin on or after January 1,  
6 1990, under the Internal Revenue Code of 1986, as amended, the rate  
7 of the income tax levied pursuant to section 77-2715 shall be three  
8 and forty-three-hundredths percent. Pursuant to section  
9 77-2715.01, for all taxable years beginning or deemed to begin on  
10 or after January 1, 1991, and before January 1, 2002, under the  
11 Internal Revenue Code of 1986, as amended, the rate of the income  
12 tax levied pursuant to section 77-2715 shall be three and  
13 seventy-hundredths percent. Pursuant to section 77-2715.01, for  
14 all taxable years beginning or deemed to begin on or after January  
15 1, 2002, under the Internal Revenue Code of 1986, as amended, the  
16 rate of the income tax levied pursuant to section 77-2715 shall be  
17 three and seventy-five hundredths percent."

18 2. On page 1, line 16, strike "one-fourth" and insert  
19 "fifteen-hundredths".

20 3. On page 41, line 1, strike "section" and insert  
21 "sections 77-2701.01 and".

22 4. Renumber the remaining sections and correct internal  
23 references accordingly.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 827A.** Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 827, Ninety-seventh Legislature, First Session, 2001; and to provide for a transfer.

### GENERAL FILE

**LEGISLATIVE BILL 598.** Senator Thompson moved to reconsider the vote on her amendment, AM1568, found in this day's Journal.

### PRESIDENT MAURSTAD PRESIDING

Senators Maxwell and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Thompson motion to reconsider failed with 2 ayes, 19 nays, 18 present and not voting, and 10 excused and not voting.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Thompson offered the following amendment:

AM1505

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 43-3602, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 43-3602. The Juvenile Diversion, Detention, and
- 6 Probation Services Implementation Team shall:
- 7 (1) Examine juvenile detention practices, identify risk
- 8 factors that should be considered in making a detention decision,
- 9 and recommend a standardized juvenile detention screening
- 10 instrument to the Office of Probation Administration no later than
- 11 December 15, 2000;
- 12 (2) Develop a plan for regional secure juvenile detention
- 13 facilities and detention services, including transportation
- 14 services, and recommend a funding strategy;
- 15 (3) Develop standards for juvenile diversion services
- 16 throughout the state;
- 17 (4) Review the structure, purpose, and function of
- 18 juvenile probation; analyze juvenile probation offender
- 19 characteristics; determine the level of staffing and types of
- 20 program services needed in order for juvenile probation to fulfill
- 21 its core responsibilities within the juvenile justice system; and
- 22 recommend needed system changes;
- 23 (5) Provide an appropriation request for expenses of team
- 24 members and the hiring of consultant services; and
- 1 (6) Examine the effectiveness, accuracy, and trends of
- 2 juvenile evaluation practices since these evaluations were moved to
- 3 community-based evaluation programs supplemented by residential
- 4 evaluation programs;
- 5 (7) Examine the recommendations in the 1999 Nebraska
- 6 Juvenile Services Master Plan regarding the evaluation and
- 7 placement process;
- 8 (8) Submit a report on subdivisions (6) and (7) of this
- 9 section to the Governor and the Legislature no later than December
- 10 1, 2001; and
- 11 (9) Submit a final report to the Governor and the
- 12 Legislature.
- 13 Sec. 2. Original section 43-3602, Revised Statutes
- 14 Supplement, 2000, is repealed.
- 15 Sec. 3. Since an emergency exists, this act takes effect
- 16 when passed and approved according to law."

Senator Kremer asked unanimous consent to be excused. No objections. So ordered.

### **SENATOR CUDABACK PRESIDING**

Senator Bromm asked unanimous consent to be excused. No objections. So ordered.

Senator Thompson moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Senator Thompson requested a roll call vote on her amendment.

Voting in the affirmative, 6:

Chambers	Connealy	Coordsen	Schimek	Suttle
Wickersham				

Voting in the negative, 26:

Aguilar	Baker	Bourne	Brown	Bruning
Burling	Cunningham	Dierks	Engel	Erdman
Foley	Hilgert	Hudkins	Jensen	Jones
Kristensen	Pedersen, Dw.	Price	Quandahl	Redfield
Schrock	Smith	Stuhr	Tyson	Vrtiska
Wehrbein				

Present and not voting, 6:

Byars	Cudaback	Janssen	Kruse	Maxwell
Thompson				

Excused and not voting, 11:

Beutler	Brashear	Bromm	Hartnett	Kremer
Landis	McDonald	Pederson, D.	Preister	Raikes
Robak				

The Thompson amendment lost with 6 ayes, 26 nays, 6 present and not voting, and 11 excused and not voting.

Pending.

The Chair declared the call raised.

### **AMENDMENTS - Print in Journal**

Senator Dierks filed the following amendment to LB 536:  
AM1559

(Amendments to Standing Committee amendments, AM1356)

- 1 1. Strike section 8 and insert the following new  
2 section:  
3 "Sec. 8. (1) Beginning October 1, 2001, through  
4 September 30, 2008, there is imposed an excise tax of fifty cents  
5 per dry ton basis upon the gross tonnage of all commercial feed as  
6 defined in section 54-849 generated in this state by an ethanol  
7 facility that has received credits under the Ethanol Development  
8 Act. The tax shall be paid by the generator of the commercial  
9 feed.
- 10 (2) The excise tax shall be imposed at the time of sale  
11 or delivery and shall be applied whether the commercial feed is  
12 stored in this or any other state. The tax shall be collected,  
13 administered, and enforced by the Department of Agriculture in  
14 conjunction with the excise tax imposed pursuant to sections  
15 66-1345.01 and 66-1345.02. No commercial feed shall be subject to  
16 the tax imposed by this section more than once.
- 17 (3) The generator shall maintain the necessary records of  
18 the excise tax for each sale or delivery of commercial feed.  
19 Records maintained by the generator shall provide (a) the name and  
20 address of the generator of the commercial feed, (b) the date of  
21 the sale or delivery, (c) the number of tons of commercial feed  
22 sold or delivered, (d) the dry ton basis of the commercial feed as  
23 determined by formula provided by the department, and (e) the  
1 amount of excise tax imposed on each sale or delivery. The records  
2 shall be open for inspection and audit by authorized  
3 representatives of the department during normal business hours  
4 observed by the generator. The generator shall render and have on  
5 file with the department by January 31, 2002, and each quarter  
6 thereafter, on forms prescribed by the department, a statement of  
7 the number of tons of commercial feed sold or delivered. At the  
8 time the statement is filed, the generator shall pay and remit to  
9 the department the excise tax.
- 10 (4) The department shall remit the excise tax collected  
11 to the State Treasurer for credit to the Ethanol Production  
12 Incentive Cash Fund within thirty days after the end of each  
13 quarter.
- 14 (5) The department shall calculate its costs in  
15 collecting and enforcing the excise tax imposed by this section and  
16 shall report such costs to the Department of Administrative  
17 Services within thirty days after the end of the fiscal year.  
18 Sufficient funds to cover such costs shall be transferred from the  
19 Ethanol Production Incentive Cash Fund to the Management Services  
20 Expense Revolving Fund at the end of each calendar month. Funds  
21 shall be transferred upon the receipt of a report of costs incurred  
22 by the Department of Agriculture for the previous calendar month by  
23 the Department of Administrative Services."
- 24 2. On page 3, line 8, strike "Any" and insert "Beginning  
25 January 1, 2002, any" and after "facility" insert "for which a



- 26 distilled spirits permit has not previously been issued and"; in  
 27 line 9 after the second comma insert "or a facility qualifying  
 1 under subsection (5) of this section."; in line 13 strike  
 2 "eighty-four" and insert "eighty-four-consecutive"; in line 20  
 3 strike "eighty-four-month" and insert  
 4 "eighty-four-consecutive-month"; in line 23 strike "30" and insert  
 5 "1"; and in line 25 strike "also".  
 6 3. On page 8, line 15, strike "June 30," and show as  
 7 stricken and strike the new matter and insert "December 31, 2011".  
 8 4. On page 9, line 10, strike "January" and insert  
 9 "October".  
 10 5. On page 12, line 19, after "under" insert  
 11 "subsections (4) and (5) of".

Senator Dierks filed the following amendment to LB 536:  
 AM1560

(Amendments to Standing Committee amendments, AM1356)

- 1 1. On page 2, strike beginning with the second "a" in  
 2 line 12 through "or" in line 13 and show as stricken.  
 3 2. On page 3, strike the new matter in lines 8 through  
 4 27 and insert "Beginning January 1, 2002, any new ethanol facility  
 5 for which a distilled spirits permit has not previously been issued  
 6 and which is in production at the minimum rate of one hundred  
 7 thousand gallons annually for the production of ethanol, before  
 8 denaturing, on or before June 30, 2004, shall receive a credit of  
 9 twenty cents per gallon of ethanol produced for  
 10 eighty-four-consecutive months beginning with the first calendar  
 11 month for which it is eligible to receive such credit and ending  
 12 not later than June 30, 2011, if the facility is defined by  
 13 subdivision (a) of this subsection, and for forty-eight-consecutive  
 14 months beginning with the first calendar month for which it is  
 15 eligible to receive such credit and ending not later than June 30,  
 16 2008. For purposes of this section, a new ethanol facility means  
 17 an ethanol facility which (a) is not in production on or before the  
 18 effective date of this act or (b) has not received credits prior to  
 19 June 1, 1999. Not more than seventeen million eight hundred fifty  
 20 thousand gallons of ethanol produced annually at an ethanol  
 21 facility shall be eligible for credits in this subsection. Not  
 22 more than one hundred twenty-five million gallons of ethanol  
 23 produced at an ethanol facility by the end of the  
 1 eighty-four-consecutive-month period or  
 2 forty-eight-consecutive-month period set forth in this subsection  
 3 shall be eligible for credits.".  
 4 3. On page 4, lines 1 through 5 strike the new matter  
 5 and insert "(5)".  
 6 4. On page 5, line 8, strike the new matter and insert  
 7 "(6)"; and in line 11 strike the new matter and insert "(7)".

Senator Bruning filed the following amendment to LB 536:

## AM1553

(Amendments to Standing Committee amendments, AM1356)

- 1 1. Strike section 8 and all amendments thereto and
- 2 insert the following new section:
- 3 "Sec. 8. Section 66-1521, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 66-1521. (1) A petroleum release remedial action fee is
- 6 hereby imposed upon the refiner, importer, or supplier who first
- 7 sells, offers for sale, or uses petroleum within this state, except
- 8 that the fee shall not be imposed on petroleum that is exported or
- 9 packaged in individual containers of one hundred ten gallons or
- 10 less and intended for sale or use in this state. The amount of the
- 11 fee shall be nine-tenths of one cent per gallon on motor vehicle
- 12 fuels as defined in section 66-482 and three-tenths of one cent per
- 13 gallon on petroleum other than such motor vehicle fuels. The
- 14 amount of the fee shall be used first for payment of claims
- 15 approved by the State Claims Board pursuant to section 66-1531;
- 16 second, up to three million dollars of the fee per year shall be
- 17 used for reimbursement of owners and operators under the Petroleum
- 18 Release Remedial Action Act for investigations of releases ordered
- 19 pursuant to section 81-15,124; and third, the remainder of the fee
- 20 shall be used for any other purpose authorized by section 66-1519.
- 21 The fee shall be paid by all refiners, importers, and suppliers
- 22 subject to the fee by filing a monthly return on or before the
- 23 twenty-fifth day if filed electronically or the twentieth day if
- 1 not filed electronically of the calendar month following the
- 2 monthly period to which it relates. The pertinent provisions,
- 3 specifically including penalty provisions, of the motor fuel laws
- 4 as defined in section 66-712 shall apply to the administration and
- 5 collection of the fee. There shall be a refund allowed on any fee
- 6 paid on petroleum which was taxed and then exported. The fee paid
- 7 under this subsection shall not be eligible for the credit under
- 8 section 66-4,124.
- 9 (2) No refiner, importer, or supplier shall sell, offer
- 10 for sale, or use petroleum in this state without having first
- 11 obtained a petroleum release remedial action license. Application
- 12 for a license shall be made to the Motor Fuel Tax Enforcement and
- 13 Collection Division of the Department of Revenue upon a form
- 14 prepared and furnished by the division. If the applicant is an
- 15 individual, the application shall include the applicant's social
- 16 security number. Failure to obtain a license prior to such sale,
- 17 offer for sale, or use of petroleum shall be a Class IV
- 18 misdemeanor. The division may suspend or cancel the license of any
- 19 refiner, importer, or supplier who fails to pay the fee imposed by
- 20 subsection (1) of this section in the same manner as licenses are
- 21 suspended or canceled pursuant to section 66-720.
- 22 (3) The division shall adopt and promulgate rules and
- 23 regulations necessary to carry out this section.
- 24 (4) The division shall deduct and withhold from the

25 petroleum release remedial action fee collected pursuant to this  
26 section an amount sufficient to reimburse the direct costs of  
27 collecting and administering the petroleum release remedial action  
1 fee. Such costs shall not exceed twenty-eight thousand dollars for  
2 each fiscal year. The twenty-eight thousand dollars shall be  
3 prorated, based on the number of months the fee is collected,  
4 whenever the fee is collected for only a portion of a year. The  
5 amount deducted and withheld for costs shall be deposited in the  
6 Petroleum Release Remedial Action Collection Fund which is hereby  
7 created. The Petroleum Release Remedial Action Collection Fund  
8 shall be appropriated to the Department of Revenue. Any money in  
9 the fund available for investment shall be invested by the state  
10 investment officer pursuant to the Nebraska Capital Expansion Act  
11 and the Nebraska State Funds Investment Act. The remainder of the  
12 petroleum release remedial action fee shall be remitted to the  
13 State Treasurer for credit as follows: (a) Eighty percent to the  
14 Petroleum Release Remedial Action Cash Fund; and (b) twenty percent  
15 to the Ethanol Production Incentive Cash Fund.

16 (5) The division shall collect the fee imposed by  
17 subsection (1) of this section.

18 (6) For tax periods beginning January 1, 2002, and  
19 thereafter, the return required by subsection (1) of this section  
20 shall be filed with the department by the twenty-fifth day of the  
21 calendar month following the monthly period to which it relates  
22 regardless of whether it is filed electronically."

23 2. On page 1, lines 5 and 6, strike "sections 7 and 8"  
24 and insert "section 7".

25 3. On page 6, line 26, strike "section 66-1345.04", show  
26 as stricken, and insert "sections 66-1345.04 and 66-1521".

27 4. On page 14, lines 6 and 7, strike "and 66-1345.04"  
1 and insert ", 66-1345.04, and 66-1521".

2 5. Renumber the remaining sections accordingly.

## GENERAL FILE

**LEGISLATIVE BILL 598.** Senator Thompson moved to reconsider the vote on her amendment, AM1505, found in this day's Journal.

Senators Coordsen, Dierks, Janssen, Redfield, Vrtiska, Wickersham, and Cunningham asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Dw. Pedersen moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Senator Thompson requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 5:

Chambers	Connealy	Schimek	Suttle	Thompson
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Voting in the negative, 24:

Aguilar	Baker	Brown	Bruning	Burling
Byars	Engel	Erdman	Foley	Hilgert
Hudkins	Jensen	Jones	Kristensen	Kruse
Maxwell	Pedersen, Dw.	Price	Schrock	Smith
Stuhr	Tyson	Vrtiska	Wehrbein	

Present and not voting, 2:

Bourne	Cudaback
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Absent and not voting, 1:

Quandahl

Excused and not voting, 17:

Beutler	Brashear	Bromm	Coordsen	Cunningham
Dierks	Hartnett	Janssen	Kremer	Landis
McDonald	Pederson, D.	Preister	Raikes	Redfield
Robak	Wickersham			

The Thompson motion to reconsider failed with 5 ayes, 24 nays, 2 present and not voting, 1 absent and not voting, and 17 excused and not voting.

Pending.

The Chair declared the call raised.

### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 536:  
FA195

Amend AM1356

1. On page 2 in line 12, reinstate the stricken matter;
2. On page 3, strike lines 22-27 and on page 4, strike lines 1-4.

FA196

Amend AM1356

1. On page 3 in line 12, strike "twenty" and insert "ten"

FA197

Amend AM1356

1. On page 3 in line 12, strike "twenty" and insert "fifteen"

FA198

Amend AM1356

1. On page 3, in line 13, strike "eighty-four" and insert "sixty"; in line 15, strike "2011" and insert "2009" and strike "seventeen" and insert "fifteen"; in line 16, strike "eight hundred thirty"; in line 18, strike "one hundred twenty-five"; and in line 20, strike "eighty-four-month" and insert "sixty-month."

Senator Thompson filed the following amendments to LB 598:  
AM1524

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 43-3602, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 43-3602. The Juvenile Diversion, Detention, and
- 6 Probation Services Implementation Team shall:
- 7 (1) Examine juvenile detention practices, identify risk
- 8 factors that should be considered in making a detention decision,
- 9 and recommend a standardized juvenile detention screening
- 10 instrument to the Office of Probation Administration no later than
- 11 December 15, 2000;
- 12 (2) Develop a plan for regional secure juvenile detention
- 13 facilities and detention services, including transportation
- 14 services, and recommend a funding strategy;
- 15 (3) Develop standards for juvenile diversion services
- 16 throughout the state;
- 17 (4) Review the structure, purpose, and function of
- 18 juvenile probation; analyze juvenile probation offender
- 19 characteristics; determine the level of staffing and types of
- 20 program services needed in order for juvenile probation to fulfill
- 21 its core responsibilities within the juvenile justice system; and
- 22 recommend needed system changes;
- 23 (5) Provide an appropriation request for expenses of team
- 24 members and the hiring of consultant services; and
- 1 (6) Examine the effectiveness, accuracy, and trends of
- 2 juvenile evaluation practices since these evaluations were moved to
- 3 community-based evaluation programs supplemented by residential
- 4 evaluation programs;
- 5 (7) Examine the recommendations in the 1999 Nebraska
- 6 Juvenile Services Master Plan regarding the evaluation and
- 7 placement process;
- 8 (8) Submit a report on subdivisions (6) and (7) of this
- 9 section to the Governor and the Legislature no later than November
- 10 15, 2001; and
- 11 (9) Submit a final report to the Governor and the
- 12 Legislature.
- 13 Sec. 2. Original section 43-3602, Revised Statutes
- 14 Supplement, 2000, is repealed.
- 15 Sec. 3. Since an emergency exists, this act takes effect

16 when passed and approved according to law.".

## AM1525

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:  
5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:  
7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;  
12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;  
15 (3) Develop standards for juvenile diversion services  
16 throughout the state;  
17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender  
19 characteristics; determine the level of staffing and types of  
20 program services needed in order for juvenile probation to fulfill  
21 its core responsibilities within the juvenile justice system; and  
22 recommend needed system changes;  
23 (5) Provide an appropriation request for expenses of team  
24 members and the hiring of consultant services; ~~and~~  
25 1 (6) Examine the effectiveness, accuracy, and trends of  
26 2 juvenile evaluation practices since these evaluations were moved to  
27 3 community-based evaluation programs supplemented by residential  
28 4 evaluation programs;  
29 5 (7) Examine the recommendations in the 1999 Nebraska  
30 6 Juvenile Services Master Plan regarding the evaluation and  
31 7 placement process;  
32 8 (8) Submit a report on subdivisions (6) and (7) of this  
33 9 section to the Governor and the Legislature no later than November  
34 10 16, 2001; and  
35 11 (9) Submit a final report to the Governor and the  
36 12 Legislature.  
37 Sec. 2. Original section 43-3602, Revised Statutes  
38 Supplement, 2000, is repealed.  
39 Sec. 3. Since an emergency exists, this act takes effect  
40 16 when passed and approved according to law.".

## AM1526

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:

5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:  
7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;  
12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;  
15 (3) Develop standards for juvenile diversion services  
16 throughout the state;  
17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender  
19 characteristics; determine the level of staffing and types of  
20 program services needed in order for juvenile probation to fulfill  
21 its core responsibilities within the juvenile justice system; and  
22 recommend needed system changes;  
23 (5) Provide an appropriation request for expenses of team  
24 members and the hiring of consultant services; and  
25 (6) Examine the effectiveness, accuracy, and trends of  
26 juvenile evaluation practices since these evaluations were moved to  
27 community-based evaluation programs supplemented by residential  
28 evaluation programs;  
29 (7) Examine the recommendations in the 1999 Nebraska  
30 Juvenile Services Master Plan regarding the evaluation and  
31 placement process;  
32 (8) Submit a report on subdivisions (6) and (7) of this  
33 section to the Governor and the Legislature no later than November  
34 17, 2001; and  
35 (9) Submit a final report to the Governor and the  
36 Legislature.

13 Sec. 2. Original section 43-3602, Revised Statutes  
14 Supplement, 2000, is repealed.

15 Sec. 3. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.".

AM1527

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:  
5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:  
7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;

- 12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;
- 15 (3) Develop standards for juvenile diversion services  
16 throughout the state;
- 17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender  
19 characteristics; determine the level of staffing and types of  
20 program services needed in order for juvenile probation to fulfill  
21 its core responsibilities within the juvenile justice system; and  
22 recommend needed system changes;
- 23 (5) Provide an appropriation request for expenses of team  
24 members and the hiring of consultant services; and
- 1 (6) Examine the effectiveness, accuracy, and trends of  
2 juvenile evaluation practices since these evaluations were moved to  
3 community-based evaluation programs supplemented by residential  
4 evaluation programs;
- 5 (7) Examine the recommendations in the 1999 Nebraska  
6 Juvenile Services Master Plan regarding the evaluation and  
7 placement process;
- 8 (8) Submit a report on subdivisions (6) and (7) of this  
9 section to the Governor and the Legislature no later than November  
10 19, 2001; and
- 11 (9) Submit a final report to the Governor and the  
12 Legislature.
- 13 Sec. 2. Original section 43-3602, Revised Statutes  
14 Supplement, 2000, is repealed.
- 15 Sec. 3. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.".

## AM1528

- 1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:
- 3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:
- 5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:
- 7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;
- 12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;
- 15 (3) Develop standards for juvenile diversion services  
16 throughout the state;
- 17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender



19 characteristics; determine the level of staffing and types of  
 20 program services needed in order for juvenile probation to fulfill  
 21 its core responsibilities within the juvenile justice system; and  
 22 recommend needed system changes;  
 23 (5) Provide an appropriation request for expenses of team  
 24 members and the hiring of consultant services; ~~and~~  
 1 (6) Examine the effectiveness, accuracy, and trends of  
 2 juvenile evaluation practices since these evaluations were moved to  
 3 community-based evaluation programs supplemented by residential  
 4 evaluation programs;  
 5 (7) Examine the recommendations in the 1999 Nebraska  
 6 Juvenile Services Master Plan regarding the evaluation and  
 7 placement process;  
 8 (8) Submit a report on subdivisions (6) and (7) of this  
 9 section to the Governor and the Legislature no later than November  
 10 19, 2001; and  
 11 (9) Submit a final report to the Governor and the  
 12 Legislature.  
 13 Sec. 2. Original section 43-3602, Revised Statutes  
 14 Supplement, 2000, is repealed.  
 15 Sec. 3. Since an emergency exists, this act takes effect  
 16 when passed and approved according to law.".

AM1529

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 "Section 1. Section 43-3602, Revised Statutes  
 4 Supplement, 2000, is amended to read:  
 5 43-3602. The Juvenile Diversion, Detention, and  
 6 Probation Services Implementation Team shall:  
 7 (1) Examine juvenile detention practices, identify risk  
 8 factors that should be considered in making a detention decision,  
 9 and recommend a standardized juvenile detention screening  
 10 instrument to the Office of Probation Administration no later than  
 11 December 15, 2000;  
 12 (2) Develop a plan for regional secure juvenile detention  
 13 facilities and detention services, including transportation  
 14 services, and recommend a funding strategy;  
 15 (3) Develop standards for juvenile diversion services  
 16 throughout the state;  
 17 (4) Review the structure, purpose, and function of  
 18 juvenile probation; analyze juvenile probation offender  
 19 characteristics; determine the level of staffing and types of  
 20 program services needed in order for juvenile probation to fulfill  
 21 its core responsibilities within the juvenile justice system; and  
 22 recommend needed system changes;  
 23 (5) Provide an appropriation request for expenses of team  
 24 members and the hiring of consultant services; ~~and~~  
 1 (6) Examine the effectiveness, accuracy, and trends of

2 juvenile evaluation practices since these evaluations were moved to  
 3 community-based evaluation programs supplemented by residential  
 4 evaluation programs;  
 5 (7) Examine the recommendations in the 1999 Nebraska  
 6 Juvenile Services Master Plan regarding the evaluation and  
 7 placement process;  
 8 (8) Submit a report on subdivisions (6) and (7) of this  
 9 section to the Governor and the Legislature no later than November  
 10 20, 2001; and  
 11 (9) Submit a final report to the Governor and the  
 12 Legislature.  
 13 Sec. 2. Original section 43-3602, Revised Statutes  
 14 Supplement, 2000, is repealed.  
 15 Sec. 3. Since an emergency exists, this act takes effect  
 16 when passed and approved according to law."

## AM1530

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 "Section 1. Section 43-3602, Revised Statutes  
 4 Supplement, 2000, is amended to read:  
 5 43-3602. The Juvenile Diversion, Detention, and  
 6 Probation Services Implementation Team shall:  
 7 (1) Examine juvenile detention practices, identify risk  
 8 factors that should be considered in making a detention decision,  
 9 and recommend a standardized juvenile detention screening  
 10 instrument to the Office of Probation Administration no later than  
 11 December 15, 2000;  
 12 (2) Develop a plan for regional secure juvenile detention  
 13 facilities and detention services, including transportation  
 14 services, and recommend a funding strategy;  
 15 (3) Develop standards for juvenile diversion services  
 16 throughout the state;  
 17 (4) Review the structure, purpose, and function of  
 18 juvenile probation; analyze juvenile probation offender  
 19 characteristics; determine the level of staffing and types of  
 20 program services needed in order for juvenile probation to fulfill  
 21 its core responsibilities within the juvenile justice system; and  
 22 recommend needed system changes;  
 23 (5) Provide an appropriation request for expenses of team  
 24 members and the hiring of consultant services; and  
 1 (6) Examine the effectiveness, accuracy, and trends of  
 2 juvenile evaluation practices since these evaluations were moved to  
 3 community-based evaluation programs supplemented by residential  
 4 evaluation programs;  
 5 (7) Examine the recommendations in the 1999 Nebraska  
 6 Juvenile Services Master Plan regarding the evaluation and  
 7 placement process;  
 8 (8) Submit a report on subdivisions (6) and (7) of this

9 section to the Governor and the Legislature no later than November  
10 21, 2001; and

11 (9) Submit a final report to the Governor and the  
12 Legislature.

13 Sec. 2. Original section 43-3602, Revised Statutes  
14 Supplement, 2000, is repealed.

15 Sec. 3. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.".

AM1531

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:

5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:

7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;

12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;

15 (3) Develop standards for juvenile diversion services  
16 throughout the state;

17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender  
19 characteristics; determine the level of staffing and types of  
20 program services needed in order for juvenile probation to fulfill  
21 its core responsibilities within the juvenile justice system; and  
22 recommend needed system changes;

23 (5) Provide an appropriation request for expenses of team  
24 members and the hiring of consultant services; and

1 (6) Examine the effectiveness, accuracy, and trends of  
2 juvenile evaluation practices since these evaluations were moved to  
3 community-based evaluation programs supplemented by residential  
4 evaluation programs;

5 (7) Examine the recommendations in the 1999 Nebraska  
6 Juvenile Services Master Plan regarding the evaluation and  
7 placement process;

8 (8) Submit a report on subdivisions (6) and (7) of this  
9 section to the Governor and the Legislature no later than November  
10 22, 2001; and

11 (9) Submit a final report to the Governor and the  
12 Legislature.

13 Sec. 2. Original section 43-3602, Revised Statutes  
14 Supplement, 2000, is repealed.

15 Sec. 3. Since an emergency exists, this act takes effect

16 when passed and approved according to law."

## AM1532

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:  
5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:  
7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;  
12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;  
15 (3) Develop standards for juvenile diversion services  
16 throughout the state;  
17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender  
19 characteristics; determine the level of staffing and types of  
20 program services needed in order for juvenile probation to fulfill  
21 its core responsibilities within the juvenile justice system; and  
22 recommend needed system changes;  
23 (5) Provide an appropriation request for expenses of team  
24 members and the hiring of consultant services; ~~and~~  
25 (6) Examine the effectiveness, accuracy, and trends of  
26 juvenile evaluation practices since these evaluations were moved to  
27 community-based evaluation programs supplemented by residential  
28 evaluation programs;  
29 (7) Examine the recommendations in the 1999 Nebraska  
30 Juvenile Services Master Plan regarding the evaluation and  
31 placement process;  
32 (8) Submit a report on subdivisions (6) and (7) of this  
33 section to the Governor and the Legislature no later than November  
34 23, 2001; and  
35 (9) Submit a final report to the Governor and the  
36 Legislature.  
37 Sec. 2. Original section 43-3602, Revised Statutes  
38 Supplement, 2000, is repealed.  
39 Sec. 3. Since an emergency exists, this act takes effect  
40 when passed and approved according to law."

## AM1533

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:

- 5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:
- 7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;
- 12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;
- 15 (3) Develop standards for juvenile diversion services  
16 throughout the state;
- 17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender  
19 characteristics; determine the level of staffing and types of  
20 program services needed in order for juvenile probation to fulfill  
21 its core responsibilities within the juvenile justice system; and  
22 recommend needed system changes;
- 23 (5) Provide an appropriation request for expenses of team  
24 members and the hiring of consultant services; and
- 1 (6) Examine the effectiveness, accuracy, and trends of  
2 juvenile evaluation practices since these evaluations were moved to  
3 community-based evaluation programs supplemented by residential  
4 evaluation programs;
- 5 (7) Examine the recommendations in the 1999 Nebraska  
6 Juvenile Services Master Plan regarding the evaluation and  
7 placement process;
- 8 (8) Submit a report on subdivisions (6) and (7) of this  
9 section to the Governor and the Legislature no later than November  
10 24, 2001; and
- 11 (9) Submit a final report to the Governor and the  
12 Legislature.
- 13 Sec. 2. Original section 43-3602, Revised Statutes  
14 Supplement, 2000, is repealed.
- 15 Sec. 3. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.".

## AM1534

- 1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:  
5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:  
7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;

- 12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;
- 15 (3) Develop standards for juvenile diversion services  
16 throughout the state;
- 17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender  
19 characteristics; determine the level of staffing and types of  
20 program services needed in order for juvenile probation to fulfill  
21 its core responsibilities within the juvenile justice system; and  
22 recommend needed system changes;
- 23 (5) Provide an appropriation request for expenses of team  
24 members and the hiring of consultant services; ~~and~~
- 1 (6) Examine the effectiveness, accuracy, and trends of  
2 juvenile evaluation practices since these evaluations were moved to  
3 community-based evaluation programs supplemented by residential  
4 evaluation programs;
- 5 (7) Examine the recommendations in the 1999 Nebraska  
6 Juvenile Services Master Plan regarding the evaluation and  
7 placement process;
- 8 (8) Submit a report on subdivisions (6) and (7) of this  
9 section to the Governor and the Legislature no later than November  
10 25, 2001; and
- 11 (9) Submit a final report to the Governor and the  
12 Legislature.
- 13 Sec. 2. Original section 43-3602, Revised Statutes  
14 Supplement, 2000, is repealed.
- 15 Sec. 3. Since an emergency exists, this act takes effect  
16 when passed and approved according to law."

## AM1535

- 1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:  
5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:  
7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;
- 12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;
- 15 (3) Develop standards for juvenile diversion services  
16 throughout the state;
- 17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender

19 characteristics; determine the level of staffing and types of  
20 program services needed in order for juvenile probation to fulfill  
21 its core responsibilities within the juvenile justice system; and  
22 recommend needed system changes;  
23 (5) Provide an appropriation request for expenses of team  
24 members and the hiring of consultant services; ~~and~~  
1 (6) Examine the effectiveness, accuracy, and trends of  
2 juvenile evaluation practices since these evaluations were moved to  
3 community-based evaluation programs supplemented by residential  
4 evaluation programs;  
5 (7) Examine the recommendations in the 1999 Nebraska  
6 Juvenile Services Master Plan regarding the evaluation and  
7 placement process;  
8 (8) Submit a report on subdivisions (6) and (7) of this  
9 section to the Governor and the Legislature no later than November  
10 26, 2001; and  
11 (9) Submit a final report to the Governor and the  
12 Legislature.  
13 Sec. 2. Original section 43-3602, Revised Statutes  
14 Supplement, 2000, is repealed.  
15 Sec. 3. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.".

## AM1536

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:  
5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:  
7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;  
12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;  
15 (3) Develop standards for juvenile diversion services  
16 throughout the state;  
17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender  
19 characteristics; determine the level of staffing and types of  
20 program services needed in order for juvenile probation to fulfill  
21 its core responsibilities within the juvenile justice system; and  
22 recommend needed system changes;  
23 (5) Provide an appropriation request for expenses of team  
24 members and the hiring of consultant services; ~~and~~  
1 (6) Examine the effectiveness, accuracy, and trends of

2 juvenile evaluation practices since these evaluations were moved to  
3 community-based evaluation programs supplemented by residential  
4 evaluation programs;  
5 (7) Examine the recommendations in the 1999 Nebraska  
6 Juvenile Services Master Plan regarding the evaluation and  
7 placement process;  
8 (8) Submit a report on subdivisions (6) and (7) of this  
9 section to the Governor and the Legislature no later than November  
10 27, 2001; and  
11 (9) Submit a final report to the Governor and the  
12 Legislature.  
13 Sec. 2. Original section 43-3602, Revised Statutes  
14 Supplement, 2000, is repealed.  
15 Sec. 3. Since an emergency exists, this act takes effect  
16 when passed and approved according to law."

AM1537

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:  
3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:  
5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:  
7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;  
12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;  
15 (3) Develop standards for juvenile diversion services  
16 throughout the state;  
17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender  
19 characteristics; determine the level of staffing and types of  
20 program services needed in order for juvenile probation to fulfill  
21 its core responsibilities within the juvenile justice system; and  
22 recommend needed system changes;  
23 (5) Provide an appropriation request for expenses of team  
24 members and the hiring of consultant services; and  
1 (6) Examine the effectiveness, accuracy, and trends of  
2 juvenile evaluation practices since these evaluations were moved to  
3 community-based evaluation programs supplemented by residential  
4 evaluation programs;  
5 (7) Examine the recommendations in the 1999 Nebraska  
6 Juvenile Services Master Plan regarding the evaluation and  
7 placement process;  
8 (8) Submit a report on subdivisions (6) and (7) of this



9 section to the Governor and the Legislature no later than November  
10 28, 2001; and

11 (9) Submit a final report to the Governor and the  
12 Legislature.

13 Sec. 2. Original section 43-3602, Revised Statutes  
14 Supplement, 2000, is repealed.

15 Sec. 3. Since an emergency exists, this act takes effect  
16 when passed and approved according to law."

AM1538

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3 "Section 1. Section 43-3602, Revised Statutes  
4 Supplement, 2000, is amended to read:

5 43-3602. The Juvenile Diversion, Detention, and  
6 Probation Services Implementation Team shall:

7 (1) Examine juvenile detention practices, identify risk  
8 factors that should be considered in making a detention decision,  
9 and recommend a standardized juvenile detention screening  
10 instrument to the Office of Probation Administration no later than  
11 December 15, 2000;

12 (2) Develop a plan for regional secure juvenile detention  
13 facilities and detention services, including transportation  
14 services, and recommend a funding strategy;

15 (3) Develop standards for juvenile diversion services  
16 throughout the state;

17 (4) Review the structure, purpose, and function of  
18 juvenile probation; analyze juvenile probation offender  
19 characteristics; determine the level of staffing and types of  
20 program services needed in order for juvenile probation to fulfill  
21 its core responsibilities within the juvenile justice system; and  
22 recommend needed system changes;

23 (5) Provide an appropriation request for expenses of team  
24 members and the hiring of consultant services; and

1 (6) Examine the effectiveness, accuracy, and trends of  
2 juvenile evaluation practices since these evaluations were moved to  
3 community-based evaluation programs supplemented by residential  
4 evaluation programs;

5 (7) Examine the recommendations in the 1999 Nebraska  
6 Juvenile Services Master Plan regarding the evaluation and  
7 placement process;

8 (8) Submit a report on subdivisions (6) and (7) of this  
9 section to the Governor and the Legislature no later than November  
10 29, 2001; and

11 (9) Submit a final report to the Governor and the  
12 Legislature.

13 Sec. 2. Original section 43-3602, Revised Statutes  
14 Supplement, 2000, is repealed.

15 Sec. 3. Since an emergency exists, this act takes effect

16 when passed and approved according to law.".

AM1539

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 "Section 1. Section 43-3602, Revised Statutes  
 4 Supplement, 2000, is amended to read:  
 5 43-3602. The Juvenile Diversion, Detention, and  
 6 Probation Services Implementation Team shall:  
 7 (1) Examine juvenile detention practices, identify risk  
 8 factors that should be considered in making a detention decision,  
 9 and recommend a standardized juvenile detention screening  
 10 instrument to the Office of Probation Administration no later than  
 11 December 15, 2000;  
 12 (2) Develop a plan for regional secure juvenile detention  
 13 facilities and detention services, including transportation  
 14 services, and recommend a funding strategy;  
 15 (3) Develop standards for juvenile diversion services  
 16 throughout the state;  
 17 (4) Review the structure, purpose, and function of  
 18 juvenile probation; analyze juvenile probation offender  
 19 characteristics; determine the level of staffing and types of  
 20 program services needed in order for juvenile probation to fulfill  
 21 its core responsibilities within the juvenile justice system; and  
 22 recommend needed system changes;  
 23 (5) Provide an appropriation request for expenses of team  
 24 members and the hiring of consultant services; ~~and~~  
 25 (6) Examine the effectiveness, accuracy, and trends of  
 26 juvenile evaluation practices since these evaluations were moved to  
 27 community-based evaluation programs supplemented by residential  
 28 evaluation programs;  
 29 (7) Examine the recommendations in the 1999 Nebraska  
 30 Juvenile Services Master Plan regarding the evaluation and  
 31 placement process;  
 32 (8) Submit a report on subdivisions (6) and (7) of this  
 33 section to the Governor and the Legislature no later than November  
 34 30, 2001; and  
 35 (9) Submit a final report to the Governor and the  
 36 Legislature.  
 37 Sec. 2. Original section 43-3602, Revised Statutes  
 38 Supplement, 2000, is repealed.  
 39 Sec. 3. Since an emergency exists, this act takes effect  
 40 when passed and approved according to law.".

Senator Connealy filed the following amendment to LB 180:

AM1432

(Amendments to Standing Committee amendments, AM0806)

- 1 1. Insert the following new section:
- 2 "Sec. 2. (1) An employer who employs a child under

3 sixteen years of age in detasseling shall provide at least two  
4 supervisors who are eighteen years of age or older at each location  
5 where detasseling is being performed by a child under sixteen years  
6 of age. The supervisors shall be capable of assisting with issues  
7 of health, safety, and wages, including bonuses and incentive  
8 payments.

9 (2) An employer who employs a child under sixteen years  
10 of age in detasseling shall provide the parents of such child with  
11 an information sheet defining the terms of employment, including,  
12 but not limited to, the availability of water and sanitary  
13 facilities on the job and wage, bonus, and incentive payment  
14 information. The information sheet shall set forth the name,  
15 address, and telephone number of the Division of Safety and Labor  
16 Standards of the Department of Labor for purposes of filing  
17 complaints concerning nonpayment of wages."

18 2. On page 1, line 24, after "48-313" insert "and  
19 sections 1 and 2 of this act".

20 3. On page 3, lines 8 and 20, strike "section 1" and  
21 insert "sections 1 and 2".

22 4. On page 10, lines 19 and 21, strike "section 1" and  
23 insert "sections 1 and 2".

1 5. Renumber the remaining sections accordingly.

Senator Raikes filed the following amendment to LB 305:

FA199

Amend AM1406

Strike Section 1.

Senator Raikes filed the following amendment to LB 305:

FA200

Amend AM1406

Strike Sections 8 and 9.

## VISITORS

Visitors to the Chamber were 33 third and fourth grade students and teachers from Dorchester; 48 fourth grade students and teachers from Sandoz Elementary School, Lexington; Senator Maxwell's wife and sons, Pam, Tomas, and Oto, from Omaha; 18 fourth grade students and teacher from Watson Elementary School, Hastings; and United States Congressman, Lee Terry, from Omaha.

## ADJOURNMENT

At 5:40 p.m., on a motion by Senator Bruning, the Legislature adjourned until 9:00 a.m., Thursday, April 19, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-SEVENTH DAY - APRIL 19, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 19, 2001

**PRAYER**

The prayer was offered by Pastor Douglas Irmer, St. Paul's Lutheran 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 Hartnett, McDonald, and D. Pederson who were excused; and Senators Beutler, Bromm, Brown, Dierks, Kristensen, Robak, and Vrtiska who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-sixth day was approved.

**AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendments to LB 398:  
AM1577

(Amendments to Final Reading copy)

- 1 1. On page 139, line 20, after the period insert "All
- 2 information required for a valid prescription under this section
- 3 shall be provided in legible written form on all contact lens
- 4 prescriptions issued by an optometrist or physician within this
- 5 state."; strike beginning with "Each" in line 21 through "first" in
- 6 line 24 and insert "Absent special circumstances indicated in
- 7 writing on the contact lens prescription, such prescription shall
- 8 be valid for a period of twelve months from the date of issuance";
- 9 in line 27 strike "offer" and insert "give"; and in line 28 strike
- 10 "and payment".
- 11 2. On page 140, line 1, strike "of" through "rendered".

AM1576

(Amendments to Final Reading copy)

- 1 1. On page 139, line 7, after "entity" insert "located  
2 outside the State of Nebraska".

AM1578

(Amendments to Final Reading copy)

- 1 1. On page 140, line 4, strike "an" and insert "a"; in  
2 line 5 strike "annual" and insert "periodic"; strike beginning with  
3 "of" in line 18 through "registered" in line 19; in line 25 after  
4 "residents" insert "within the previous three years"; and in line  
5 28 strike "to" through "where".
- 6 2. On page 141, line 1, strike "it" through  
7 "registered"; in line 9 before "questions" insert "medical"; and in  
8 line 19 after "to" insert "one-fourth of the".

**MESSAGES FROM THE GOVERNOR**

April 11, 2001

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:**

Ronald F. Balthazor, 1502 N Monroe, Lexington NE 68850

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

April 11, 2001

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 on 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

April 11, 2001

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 Advisory Commission on Compulsive Gambling:

**APPOINTEE:**

John Atherton, 3423 S 102, Omaha NE 68124

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

April 17, 2001

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 Educational Lands and Funds:

## APPOINTEE:

Demarus Carlson, P O Box 100, Crofton NE 68730

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

April 17, 2001

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 Ethanol Board:

## APPOINTEES:

David Hallberg, 13275 Seward St, Omaha NE 68154  
James Ziebarth, RR 1 Box 14A, Wilcox NE 68982

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

April 17, 2001

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 Personnel Board:

APPOINTEE:



Virgie Louis, 3818 N 34 Ave, Omaha NE 68111

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

April 17, 2001

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 Child Abuse Prevention Fund Board:

**APPOINTEES:**

Peter Tulipana, 1604 S 154, Omaha NE 68144  
Kevin Benesch, 2338 Ryons St, Lincoln NE 68502

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

April 17, 2001

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:**

Weston Andre-Henn, 3602 Edna Ct, North Platte NE 69101

Barbara Heckman, 702 W Lakeshore Dr, Lincoln NE 68528

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

April 17, 2001

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 Motor Vehicle Industry Licensing Board:

APPOINTEES:

Stephan Budke, 920 Dillon Cr, North Platte NE 69101  
James Campbell, 3829 Firethorn Ct, Lincoln NE 68520  
P.J. Morgan, 11124 Pierce Plz, Omaha NE 68144

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

April 18, 2001

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 Environmental Quality Council:

**APPOINTEES:**

Robert Bettger, 910 Violet Box 187, Fairmont NE 68354  
Darlene Kiefer, 617 Adams, Kimball NE 69145  
William Podraza, 3175 Prairie Ln, Columbus NE 68601  
Mark Whitehead, 4605 S 98, Lincoln NE 68526  
Robert Gottsch, 6130 N Marion Rd, Hastings NE 68901

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

**GENERAL FILE**

**LEGISLATIVE BILL 598.** Senator Thompson renewed her pending amendment, AM1524, found on page 1539.

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

**PRESIDENT MAURSTAD PRESIDING**

Senators Schimek, Coordsen, Erdman, Wickersham, Tyson, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Thompson requested a roll call vote on her amendment.

The Thompson amendment lost with 2 ayes, 17 nays, 18 present and not voting, and 12 excused and not voting.

Senator Thompson renewed her pending amendment, AM1525, found on page 1540.

Senators Janssen, Price, Maxwell, and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Thompson requested a record vote on her amendment.

Voting in the affirmative, 2:

Suttle            Thompson

Voting in the negative, 20:

Aguilar	Bourne	Brashear	Bromm	Brown
Cunningham	Dierks	Engel	Erdman	Hilgert
Hudkins	Jensen	Kremer	Pedersen, Dw.	Quandahl
Redfield	Schrock	Stuhr	Vrtiska	Wehrbein

Present and not voting, 12:

Baker	Burling	Byars	Chambers	Connealy
Cudaback	Foley	Kruse	Landis	Preister
Raikes	Smith			

Excused and not voting, 15:

Beutler	Bruning	Coordsen	Hartnett	Janssen
Jones	Kristensen	Maxwell	McDonald	Pederson, D.
Price	Robak	Schimek	Tyson	Wickersham

The Thompson amendment lost with 2 ayes, 20 nays, 12 present and not voting, and 15 excused and not voting.

Senator Thompson renewed her pending amendment, AM1526, found on page 1540.

Senators Landis and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

### **SENATOR CUDABACK PRESIDING**

Senator Thompson requested a record vote on her amendment.

Voting in the affirmative, 2:

Suttle	Thompson
--------	----------

Voting in the negative, 18:

Aguilar	Baker	Bromm	Brown	Bruning
Burling	Cunningham	Erdman	Foley	Hilgert
Kremer	Kristensen	Pedersen, Dw.	Quandahl	Redfield
Smith	Stuhr	Vrtiska		

Present and not voting, 15:

Bourne	Byars	Chambers	Connealy	Cudaback
Dierks	Engel	Hudkins	Jensen	Kruse
Maxwell	Preister	Raikes	Schrock	Wehrbein

Excused and not voting, 14:

Beutler	Brashear	Coordsen	Hartnett	Janssen
Jones	Landis	McDonald	Pederson, D.	Price
Robak	Schimek	Tyson	Wickersham	

The Thompson amendment lost with 2 ayes, 18 nays, 15 present and not voting, and 14 excused and not voting.

Senator Thompson withdrew her pending amendment, AM1527, found on page 1541.

Senator Thompson renewed her pending amendment, AM1528, found on page 1542.

Senators Foley and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### **AMENDMENT - Print in Journal**

Senator Maxwell filed the following amendment to LB 305:  
(Amendment, AM1581, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

### **REFERENCE COMMITTEE REPORT**

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

Andre-Henn, Weston - Foster Care Review Board - Health and Human Services

Atherton, John - Nebraska Advisory Commission on Compulsive Gambling - General Affairs

Balthazor, Ronald F. - Board of Emergency Medical Services - Health and Human Services

Benesch, Kevin - Child Abuse Prevention Fund Board - Health and Human Services

Bettger, Robert - Environmental Quality Council - Natural Resources

Budke, Stephan - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Campbell, James - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Carlson, Demarus - Board of Educational Lands and Funds - Education

Council, Brenda - Commission on Industrial Relations - Business and Labor

Gottsch, Robert - Environmental Quality Council - Natural Resources

Hallberg, David - Nebraska Ethanol Board - Natural Resources

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

Kiefer, Darlene - Environmental Quality Council - Natural Resources

Louis, Virgie - State Personnel Board - Government, Military and Veterans Affairs

Morgan, P. J. - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

Podraza, William - Environmental Quality Council - Natural Resources

Tulipana, Peter - Child Abuse Prevention Fund Board - Health and Human Services

Whitehead, Mark - Environmental Quality Council - Natural Resources

Ziebarth, James - Nebraska Ethanol Board - Natural Resources

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### **VISITORS**

Visitors to the Chamber were Senator Dw. Pedersen's wife, Priscilla, daughter and grandchildren, Michaela, Caeli, Cameron, and Caleb Dwite Jackson; 36 fourth grade students and teachers from Shoemaker Elementary School, Grand Island; 19 fifth grade students and teachers from Walthill Public School, Winnebago; Senator Jensen's grandson, Blake Jensen, 74 fourth grade students, and teachers from Trinity Christian School, Omaha; 34 fourth grade students and teachers from St. Bernards School, Omaha; and 11 kindergarten through sixth grade students and teacher from District #31, Burt County.

### **RECESS**

At 12:01p.m., on a motion by Senator Preister, 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 Hartnett, McDonald, and D. Pederson who were excused; and Senators Beutler, Bromm, Byars, Coordsen, Cunningham, Dierks, Foley, Preister, Price, Raikes, and Tyson who were excused until they arrive.

**UNANIMOUS CONSENT - Member Excused**

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 598.** The Thompson pending amendment, AM1528, found on page 1542 and considered in this day's Journal, was renewed.

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Thompson requested a record vote on her amendment.

Voting in the affirmative, 8:

Bourne	Chambers	Connealy	Coordsen	Robak
Schimek	Suttle	Thompson		

Voting in the negative, 11:

Aguilar	Brown	Bruning	Hilgert	Jensen
Kremer	Pedersen, Dw.	Quandahl	Smith	Stuhr
Vrtiska				

Present and not voting, 17:

Baker	Brashear	Bromm	Burling	Cudaback
Cunningham	Engel	Hudkins	Jones	Kristensen
Kruse	Landis	Maxwell	Redfield	Schrock
Wehrbein	Wickersham			

Excused and not voting, 13:

Beutler	Byars	Dierks	Erdman	Foley
Hartnett	Janssen	McDonald	Pederson, D.	Preister
Price	Raikes	Tyson		

The Thompson amendment lost with 8 ayes, 11 nays, 17 present and not voting, and 13 excused and not voting.

Senator Thompson renewed her pending amendment, AM1529, found on page 1543.

Senator Dw. Pedersen moved to invoke cloture on LB 598, pursuant to Rule 7, Section 10.

Senator Dw. Pedersen moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Bruning requested a record vote on the Dw. Pedersen motion to invoke cloture.

Voting in the affirmative, 34:

Aguilar	Baker	Brashear	Bromm	Brown
Bruning	Burling	Byars	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hilgert	Hudkins	Jensen	Jones	Kremer
Kristensen	Landis	Maxwell	Pedersen, Dw.	Price
Quandahl	Raikes	Redfield	Schrock	Smith
Stuhr	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 10:

Beutler	Bourne	Chambers	Connealy	Janssen
Robak	Schimek	Suttle	Thompson	Wickersham

Present and not voting, 1:

Kruse

Excused and not voting, 4:

Hartnett      McDonald      Pederson, D.      Preister

The Dw. Pedersen motion to invoke cloture prevailed with 34 ayes, 10 nays, 1 present and not voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the Thompson pending amendment, AM1529.

Voting in the affirmative, 7:

Chambers	Coordsen	Landis	Robak	Schimek
Suttle	Thompson			



Voting in the negative, 28:

Aguilar	Baker	Brashear	Bromm	Brown
Bruning	Burling	Cudaback	Cunningham	Dierks
Engel	Erdman	Hudkins	Jensen	Jones
Kremer	Kristensen	Pedersen, Dw.	Price	Quandahl
Raikes	Redfield	Schrock	Smith	Stuhr
Tyson	Vrtiska	Wehrbein		

Present and not voting, 10:

Beutler	Bourne	Byars	Connealy	Foley
Hilgert	Janssen	Kruse	Maxwell	Wickersham

Excused and not voting, 4:

Hartnett	McDonald	Pederson, D.	Preister	
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The Thompson amendment lost with 7 ayes, 28 nays, 10 present and not voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hilgert	Hudkins	Jensen
Jones	Kremer	Kristensen	Landis	Maxwell
Pedersen, Dw.	Price	Quandahl	Raikes	Redfield
Schrock	Smith	Stuhr	Tyson	Vrtiska
Wehrbein				

Voting in the negative, 9:

Chambers	Coordsen	Janssen	Kruse	Robak
Schimek	Suttle	Thompson	Wickersham	

Excused and not voting, 4:

Hartnett	McDonald	Pederson, D.	Preister	
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Advanced to E & R for review with 36 ayes, 9 nays, and 4 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Thompson filed the following amendment to LB 598:

AM1586

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 43-3602, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 43-3602. The Juvenile Diversion, Detention, and
- 6 Probation Services Implementation Team shall:
- 7 (1) Examine juvenile detention practices, identify risk
- 8 factors that should be considered in making a detention decision,
- 9 and recommend a standardized juvenile detention screening
- 10 instrument to the Office of Probation Administration no later than
- 11 December 15, 2000;
- 12 (2) Develop a plan for regional secure juvenile detention
- 13 facilities and detention services, including transportation
- 14 services, and recommend a funding strategy;
- 15 (3) Develop standards for juvenile diversion services
- 16 throughout the state;
- 17 (4) Review the structure, purpose, and function of
- 18 juvenile probation; analyze juvenile probation offender
- 19 characteristics; determine the level of staffing and types of
- 20 program services needed in order for juvenile probation to fulfill
- 21 its core responsibilities within the juvenile justice system; and
- 22 recommend needed system changes;
- 23 (5) Provide an appropriation request for expenses of team
- 24 members and the hiring of consultant services; ~~and~~
- 1 (6) Examine the effectiveness, accuracy, and trends of
- 2 juvenile evaluation practices since these evaluations were moved to
- 3 community-based evaluation programs supplemented by residential
- 4 evaluation programs;
- 5 (7) Examine the recommendations in the 1999 Nebraska
- 6 Juvenile Services Master Plan regarding the evaluation and
- 7 placement process;
- 8 (8) Submit a report on subdivisions (6) and (7) of this
- 9 section to the Governor and the Legislature no later than November
- 10 18, 2001; and
- 11 (9) Submit a final report to the Governor and the
- 12 Legislature.
- 13 Sec. 2. Original section 43-3602, Revised Statutes
- 14 Supplement, 2000, is repealed.
- 15 Sec. 3. Since an emergency exists, this act takes effect
- 16 when passed and approved according to law."

Senators Wickersham and Vrtiska filed the following amendment to  
LB 711:

AM1595

(Amendments to E &amp; R amendments, AM7075)

- 1 1. On page 2, line 4; page 8, line 4; and page 40, line
- 2 17, strike "seventy-five hundredths" and insert "one-half".

**ATTORNEY GENERAL'S OPINION**Opinion #01016

DATE: April 18, 2001

SUBJECT: LB555; Whether A Legislative Bill Which Requires Collection Of Decommissioning Costs For Nuclear Power Facilities From Customers Violates Constitutional Provisions Pertaining To Special Legislation, Separation Of Powers, Vested Rights, Impairment Of The Obligation Of Contracts Or Unconstitutional Taking.

REQUESTED BY: Senator Ed Schrock  
Nebraska State Legislature

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

In your opinion request letter, you state that:

LB 555 was introduced to require any public power district which is responsible for decommissioning a nuclear power plant to collect sufficient funds from its customers during a period not exceeding the original operating license for the plant, to pay all estimated costs associated with decommissioning that plant. The amount collected from each customer subject to this legislation would fairly and equitably apportion the decommissioning costs among those who have rights to receive the output of the plant during the period of collection.

The Legislature's Natural Resources Committee held a public hearing on LB 555 in February, and several issues were raised regarding the constitutionality of the bill at that hearing. Accordingly, you have requested our analysis of the bill and constitutional issues involving "special legislation, separation of powers doctrine, vested rights doctrine, impairment of obligation of contracts, and the taking clause." Our response to your opinion request is set out below.

**BACKGROUND**

LB 555 would add the following language to Neb. Rev. Stat. § 70-27.02 (1996):

In order to protect the public health and safety, the environment, and the well-being of Nebraska's electrical energy consumers, a public power district which is responsible for decommissioning a nuclear power facility shall, during a period as determined by such

district but not exceeding the period of the original operating license for the facility, collect from customers of the facility sufficient funds to pay all estimated costs associated with decommissioning such facility. Funds shall be collected from consumers of the facility in amounts that fairly and equitably apportion such costs among those having rights to receive the output of the facility during the period of collection.

While the provisions of LB 555 speak in general terms, it appears from the committee hearing transcript that, as is often the case, the bill is designed to remedy a specific situation which is not apparent on the face of the legislation. That situation has implications for the constitutional issues you have raised, so we will set out our understanding of the circumstances underlying the bill, based upon testimony at the committee hearing and the decision in **Nebraska Public Power District v. MidAmerican Energy Company**, 234 F.3d 1032 (2000).

Nebraska has two nuclear power plants. One, located at Fort Calhoun, Nebraska, is operated by the Omaha Public Power District. The other, located at Brownville, Nebraska, is the Cooper Nuclear Station ("Cooper"), which is owned and operated by the Nebraska Public Power District ("NPPD"). Cooper was built by the predecessor of NPPD in the late 1960's. At the time Cooper was built, the predecessor of NPPD entered into a long-term Power Sales Contract ("Sales Contract") with the predecessor of MidAmerican Energy Company ("MEC"), a privately-owned Iowa corporation. The predecessor of NPPD also entered into a similar long-term Power Sales Contract with the Lincoln Electric System ("LES"). Under those contracts, MEC purchases 50% of the net power and energy from Cooper, and LES purchases 12.5% of that power. The remaining power generated by the plant is used or sold by NPPD.

The Sales Contract between MEC and NPPD remains in effect until 2004. That contract requires NPPD to inform MEC by 2003 whether it will decommission Cooper or continue operating the facility after 2004. If NPPD elects to decommission the Cooper plant, MEC and NPPD must share decommissioning costs. However, if NPPD continues operating Cooper after 2004, the Sales Contract terminates MEC's continuing obligations arising from Cooper and its right to "any refund of excess payments for power and energy theretofore purchased."

It has become apparent over the years since Cooper was built that the costs of decommissioning the facility will greatly exceed those originally anticipated, and may total as much as \$600,000,000. In 1988, the federal Nuclear Regulatory Commission adopted a rule requiring operators of nuclear facilities to file decommissioning plans and to pre-fund decommissioning by placing money in an external sinking fund. Since 1984, MEC and NPPD have set aside money for decommissioning the Cooper plant. However, those parties have no written agreement regarding decommissioning costs apart from the original Sales Contract, and NPPD

simply added a separate line item to its monthly energy bill to MEC for decommissioning costs. MEC paid those separate decommissioning charges as they were billed.

NPPD and MEC are now disputing whether the Sales Contract requires MEC to make current, non-refundable payments towards estimated decommissioning costs associated with the shut down of the Cooper plant even if NPPD continues to operate Cooper after 2004, and whether MEC may recover the monies it has already paid for such decommissioning costs. NPPD filed a declaratory judgment action in the United States District Court for the District of Nebraska in connection with that dispute to determine the obligations of the parties under the Sales Contract. The federal district court ruled in favor of NPPD with regard to summary judgment motions in that lawsuit. However, the Eighth Circuit Court of Appeals reversed the lower court, and held as follows:

We hold, therefore, that considering all proper evidence, the PSC [Sales Contract] does not require MEC to make current, non-refundable payments of estimated decommissioning costs to NPPD, but makes MEC liable for Cooper's decommissioning only in the event the NPPD shuts Cooper down in 2004. Moreover, the PSC does not bar MEC's claims for restitution of amounts already paid.

**Nebraska Public Power District v. MidAmerican Energy Company**, 234 F.3d 1032, 1046 (2000). LB 555 apparently represents an effort to deal with the results of that litigation through legislation.

## ANALYSIS

In your opinion request letter, you raise constitutional concerns with LB 555 in five different areas. We will consider each of those areas in turn.

### 1. Special Legislation

Art. III, § 18 of the Nebraska Constitution provides, as is pertinent:

The 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, immunity, or franchise whatever . . . . In all other cases where a general law can be made applicable, no special law shall be enacted.

A legislative act violates art. III, § 18 if the act (1) creates a totally arbitrary and unreasonable method of classification, or (2) creates a permanently closed class. **Bergan Mercy Health System v. Haven**, 260 Neb. 846, 620

N.W.2d 339 (2000); **Mapco v. State Board of Equalization**, 238 Neb. 565, 471 N.W.2d 734 (1991); **Haman v. Marsh**, 237 Neb. 699, 467 N.W.2d 836 (1991). LB 555 must be tested under that standard.

A. Nature of the Classification.

The first step in any analysis under the special legislation standard set out above involves a determination of precisely what classifications are established by the statutory language under consideration. See **Bergan Mercy Health System v. Haven**, 260 Neb. 846, 620 N.W.2d 339 (2000). In that regard, it appears to us that LB 555, on its face, creates at least two classifications which must be tested under art. III, § 18.

First of all, customers of nuclear power generating facilities would be treated differently under LB 555 than customers of other types of power generating facilities. Under that bill, customers of nuclear power generating facilities would be required, by statute, to pay a portion of the decommissioning costs for the nuclear facilities over time. Such costs would not be statutorily imposed on customers of other types of power generating facilities when those facilities are decommissioned.

Second, LB 555 creates a classification for those public power districts in Nebraska which must decommission nuclear power plants as distinguished from those public power districts which might decommission other forms of power generating facilities. Under LB 555, public power districts which decommission nuclear power facilities would have a statutory right and duty to recover decommissioning costs from their customers. Public power districts which decommission other forms of energy generating facilities would not have that statutory right and duty to recover costs.

B. Arbitrariness and Unreasonableness of the Classification.

The first part of the special legislation test established in Nebraska cases involves a determination as to whether a statutory classification is totally arbitrary and unreasonable. In that context, the classification must bear a reasonable and substantial relation to the legitimate objects and purposes of the legislation. **Pick v. Nelson**, 247 Neb. 487, 528 N.W.2d 309 (1995). As stated in the **Haman** case:

A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a **substantial** difference . . . . Classification is proper if the special class has some reasonable distinction from other subjects of like general character, which distinction bears some reasonable relation to the legitimate objectives and purposes of the legislation. The

question is always whether the things or persons classified by the act form by themselves a proper and legitimate class with reference to the purpose of the act.

**Haman v. Marsh**, 237 Neb. 699, 711, 467 N.W.2d 836, 846 (1991)(quoting **State ex rel. Douglas v. Marsh**, 207 Neb. 598, 300 N.W.2d 181 (1980))(emphasis in original).

We cannot say that there clearly is no substantial difference between the public power districts and energy customers which would be affected by operation of LB 555 and other public power districts and energy customers, or that diverse legislation regarding those classifications is not expedient. For one thing, we gather that decommissioning a nuclear power facility is considerably more costly and complicated than decommissioning other forms of energy generating facilities, and that difference might well justify different legislative treatment for the costs of such a decommissioning effort. For that reason, we do not believe that LB 555 clearly violates the first part of the special legislation test set out in Nebraska authorities. However, with respect to the first portion of the special legislation test, it would be useful if the legislative history of LB 555 were to contain some description of the substantial differences in situation or circumstances which led to the diverse treatment and classifications set out in the legislation.

C. Permanently closed class.

A legislative classification may also violate art. III, § 18 as improper special legislation if it creates a permanently closed class. In considering whether a class established by legislation is closed, the courts are not limited to the face of the legislation, but may consider the act's application. **Haman v. Marsh**, 237 Neb. 699, 467 N.W.2d 836 (1991). In such a consideration, courts must consider the actual probability that others will come under the act's operation. **Id.** If the prospect that others may come under the act's operation is merely theoretical, and not probable, the act is special legislation. **Id.** The conditions of entry into the class must not only be possible, but reasonably probable of attainment. **Id.**

We do not believe that either of the classifications established by LB 555 described above clearly creates a permanently closed class. We gather that there are a number of power districts and other energy users which might want to purchase electrical power from one of the nuclear power facilities in the state so that additions to the class of customers of nuclear power plants which would pay part of decommissioning costs are more than a theoretical possibility and reasonably probable of attainment. In addition, while it is somewhat more problematic, it appears to us that there is at least some reasonable probability that additional public power districts will be required to decommission nuclear power facilities in the future. For example, additional nuclear power facilities might be built in Nebraska, given the current concerns nationwide about the availability of energy. Consequently, we do not believe that LB 555 creates permanently closed

classes under the applicable standards, and the bill does not constitute special legislation.

## 2. Separation of Powers and Vested Rights Doctrine

We will discuss your next two areas of constitutional concern together because the law pertaining to those constitutional provisions appears to be closely related.

Art. II, § 1 of the Nebraska Constitution provides that:

The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

This constitutional provision prohibits one department of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives to another, except as the Nebraska Constitution itself otherwise directs or permits. **State v. Phillips**, 246 Neb. 610, 521 N.W.2d 913 (1994).

At the outset, it appears to us that there is nothing on the face of LB 555 which constitutes an improper encroachment by one department of government upon the duties of another or an improper delegation of duties from one department of government to another. The bill simply provides that decommissioning costs for nuclear power plants will be assessed against the customers of those plants on the basis of their use of power. Therefore, the bill is distinguishable from legislation in other cases where there was direct action by the legislative department against the duties and prerogatives of another department of government. **See, e.g., Plaut v. Spendthrift Farm, Inc.**, 514 U.S. 211 (1995)(legislation passed by Congress which specifically reinstated causes of action under the Securities and Exchange Act which had previously been dismissed by the federal courts as time-barred under the applicable statute of limitations violated separation of powers); **State v. Phillips**, 246 Neb. 610, 521 N.W.2d 913 (1994)(resentencing statute violated separation of powers clause by purporting to grant commutation power to the judiciary rather than the Board of Pardons). There is also nothing on the face of LB 555 which directly affects vested rights of specific private parties.

While LB 555 does not appear to violate the principles involving separation of powers or vested rights on its face, we believe that it would run afoul of both separation of powers and the due process clause should it be applied in such a way as to attempt to alter the status of the situation involving MEC and NPPD described above.

Nebraska cases make it clear that statutes may not operate retroactively so



as to impair vested rights. **Karrer v. Karrer**, 190 Neb. 610, 211 N.W.2d 116 (1973); **Travelers' Insurance Co. v. Ohler**, 119 Neb. 121, 227 N.W. 449 (1929). Similarly, private rights of parties which have vested by the judgment of a court cannot be taken away by subsequent legislation. **State v. Moore**, 210 Neb. 457, 316 N.W.2d 33 (1982); **Karrer v. Karrer**, 190 Neb. 610, 211 N.W.2d 116 (1973); **Mooney v. Drainage District No. 1 of Richardson County**, 134 Neb. 192, 278 N.W. 368 (1938). The latter rule is based upon both separation of powers and due process principles. See **State v. Moore**, 210 Neb. 457, 316 N.W.2d 33 (1982); **Karrer v. Karrer**, 190 Neb. 610, 211 N.W.2d 116 (1973).

As we understand it, MEC has vested rights under its contract with NPPD to pay for the decommissioning costs of the Cooper nuclear facility only in certain circumstances.<sup>1</sup> In addition, the judgment by the Eight Circuit Court of Appeals in **Nebraska Public Power District v. MidAmerican Energy Company**, 234 F.3d 1032 (2000) affirming MEC's limited obligations under the Sales Contract is final.<sup>2</sup> As a result, we believe that the provisions of LB 555 may not be applied in such a way as to require MEC to pay for the decommissioning costs of the Cooper Nuclear facility in any fashion apart from its obligations under the Sales Contract. To do so, would violate separation of powers and due process of law.

### 3. Impairment of the Obligation of Contracts

Article I, Section 10 of the United States Constitution provides that "[n]o State . . . shall . . . pass any . . . Law impairing the Obligation of Contracts . . . ." Similarly, art. I, § 16 of the Nebraska Constitution provides that "[n]o . . . law impairing the obligation of contracts . . . shall be passed." Those constitutional provisions form the basis for your next constitutional concern involving LB 555.

Although the language of the Contract Clause appears absolute, its prohibition must be accommodated to the inherent police power of the states. **Energy Reserves Group v. Kansas Power and Light Company**, 459 U.S. 400 (1983). As a result, the federal courts and the Nebraska Supreme Court have formulated tests for determining when a particular

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<sup>1</sup> The rights resulting from a contract vest upon the contract's execution and delivery. **Pfeifer v. Ableidinger**, 166 Neb. 464, 89 N.W.2d (1958)(quoting **Todd v. Board of Educational Lands & Funds**, 154 Neb. 606, 48 N.W.2d 706 (1951)). The MEC/NPPD Sales Contract has obviously been executed and delivered.

<sup>2</sup> A motion for rehearing and rehearing in banc in **Nebraska Public Power District v. MidAmerican Energy Company**, 234 F.3d 1032 (2000) was denied on January 24, 2001, and we are aware of no pending petition for a writ of certiorari in that case.

statute violates the Contract Clause. The language of those formulations is somewhat different, but taken together, they establish the following factors in a Contract Clause analysis:

1. It must be determined whether the state statute constitutes an impairment of a contract. **Miller v. City of Omaha**, 253 Neb. 798, 573 N.W.2d 121 (1998); **Calabro v. City of Omaha**, 247 Neb. 955, 531 N.W.2d 541 (1995). In that context, "impairment" means "to make worse," and the impact of the statute on the contract must take away something and not work to a party's benefit. **Miller v. City of Omaha**, 253 Neb. 798, 573 N.W.2d 121 (1998).

2. The impairment of the contractual relationship must be substantial. **Energy Reserves Group v. Kansas Power and Light Company**, 459 U.S. 400 (1983); **Miller v. City of Omaha**, 253 Neb. 798, 573 N.W.2d 121 (1998); **Calabro v. City of Omaha**, 247 Neb. 955, 531 N.W.2d 541 (1995). The severity of the impairment increases the level of scrutiny to which the legislation is subjected. **Energy Reserves Group v. Kansas Power and Light Company**, 459 U.S. 400 (1983). Total destruction of contractual expectations is not required for a finding of substantial impairment, however. **Id.** In addition, in determining the extent of impairment, courts will consider whether the industry the complaining party has entered has been regulated in the past. **Id.**

3. If the state statute constitutes a substantial impairment of contractual obligations, the State, in justification, must have a significant and legitimate public purpose behind the regulation such as remedying a broad or general social or economic problem. **Energy Reserves Group v. Kansas Power and Light Company**, 459 U.S. 400 (1983). The legitimate public purpose requirement guarantees that the State is exercising its police power rather than providing a benefit to special interests. **Id.**

4. Once a legitimate public purpose has been identified, then the final inquiry is whether the statutory adjustment of the obligations is based upon reasonable conditions and of a character appropriate to the public purpose justifying the statute's adoption. **Energy Reserves Group v. Kansas Power and Light Company**, 459 U.S. 400 (1983). In that regard, unless the State itself is a party, it is customary for courts to defer to legislative judgment as to the necessity and reasonableness of a particular statute. **Id.**<sup>3</sup>

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<sup>3</sup> Under the Contract Clause test established by the Nebraska Supreme Court, the final two factors of the **Energy Reserves Group** formulation are characterized as "whether that [contractual] impairment was nonetheless a permissible, legitimate exercise of the . . . sovereign powers." **Miller v. City of Omaha**, 253 Neb. 798, 806, 573 N.W.2d 121, 127 (1998).

On its face, LB 555 does not impair the obligation of any particular contract by its specific language. However, once again, to the extent that the bill might be applied to alter the effect of the Sales Contract between MEC and NPPD, it must be analyzed under the Contract Clause using the formulation set out above.

Initially, we believe that LB 555 would impair the obligations of the Sales Contract between MEC and NPPD. Under the Sales Contract as construed by the Eighth Circuit, MEC has no obligation to make current, non-refundable payments of estimated decommissioning costs to NPPD, and is only liable for Cooper's decommissioning in the event the NPPD shuts Cooper down in 2004. Moreover, the Sales Contract does not bar MEC's claims for restitution of amounts already paid. If LB 555 is implemented with respect to MEC and NPPD, then MEC will be required to make payments to NPPD for decommissioning the Cooper plant, regardless of whether or not the plant continues to operate after 2004. Therefore, if LB 555 is applied to the situation involving MEC and NPPD, it appears that MEC's position is made worse, and it loses something in a manner which is not to its benefit.

It is less clear whether the impact of LB 555 on the MEC/NPPD Sales Contract would be "substantial." On one hand, the amounts of money at issue for MEC are huge, and it could be argued that LB 555 totally destroys some of MEC's contractual expectations under the Sales Contract. On the other hand, the nuclear power industry is and has been heavily regulated by federal authorities, and more stringent regulations were enacted during the course of the contract's implementation. As a result, it could be argued that MEC should have contemplated that its obligations under the contract could be changed by regulation over the course of time.

It is also not clear whether there is a significant and legitimate public purpose underlying LB 555 such as remedying a broad or general social or economic problem. The bill contains language which recites a public purpose, and during the public hearing on the bill, proponents offered justifications for the bill which were primarily related to sharing the costs of nuclear power and treating ratepayers equitably. However, the bill has a very narrow focus which, as discussed in the special legislation section above, would make it possible to argue that the bill is a benefit to special interests rather than a general exercise of the state's police power. See **Energy Reserves Group v. Kansas Power and Light Company**, 459 U.S. 400, 412 n.13 (1983).

Finally, the impact of the bill's adjustment to MEC's contract rights under the Sales Contract must be based upon reasonable conditions and of a character appropriate to the public purpose justifying the bill's adoption. However, since the Sales Contract does not involve the State itself as a party, we would assume that courts would defer to the Legislature's judgment as to the necessity for and reasonableness of the legislation.

When all of these various factors are considered, we believe that, on balance, courts would likely consider LB 555 to be an unconstitutional impairment of MEC's contract rights should the provisions of the bill be applied to the situation involving MEC and NPPD. Our conclusion in that regard is influenced, in part, by the other constitutional infirmities in the bill as discussed elsewhere in this opinion.

#### 4. Unconstitutional Taking

The Fifth Amendment to the United States Constitution provides, as is relevant: "No person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." Art. I, § 21 of the Nebraska Constitution also provides: "[t]he property of no person shall be taken or damaged for public use without just compensation therefor." Those constitutional provisions are at issue with respect to your final constitutional concern regarding LB 555.

As has previously been the case, the focus of our inquiry regarding the impact of LB 555 is the effect of that bill upon the Sales Contract between MEC and NPPD, since the bill does not, on its face, bring about a taking of private property without due process or proper compensation. However, if the bill is applied to the situation involving those entities so as to require MEC to make payments for decommissioning costs apart from its contractual obligations to do so, then we believe that the bill is unconstitutional under the Fifth Amendment and art. I, § 21.

Contract rights are a form of property rights which may be taken for a public purpose only if just compensation is paid. **United States Trust Company of New York v. New Jersey**, 431 U.S. 1, 19 n.16 (1977). In the present case, as discussed above, MEC has vested rights under its contract with NPPD to pay for the decommissioning costs of the Cooper nuclear facility only in certain circumstances. If the provisions of LB 555 are applied in such a way as to require MEC to pay for the decommissioning costs of the Cooper Nuclear facility in any fashion apart from its obligations under the Sales Contract, then we believe that MEC's vested contract rights have been damaged or taken. That "taking" is for a public use, since NPPD is a governmental subdivision of the State of Nebraska, and MEC's private funds will be used to benefit public ratepayers who otherwise might pay more for decommissioning the facility. MEC would not be paid compensation for its contract rights under LB 555, nor would it be afforded due process. For those reasons, LB 555 cannot constitutionally be applied to the situation involving MEC and NPPD.

#### SUMMARY

In our view, LB 555 does not constitute special legislation in contravention of art. III, § 18 of the Nebraska Constitution. However, to the

extent that the provisions of LB 555 are applied so as to require MEC to pay for the decommissioning costs of the Cooper Nuclear facility in any fashion apart from its vested contract rights under the Sales Contract, then the bill would be unconstitutional as a violation of separation of powers, due process of law and art. 1, § 21 of the Nebraska Constitution. Finally, we also believe that it is highly likely that courts would consider LB 555 to be an improper impairment of the obligation of contracts should it be applied to the situation involving MEC and NPPD and MEC's obligations under the Sales Contract at issue.

Sincerely yours,  
DON STENBERG  
Attorney General  
(Signed) Dale A. Comer  
Assistant Attorney General

cc: Patrick O'Donnell  
Clerk of the Legislature

05-316-10.17

#### **GENERAL FILE**

**LEGISLATIVE BILL 180.** Title read. Considered.

The Standing Committee amendment, AM0806, printed separately and referred to on page 958, was considered.

Senators Kremer and Stuhr renewed their pending amendment, AM1061, found on page 1124, to the Standing Committee amendment.

#### **SENATOR CUDABACK PRESIDING**

Senators Coordsen and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Burling moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Kremer-Stuhr amendment was adopted with 33 ayes, 3 nays, 10 present and not voting, and 3 excused and not voting.

Senator Connealy renewed his pending amendment, AM1432, found on page 1552, to the Standing Committee amendment.

Senator Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

The Connealy amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

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

FA201

(Amendments to Standing Committee amendments, AM0806)

- 1 1. On page 1, line 11, strike "and"; and in line 13
- 2 after "performed" insert "; and
- 3 (d) The child does not work more than forty-eight hours
- 4 in any one week, nor more than eight hours in any one day, nor
- 5 before the hour of 6 in the morning, nor after the hour of 8 in the
- 6 evening if the child is under the age of fourteen, nor after the
- 7 hour of 10 in the evening if the child is between the ages of
- 8 fourteen and sixteen. Transportation time shall not be counted under this  
subsection."

Senators Bourne and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Stuhr withdrew her pending amendment, AM0896, found on page 970.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

### **NOTICE OF COMMITTEE HEARING** **Health and Human Services**

Wednesday, May 9, 2001

1:00 PM

Ronald F. Balthazor - Board of Emergency Medical Services

Kevin Benesch - Child Abuse Prevention Fund Board

Peter Tulipana - Child Abuse Prevention Fund Board

Weston Andre-Henn - Foster Care Review Board

Barbara Heckman - Foster Care Review Board

(Signed) Jim Jensen, Chairperson

### **ATTORNEY GENERAL'S OPINION**

Opinion #01017

DATE:

April 19, 2001

**SUBJECT:** LB 536; Whether Legislation Creating Certain Ethanol Production Credits Is Special Legislation Under Art. III, § 18 Of The Nebraska Constitution.

**REQUESTED BY:** Senator Merton L. Dierks  
Nebraska State Legislature

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

LB 536 would amend several existing Nebraska statutes and thereby create a new ethanol production incentive program for the State of Nebraska. In your opinion request letter, you state that the Revenue Committee's proposed amendments to LB 536 (AM 1356) would strike the original provisions of the legislation and become the bill. You then describe the effect of AM 1356 and the new bill as follows:

As you will note, [the amended] LB 536 would insert a new subsection (4) of Section 66-1344 [Neb. Rev. Stat. § 66-1344 (Cum. Supp. 2000)] to provide a production incentive of 20 cents / gal of ethanol produced for new plants which come into production before June 30, 2004, subject to limitations and qualifications prescribed. Additionally, new subsection (5) added by [amended] LB 536 would enable an existing plant which has not received credits prior to June 1, 1999 to qualify for credits under new subsection (4). However, the total amount of credits such facility may earn under the new production incentive program is to be reduced by the amount of credits such facility may have earned since June 1, 1999 under previous or existing production incentive programs.

You have now requested our opinion as to whether the new subsection (5) to be added to § 66-1344 by the committee amendments is special legislation in contravention of art. III, § 18 of the Nebraska Constitution. You also wish to know whether a potential amendment to the committee amendments which would strike the new subsection (5) and directly include the facilities described in that subsection in the new subsection (4) of LB 536 would cure any special legislation problems with the committee amendments.

### ANALYSIS

Art. III, § 18 of the Nebraska Constitution provides, as is pertinent:

The 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, immunity, or franchise whatever . . . . In all other cases where a general law can be made applicable, no special law shall be enacted.

A legislative act violates art. III, § 18 if the act (1) creates a totally arbitrary and unreasonable method of classification, or (2) creates a permanently closed class. *Bergan Mercy Health System v. Haven*, 260 Neb. 846, 620 N.W.2d 339 (2000); *Mapco v. State Board of Equalization*, 238 Neb. 565, 471 N.W.2d 734 (1991); *Haman v. Marsh*, 237 Neb. 699, 467 N.W.2d 836 (1991). The committee amendments to LB 536 must be tested under that standard.

The first part of the special legislation test established in Nebraska cases involves a determination as to whether a statutory classification is totally arbitrary and unreasonable. In that context, the classification must bear a reasonable and substantial relation to the legitimate objects and purposes of the legislation. *Pick v. Nelson*, 247 Neb. 487, 528 N.W.2d 309 (1995). As stated in the *Haman* case:

A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a *substantial* difference . . . . Classification is proper if the special class has some reasonable distinction from other subjects of like general character, which distinction bears some reasonable relation to the legitimate objectives and purposes of the legislation. The question is always whether the things or persons classified by the act form by themselves a proper and legitimate class with reference to the purpose of the act.

*Haman v. Marsh*, 237 Neb. 699, 711, 467 N.W.2d 836, 846 (1991)(quoting *State ex rel. Douglas v. Marsh*, 207 Neb. 598, 300 N.W.2d 181 (1980))(emphasis in original).

Under the language of the committee amendments, the class established by subsection (5) of LB 536 would include those ethanol plants existing on or before December 31, 2000, which did not receive ethanol credits prior to June 30, 1999. Such ethanol plants would also have to be eligible to receive ethanol credits under the existing subsection (3) of § 66-1344.

It appears to us that there may well be public policy concerns which help establish substantial differences in situation and circumstances suggesting the justice and expediency of diverse legislation with respect to the class established by subsection (5) of the committee amendments to LB 536. For example, as you stated in your opinion request letter:



The goal of LB 536, as with past production incentive programs, is to encourage the expansion of the ethanol industry in this state. The effect of new subsection (5) is to retroactively include existing facilities that have not fully benefited from previous incentive programs within the class of facilities eligible for the new production incentive program. This expansion of the definition of eligible facilities is motivated by concern that . . . the viability of facilities described in subsection (5) is less than those who have fully benefited by previous incentive programs, creating a risk of contraction of the state's ethanol industry.

Consequently, we do not believe that the classification created by subsection (5) of the committee amendments to LB 536 is clearly so arbitrary and unreasonable as to constitute special legislation under art. III, § 18. However, with respect to the first portion of the special legislation test, we would suggest that it would be helpful if the legislative history of LB 536 were to contain some description of the substantial differences in situation or circumstances which led to the diverse treatment and classifications set out subsection (5) of the committee amendments.

A legislative classification may also violate art. III, § 18 as improper special legislation if it creates a permanently closed class. In considering whether a class established by legislation is closed, the courts are not limited to the face of the legislation, but may consider the act's application. *Haman v. Marsh*, 237 Neb. 699, 467 N.W.2d 836 (1991). In such a consideration, courts must consider the actual probability that others will come under the act's operation. *Id.* If the prospect that others may come under the act's operation is merely theoretical, and not probable, the act is special legislation. *Id.* The conditions of entry into the class must not only be possible, but reasonably probable of attainment. *Id.* The court in *Haman* also stated, "a classification which limits the application of the law to a present condition, and leaves no room for opportunity for an increase in the numbers of the class by future growth or development, is special." *Id.* at 716, 467 N.W.2d at 848.

Subsection (5) of the committee amendments to LB 536 would extend ethanol credits to "[a] facility existing on or before December 31, 2000, which has not received credits prior to June 30, 1999, and was eligible to receive credits under subsection (3) of this section [§ 66-1344]." As a result, the class of facilities eligible for credits under that subsection is limited to a finite group of facilities in existence at the end of 2000 which previously did not receive ethanol credits. It appears to us that there is no opportunity for an increase in the numbers of that class by future growth or development. Consequently, we believe that the legislative classification at issue in subsection (5) of the committee amendments to LB 536 creates a permanently closed class in contravention of art. III, § 18 of the Nebraska Constitution. Our conclusion in that regard is consistent with previous opinions of this office regarding such classifications. *See Op. Att'y Gen. No. 98003* (January 9, 1998)(Bill which granted supplemental retirement

benefits only to retirees who retired prior to a certain date was special legislation); Op. Att'y Gen. No. 97026 (April 29, 1997)(Bill which granted supplement pension benefits only to retirees having 20 or more years of service as of the effective date of the act was special legislation).

Finally, you have also asked us whether a potential amendment to the committee amendments to LB 536 which would strike the new subsection (5) and directly include the facilities described in that subsection in the new subsection (4) of LB 536 would cure any special legislation problems with the committee amendments. That potential amendment would broaden the definition of a new ethanol facility which would be entitled to receive ethanol credits under subsection (4) of LB 536 to include "a facility which is not in production on or before the effective date of this act or an existing facility which has not received credits prior to June 1, 1999."

The special legislation test set out above with respect to subsection (5) of the committee amendments to LB 536 applies equally to your potential amendment to the committee amendments, i.e., that amendment cannot create a totally arbitrary and unreasonable method of classification or a permanently closed class. For the reasons discussed above in the context of subsection (5) of the committee amendments, we do not believe that the classification created by your proposed amendment to subsection (4) of the committee amendments would clearly be so arbitrary and unreasonable as to constitute special legislation under art. III, § 18. Therefore, we need consider only whether your potential amendment would created a permanently closed class.

Your potential amendment to subsection (4) of the committee amendments would broaden the defined class of ethanol facilities entitled to ethanol credits to include both facilities placed in production after the effective date of the act and existing facilities which had not received credits prior to June 1, 1999. It appears to us that there is an opportunity for an increase in the numbers of that class by future growth or development. In addition, we believe that there is a reasonable probability that new ethanol plants will come under the statute's operation so as to obtain the ethanol credits available. For those reasons, your potential amendment to the committee amendments to LB 536 appears to be constitutional under art. III, § 18 of the Nebraska Constitution.

Sincerely yours,  
DON STENBERG  
Attorney General

(Signed) Dale A. Comer  
Assistant Attorney General

cc. Patrick O'Donnell  
Clerk of the Legislature

**VISITORS**

Visitors to the Chamber were Legislators, Executive Branch Officials, and staffers from the Katsina State Delegation, Nigeria; Myron Franzen from Columbus; 66 fourth grade students and teachers from Hillside Elementary School, Omaha; and Conni Ostendorf from Morrill and Esther Benson from Scottsbluff.

**ADJOURNMENT**

At 4:37 p.m., on a motion by Senator Jones, the Legislature adjourned until 9:00 a.m., Friday, April 20, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SIXTY-EIGHTH DAY - APRIL 20, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 20, 2001

**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., Speaker Kristensen presiding.

The roll was called and all members were present except Senators McDonald, D. Pederson, and Smith who were excused; and Senators Bourne, Byars, Coordsen, Dierks, Hartnett, Hudkins, Jensen, Landis, Raikes, Robak, Schrock, Stuhr, Tyson, and Wehrbein who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-seventh day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 20, 2001, 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

Funk, Christine  
Planned Parenthood of Lincoln

Kissel/Erickson & Sederstrom Associates, L.L.C.  
Friends of School Safety (Withdrawn 04/19/2001)

Wade, Rick G.  
McGuire and Norby

Wickman, Barbara J.  
Metro Omaha Builders Association

## REPORTS

The following reports were received by the Legislature:

### **Health and Human Services System, Nebraska**

Office of the System Advocate - Quarterly Report

### **Roads, Department of,**

Board of Examiners for County Highway and City Street Superintendents  
for January 1, 2000 to December 31, 2000 - Annual Report

### **Investment Finance Authority, Nebraska**

Single Family Housing Revenue Bonds Series 1998 CDE&F and General  
Obligation Bonds Series 1998 G.O.-3

Single Family Housing Revenue Bonds Series 2000 AB and General  
Obligation Bonds Series 2000 G.O.-9

Single Family Housing Revenue Bonds Series 2000 EFG and General  
Obligation Bonds Series 2000 G.O.-11

## GENERAL FILE

**LEGISLATIVE BILL 827A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

**LEGISLATIVE BILL 242.** The Wickersham-Quandahl pending amendment, AM1429, found on page 1455 and considered on page 1500, was renewed.

Senator Beutler offered the following amendment to the Wickersham-Quandahl pending amendment:  
AM1599

(Amendments to AM1429)

- 1 1. On page 1, line 2, strike "incidental"; and in line 3
- 2 strike "individual".

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

The Wickersham-Quandahl amendment, as amended, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Wickersham renewed the Wickersham et al. pending amendment, AM1430, found on page 1455.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

### SENATOR CUDABACK PRESIDING

Senator Wickersham moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Senator Hilgert requested a roll call vote on the Wickersham et al. amendment.

Voting in the affirmative, 32:

Aguilar	Baker	Beutler	Bromm	Brown
Bruning	Burling	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Pedersen, Dw.	Price	Raikes
Schimek	Schrock	Stuhr	Thompson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 2:

Hilgert	Redfield
---------	----------

Present and not voting, 6:

Chambers	Maxwell	Preister	Quandahl	Suttle
Tyson				

Excused and not voting, 9:

Bourne	Brashear	Byars	Hartnett	Hudkins
McDonald	Pederson, D.	Robak	Smith	

The Wickersham et al. amendment was adopted with 32 ayes, 2 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

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

Senator Beutler withdrew his pending amendments, AM1518, AM1520, AM1521, AM1519, and AM1522, found on page 1501.

Senator Chambers renewed his pending amendment, FA181, found on page 1502.

Senators Erdman, Burling, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers withdrew his amendment.

Pending.

## STANDING COMMITTEE REPORTS

### Appropriations

**LEGISLATIVE BILL 538.** Placed on General File as amended. (Standing Committee amendment, AM1046, 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 539.** Placed on General File as amended. Standing Committee amendment to LB 539:  
AM1047

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. APPROPRIATION LANGUAGE.
- 4 There is hereby appropriated, for FY2001-02 and
- 5 FY2002-03, the sums specified in this act, or so much as may be
- 6 necessary, for the salaries and benefits of officers of the
- 7 Nebraska state government.
- 8 Sec. 2. DEFINITION OF APPROPRIATION PERIOD.
- 9 For purposes of this act, FY2001-02 means the period
- 10 beginning July 1, 2001, and ending June 30, 2002, and FY2002-03
- 11 means the period beginning July 1, 2002, and ending June 30, 2003.
- 12 Sec. 3. REAPPROPRIATION OF BALANCE, FY2001-02 to
- 13 FY2002-03.
- 14 In addition to the appropriations set forth in this act,
- 15 there are hereby reappropriated all unexpended appropriation
- 16 balances existing on June 30, 2002, for FY2002-03 to the respective
- 17 agencies, programs, and funds in this act.
- 18 Sec. 4. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.
- 19 The definitions contained in the Nebraska Accounting
- 20 System Manual, and any amendments thereto, on file with the Clerk
- 21 of the Legislature are hereby adopted by the Legislature as the
- 22 definitions for this act, except as provided in section 22 of this
- 23 act.
- 24 Sec. 5. DRAWING AND PAYING WARRANTS.
- 1 The Director of Administrative Services shall draw
- 2 warrants upon the proper fund in the state treasury for an amount
- 3 not to exceed the appropriations set forth in this act upon
- 4 presentation of proper documentation. The State Treasurer shall



5 pay the warrants out of the appropriate funds.

6 Sec. 6. AGENCY NO. 5 -- SUPREME COURT

7 Program No. 3 - Supreme Court Judges' Salaries

8		FY2001-02	FY2002-03
9	GENERAL FUND	873,410	878,110
10	PROGRAM TOTAL	873,410	878,110
11	SALARY LIMIT	777,022	777,022

12 Sec. 7. AGENCY NO. 5 -- SUPREME COURT

13 Program No. 4 - Court of Appeals Judges' Salaries

14		FY2001-02	FY2002-03
15	GENERAL FUND	717,670	721,940
16	PROGRAM TOTAL	717,670	721,940
17	SALARY LIMIT	632,718	632,718

18 Sec. 8. AGENCY NO. 5 -- SUPREME COURT

19 Program No. 5 - Retired Judges' Salaries

20		FY2001-02	FY2002-03
21	GENERAL FUND	25,000	25,000
22	PROGRAM TOTAL	25,000	25,000
23	SALARY LIMIT	25,000	25,000

24 The budget division of the Department of Administrative

25 Services is hereby authorized to transfer General Fund

26 appropriations among Programs 3, 4, 5, 6, and 7 within Agency 5,

27 upon written certification by the State Court Administrator that

1 excess appropriations are available and are necessary to pay

2 retired judges' salaries or are necessary to adjust for program

3 shortfalls in Agency 5, Programs 3, 4, 6, and 7. The Salary Limit

4 for Agency 5, Program 5, may be administratively increased for any

5 transfers made to Program 5 pursuant to this section.

6 Sec. 9. AGENCY NO. 5 -- SUPREME COURT

7 Program No. 6 - District and Juvenile Court Judges'

8 Salaries

9		FY2001-02	FY2002-03
10	GENERAL FUND	7,309,220	7,347,170
11	PROGRAM TOTAL	7,309,220	7,347,170
12	SALARY LIMIT	6,468,707	6,468,707

13 Sec. 10. AGENCY NO. 5 -- SUPREME COURT

14 Program No. 7 - County Court Judges' Salaries

15		FY2001-02	FY2002-03
16	GENERAL FUND	6,641,643	6,712,395
17	PROGRAM TOTAL	6,641,643	6,712,395
18	SALARY LIMIT	5,861,518	5,894,266

19 Sec. 11. AGENCY NO. 7 -- GOVERNOR

20 Program No. 2 - Salary - Governor

21		FY2001-02	FY2002-03
22	GENERAL FUND	84,871	96,781
23	PROGRAM TOTAL	84,871	96,781
24	SALARY LIMIT	65,000	74,570

25 Sec. 12. AGENCY NO. 8 -- LIEUTENANT GOVERNOR

26 Program No. 8 - Salary - Lieutenant Governor

27		FY2001-02	FY2002-03
1	GENERAL FUND	64,095	72,148
2	PROGRAM TOTAL	64,095	72,148
3	SALARY LIMIT	47,000	53,220
4	Sec. 13. AGENCY NO. 9 -- SECRETARY OF STATE		
5	Program No. 9 - Salary - Secretary of State		
6		FY2001-02	FY2002-03
7	GENERAL FUND	66,696	74,806
8	PROGRAM TOTAL	66,696	74,806
9	SALARY LIMIT	52,000	58,500
10	Sec. 14. AGENCY NO. 10 -- AUDITOR OF PUBLIC ACCOUNTS		
11	Program No. 10 - Salary - Auditor		
12		FY2001-02	FY2002-03
13	GENERAL FUND	64,961	71,746
14	PROGRAM TOTAL	64,961	71,746
15	SALARY LIMIT	49,500	54,750
16	Sec. 15. AGENCY NO. 11 -- ATTORNEY GENERAL		
17	Program No. 11 - Attorney General's Salary		
18		FY2001-02	FY2002-03
19	GENERAL FUND	85,606	92,490
20	PROGRAM TOTAL	85,606	92,490
21	SALARY LIMIT	64,500	69,750
22	Sec. 16. AGENCY NO. 12 -- STATE TREASURER		
23	Program No. 12 - Salary - State Treasurer		
24		FY2001-02	FY2002-03
25	GENERAL FUND	63,735	70,371
26	PROGRAM TOTAL	63,735	70,371
27	SALARY LIMIT	49,500	54,750
1	Sec. 17. AGENCY NO. 14 -- PUBLIC SERVICE COMMISSION		
2	Program No. 14 - Salaries of Public Service Commissioners		
3		FY2001-02	FY2002-03
4	GENERAL FUND	272,075	297,859
5	PROGRAM TOTAL	272,075	297,859
6	SALARY LIMIT	210,000	230,000
7	Sec. 18. AGENCY NO. 15 -- BOARD OF PARDONS AND BOARD OF		
8	PAROLE		
9	Program No. 320 - Board of Parole Salaries		
10		FY2001-02	FY2002-03
11	GENERAL FUND	369,948	389,121
12	PROGRAM TOTAL	369,948	389,121
13	SALARY LIMIT	290,681	304,590
14	Sec. 19. AGENCY NO. 16 -- DEPARTMENT OF REVENUE		
15	Program No. 13 - Tax Commissioner		
16		FY2001-02	FY2002-03
17	GENERAL FUND	101,485	106,207
18	PROGRAM TOTAL	101,485	106,207
19	SALARY LIMIT	85,845	89,682
20	It is the intent of the Legislature that if the		
21	appropriation or the salary limit is insufficient in this program		

22 to meet anticipated expenditures, the Tax Commissioner shall  
 23 request additional funds or a higher salary limit, or both, from  
 24 the Legislature by the usual deficit process. The appropriation of  
 25 the salary limit shall not be administratively increased solely by  
 26 the Department of Administrative Services without legislative  
 27 authorization.

1 Sec. 20. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION  
 2 COURT

3 Program No. 526 - Judges' Salaries

4	FY2001-02	FY2002-03
5 CASH FUND	815,118	818,648
6 PROGRAM TOTAL	815,118	818,648
7 SALARY LIMIT	718,746	718,746

8 Sec. 21. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION  
 9 COURT

10 Program No. 635 - Acting Judges' Salaries

11	FY2001-02	FY2002-03
12 CASH FUND	55,267	55,267
13 PROGRAM TOTAL	55,267	55,267
14 SALARY LIMIT	51,339	51,339

15 Sec. 22. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

16 (1) As used in this act:

17 (a) SALARY LIMIT means total expenditures for permanent  
 18 and temporary salaries and per diems; and

19 (b) Total expenditures for permanent and temporary

20 salaries and per diems means all remuneration paid to employees

21 treated as taxable compensation by the Internal Revenue Service or

22 subject to social security coverage, specifically including

23 payments accounted for as vacation, holidays, sick leave, military

24 leave, funeral leave, maternity leave, administrative leave,

25 compensatory time, deferred compensation, or any other similar

26 form, and amounts withheld pursuant to law, but excluding state

27 contributions for social security, retirement, and employee

1 insurance plans.

2 (2) Total expenditures for permanent and temporary

3 salaries and per diems are limited to the amount provided by law

4 for constitutional officers.

5 (3) The limitation on expenditures for permanent and

6 temporary salaries and per diems for FY2002-03 shall be increased

7 by amounts encumbered from FY2001-02 for permanent and temporary

8 salaries and per diems. Encumbered amounts shall be calculated in

9 accordance with section 81-138.01.

10 Sec. 23. This act becomes operative on July 1, 2001.

11 Sec. 24. Since an emergency exists, this act takes

12 effect when passed and approved according to law."

**LEGISLATIVE BILL 540.** Placed on General File.

**LEGISLATIVE BILL 541.** Placed on General File as amended.

(Standing Committee amendment, AM1514, 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 542.** Placed on General File as amended.  
(Standing Committee amendment, AM1048, 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 543.** Placed on General File as amended.  
(Standing Committee amendment, AM1049, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Roger R. Wehrbein, Chairperson

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 142.** Placed on Select File as amended.  
(E & R amendment, AM7100, 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 620.** Placed on Select File as amended.  
(E & R amendment, AM7106, 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 833.** Placed on Select File as amended.  
E & R amendment to LB 833:  
AM7101

- 1 1. On page 1, strike beginning with "a" in line 2
- 2 through line 5 and insert "distribution of educational funds and
- 3 distance education provisions; to harmonize provisions; to repeal
- 4 the original sections; and to declare an emergency."

**LEGISLATIVE BILL 641.** Placed on Select File as amended.  
(E & R amendment, AM7102, 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 468.** Placed on Select File as amended.  
E & R amendment to LB 468:  
AM7103

- 1 1. In the Suttle amendment, AM1493, on page 2, line 10,
- 2 after "nontraditional" insert "students".
- 3 2. On page 1, strike beginning with "Scholarship" in
- 4 line 1 through line 3 and insert "Student Loan Act."

**LEGISLATIVE BILL 659.** Placed on Select File as amended.

E &amp; R amendment to LB 659:

AM7105

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 9 of this act shall be known
- 4 and may be cited as the DNA Testing Act.
- 5 Sec. 2. It is the intent of the Legislature that
- 6 wrongfully convicted persons have an opportunity to establish their
- 7 innocence through deoxyribonucleic acid, DNA, testing.
- 8 Sec. 3. The Legislature finds and declares:
- 9 (1) Over the past decade, DNA testing has emerged as the
- 10 most reliable forensic technique for identifying persons when
- 11 biological material is found at a crime scene or transferred from
- 12 the victim to the person responsible and transported from the crime
- 13 scene;
- 14 (2) Because of its scientific precision and reliability,
- 15 DNA testing can, in some cases, conclusively establish the guilt or
- 16 innocence of a criminal defendant. In other cases, DNA may not
- 17 conclusively establish guilt or innocence but may have significant
- 18 probative value to a finder of fact;
- 19 (3) While DNA testing is increasingly commonplace in
- 20 pretrial investigations currently, it was not widely available in
- 21 cases prior to 1994. Moreover, new forensic DNA testing
- 22 procedures, such as polymerase chain reaction amplification, DNA
- 23 short tandem repeat analysis, and mitochondrial DNA analysis, make
- 24 it possible to obtain results from minute samples that previously
- 1 could not be tested and to obtain more informative and accurate
- 2 results than earlier forms of forensic DNA testing could produce.
- 3 As a result, in some cases, convicted inmates have been exonerated
- 4 by new DNA tests after earlier tests had failed to produce
- 5 definitive results;
- 6 (4) Because DNA testing is often feasible on relevant
- 7 biological material that is decades old, it can in some
- 8 circumstances prove that a conviction which predated the
- 9 development of DNA testing was based upon incorrect factual
- 10 findings. DNA evidence produced even decades after a conviction
- 11 can provide a more reliable basis for establishing a correct
- 12 verdict than any evidence proffered at the original trial. DNA
- 13 testing, therefor, can and has resulted in postconviction
- 14 exoneration of innocent men and women;
- 15 (5) In the past decade, there have been multiple
- 16 postconviction exonerations in the United States and Canada based
- 17 upon DNA testing. In addition, a disturbing number of persons
- 18 sentenced to death have been exonerated through postconviction DNA
- 19 testing, some of these exonerations coming within days of their
- 20 execution date;
- 21 (6) DNA testing responds to serious concerns regarding
- 22 wrongful convictions, especially those arising out of mistaken

- 23 eyewitness identification testimony; and  
24 (7) There is a compelling need to ensure the preservation  
25 of biological material for postconviction DNA testing, for a  
26 limited period.
- 27 Sec. 4. (1) Notwithstanding any other provision of law,  
1 a person in custody pursuant to the judgment of a court may, at any  
2 time after conviction, file a motion, with or without supporting  
3 affidavits, in the court that entered the judgment requesting  
4 forensic DNA testing of any biological material that:  
5 (a) Is related to the investigation or prosecution that  
6 resulted in such judgment;  
7 (b) Is in the actual or constructive possession or  
8 control of the state or is in the possession or control of others  
9 under circumstances likely to safeguard the integrity of the  
10 biological material's original physical composition; and  
11 (c) Was not previously subjected to DNA testing or can be  
12 subjected to retesting with more current DNA techniques that  
13 provide a reasonable likelihood of more accurate and probative  
14 results.
- 15 (2) Notice of such motion shall be served by the person  
16 in custody upon the county attorney of the county in which the  
17 prosecution was held.
- 18 (3) Upon receiving notice of a motion filed pursuant to  
19 subsection (1) of this section, the county attorney shall take such  
20 steps as are necessary to ensure that any remaining biological  
21 material that was secured by the state or a political subdivision  
22 in connection with the case is preserved pending the completion of  
23 proceedings under the DNA Testing Act.
- 24 (4) The county attorney shall prepare an inventory of all  
25 evidence that was secured by the state or a political subdivision  
26 in connection with the case and shall submit a copy of the  
27 inventory to the person or the person's counsel and to the court.  
1 If evidence is intentionally destroyed after notice of a motion  
2 filed pursuant to this section, the court shall impose appropriate  
3 sanctions, including criminal contempt.
- 4 (5) Upon consideration of affidavits or after a hearing,  
5 the court shall order DNA testing pursuant to a motion filed under  
6 subsection (1) of this section upon a determination that such  
7 testing was effectively not available at the time of trial, that  
8 the biological material has been retained under circumstances  
9 likely to safeguard the integrity of its original physical  
10 composition, and that such testing may produce noncumulative,  
11 exculpatory evidence relevant to the claim that the person was  
12 wrongfully convicted or sentenced.
- 13 (6) All forensic DNA tests shall be performed by a  
14 laboratory which is accredited by the American Society of Crime  
15 Laboratory Directors - LAB - Laboratory Accreditation Board or the  
16 National Forensic Science Technology Center or by any other  
17 national accrediting body or public agency which has requirements

18 that are substantially equivalent to or more comprehensive than  
19 those of the society or center.

20 Sec. 5. The cost of DNA testing ordered under subsection  
21 (5) of section 4 of this act shall be paid by the person filing the  
22 motion, unless the court determines such person to be indigent. If  
23 the person filing such motion is determined by the court to be  
24 indigent, the costs shall be paid by the state.

25 Sec. 6. Upon a showing by the person that DNA testing  
26 may be relevant to the person's claim of wrongful conviction, the  
27 court shall appoint counsel for an indigent person.

1 Sec. 7. (1) The results of the final DNA or other  
2 forensic testing ordered under subsection (5) of section 4 of this  
3 act shall be disclosed to the county attorney, to the person filing  
4 the motion, and to the person's attorney.

5 (2) Upon receipt of the results of such testing, any  
6 party may request a hearing before the court when such results  
7 exonerate or exculpate the person. Following such hearing, the  
8 court may, on its own motion or upon the motion of any party,  
9 vacate and set aside the judgment and release the person from  
10 custody based upon final testing results exonerating or exculpating  
11 the person.

12 (3) If the court does not grant the relief contained in  
13 subsection (2) of this section, any party may file a motion for a  
14 new trial under sections 29-2101 to 29-2103.

15 Sec. 8. Nothing in the DNA Testing Act shall be  
16 construed to limit the circumstances under which a person may  
17 obtain DNA testing or other postconviction relief under any other  
18 provision of law.

19 Sec. 9. (1) Notwithstanding any other provision of law  
20 and subject to subsection (2) of this section, state agencies and  
21 political subdivisions shall preserve any biological material  
22 secured in connection with a criminal case for such period of time  
23 as any person remains incarcerated in connection with that case.

24 (2) State agencies or political subdivisions that have  
25 secured biological material for use in criminal cases may dispose  
26 of biological material before expiration of the period of time  
27 specified in subsection (1) of this section if:

1 (a) The state agency or political subdivision which  
2 secured the biological material for use in a criminal case notifies  
3 any person who remains incarcerated in connection with the case,  
4 such person's counsel of record, or if there is no counsel of  
5 record, the public defender, if applicable, in the county in which  
6 the judgment of conviction of such person was entered. The notice  
7 shall include:

8 (i) The intention of the state agency or political  
9 subdivision to dispose of the material after ninety days after  
10 receipt of the notice; and

11 (ii) The provisions of the DNA Testing Act;  
12 (b) The person, such person's counsel of record, or the

13 public defender does not file a motion under section 4 of this act  
14 within ninety days after receipt of notice under this section; and  
15 (c) No other provision of law or court order requires  
16 that such biological material be preserved.

17 (3) The person, such person's counsel of record, or the  
18 public defender who receives notice under subdivision (2)(a) of  
19 this section, may, in lieu of a motion under section 4 of this act,  
20 request in writing to take possession of the biological material  
21 for the purpose of having the material available for any future  
22 discovery of scientific or forensic techniques. Copies of any such  
23 written request shall be provided to both the court and to the  
24 county attorney. The costs of acquisition, preservation, and  
25 storage of any such material shall be at the expense of the person.

26 Sec. 10. Section 29-2101, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 29-2101. A new trial, after a verdict of conviction, may  
2 be granted, on the application of the defendant, for any of the  
3 following ~~reasons~~ grounds affecting materially his or her  
4 substantial rights: (1) Irregularity in the proceedings of the  
5 court, ~~or of~~ of the prosecuting attorney, or of the witnesses for the  
6 state, or in any order of the court, or abuse of discretion, by  
7 which the defendant was prevented from having a fair trial; (2)  
8 misconduct of the jury, ~~of or~~ of the prosecuting attorney, or of the  
9 witnesses for the state; (3) accident or surprise which ordinary  
10 prudence could not have guarded against; (4) ~~that~~ the verdict is  
11 not sustained by sufficient evidence or is contrary to law; (5)  
12 newly discovered evidence material for the defendant which he or  
13 she could not with reasonable diligence have discovered and  
14 produced at the trial; ~~or~~ (6) newly discovered exculpatory DNA or  
15 similar forensic testing evidence obtained under the DNA Testing  
16 Act; or (7) error of law occurring at the trial.

17 Sec. 11. Section 29-2102, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 29-2102. The ~~causes enumerated~~ grounds set forth in  
20 subdivisions (2), (3), and ~~(5)~~ (6) of section 29-2101 must be  
21 sustained shall be supported by affidavits showing ~~their~~ the truth,  
22 of such grounds, and the grounds may be controverted by affidavits.  
23 The ground set forth in subdivision (5) of section 29-2101 shall be  
24 supported by evidence of the truth of the ground in the form of  
25 affidavits, depositions, or oral testimony.

26 Sec. 12. Section 29-2103, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1 29-2103. (1) A motion for new trial shall be made by  
2 written application and may be filed either during or after the  
3 term of the court at which the verdict was rendered.  
4 (2) A motion for a new trial shall state the grounds  
5 under section 29-2101 which are the basis for the motion and shall  
6 be supported by evidence as provided in section 29-2102.  
7 (3) A motion for new trial based on the grounds set forth



8 in subdivision (1), (2), (3), (4), or (7) of section 29-2101 shall  
9 be filed within ten days after the verdict was rendered unless such  
10 filing is unavoidably prevented, and the grounds for such motion  
11 may be stated by directly incorporating the appropriate language of  
12 section 29-2101 without further particularity.  
13 (4) A motion for new trial based on the grounds set forth  
14 in subdivision (5) of section 29-2101 shall be filed within a  
15 reasonable time after the discovery of the new evidence and cannot  
16 be filed more than three years after the date of the verdict unless  
17 the new evidence supports a claim of actual innocence by a  
18 preponderance of the evidence.  
19 (5) A motion for new trial based on the grounds set forth  
20 in subdivision (6) of section 29-2101 shall be filed within ninety  
21 days after a final order is issued under section 7 of this act or  
22 within ninety days after the hearing if no final order is entered,  
23 whichever occurs first. The application for a new trial shall be  
24 by motion upon written grounds, and may be filed either within or  
25 without the term at which the verdict is rendered. It shall,  
26 except for the cause of newly discovered evidence material for the  
27 party applying, which he could not with reasonable diligence have  
1 discovered and produced at the trial, be filed within ten days  
2 after the verdict was rendered unless unavoidably prevented. In  
3 assigning the grounds for such motion, it shall be sufficient to  
4 assign the same in the language of the statute and without further  
5 or other particularity. In any criminal case where it shall be  
6 made to appear upon the motion of the defendant for a new trial,  
7 supported by affidavits, depositions or oral testimony, that the  
8 defendant has discovered new evidence material to his defense which  
9 he could not with reasonable diligence have discovered and produced  
10 during the term within which the verdict upon which he was  
11 sentenced was rendered, the district court may set aside such  
12 sentence and grant a new trial; PROVIDED, that such motion is filed  
13 within a reasonable time after the discovery of the new evidence;  
14 AND PROVIDED FURTHER, that such motion must be filed within three  
15 years after the date of such verdict, and such motion and the  
16 procedure herein provided shall be the exclusive method and  
17 procedure for reviewing criminal cases after the expiration of the  
18 term at which such verdict is rendered.  
19 Sec. 13. Original sections 29-2101 to 29-2103, Reissue  
20 Revised Statutes of Nebraska, are repealed."  
21 2. On page 1, line 1, after the semicolon insert "to  
22 amend sections 29-2101 to 29-2103, Reissue Revised Statutes of  
23 Nebraska;" and in line 2 after "Act" insert "; to change  
24 provisions relating to motions for new trial; to harmonize  
25 provisions; and to repeal the original sections".

**LEGISLATIVE BILL 781.** Placed on Select File as amended.  
E & R amendment to LB 781:

AM7104

- 1 1. On page 1, strike beginning with "a" in line 1
- 2 through "livestock" in line 3 and insert "principles for
- 3 application in civil actions relating to collisions between a motor
- 4 vehicle and an animal as prescribed".

**LEGISLATIVE BILL 598.** Placed on Select File as amended.

E & R amendment to LB 598:

AM7107

- 1 1. On page 3, line 10, strike "is", show as stricken,
- 2 and insert "are".

(Signed) Philip Erdman, Chairperson

### AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LB 329:  
(Amendment, AM1588, 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 242.** Senator Beutler offered the following amendment:

AM1601

- 1 1. On page 6, line 7, after "and" insert "to the person
- 2 in charge of keeping records for the political subdivision who
- 3 shall enter the statement onto the public records of the
- 4 subdivision. The official shall"; strike lines 19 and 20; and in
- 5 line 25 after "member" insert "in state government".
- 6 2. On page 8, line 10, strike "or" and insert "and".
- 7 3. On page 11, strike beginning with "the" in line 6
- 8 through "allow" in line 7; in line 8 strike "to install and use"
- 9 and insert "from installing and using"; and in line 10 after
- 10 "purposes" insert ", and the Executive Board of the Legislative
- 11 Council may adopt policies to allow such installation and use of
- 12 telecommunications equipment".

Senator Coordsen offered the following amendment to the Beutler pending amendment:

FA202

Amend AM1601

Strike section 3.

The Coordsen amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

The Beutler amendment, as amended, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 31 ayes, 2 nays, 6 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 640.** Title read. Considered.

The Standing Committee amendment, AM1022, printed separately and referred to on page 1136, was considered.

Senator Jensen renewed his pending amendment, AM1411, found on page 1464, to the Standing Committee amendment.

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Jensen amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Senators Tyson, Maxwell, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Senators Redfield, Engel, and Bruning asked unanimous consent to be excused. No objections. So ordered.

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

FA204

Amend AM1022

Strike section 1

Senator Suttle moved the previous question. The question is, "Shall the debate now close?" The motion failed with 14 ayes, 0 nays, and 35 not voting.

Senator Beutler withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 640A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 541A.** 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 541, Ninety-seventh Legislature, First Session, 2001; to reduce an appropriation; and to declare an emergency.

**STANDING COMMITTEE REPORT**  
**Natural Resources**

**LEGISLATIVE BILL 448.** Placed on General File as amended.

Standing Committee amendment to LB 448:

AM1476

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 66-1516, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 66-1516. Except as provided in section 5 of this act, no
- 6 ~~No~~ responsible person may avoid responsibility under state law for
- 7 a release or third-party claim by means of a conveyance of any
- 8 right, title, or interest in real property or by any
- 9 indemnification, hold-harmless, or similar agreement. This section
- 10 shall not be construed to:
- 11 (1) Prohibit a responsible person from entering into an
- 12 agreement by which the person is insured or is a member of a risk
- 13 retention group and is thereby indemnified for part or all of the
- 14 liability;
- 15 (2) Prohibit the enforcement of an insurance,
- 16 hold-harmless, or indemnification agreement; or
- 17 (3) Bar a cause of action brought by a responsible person
- 18 or by an insurer or guarantor, whether by right of subrogation or
- 19 otherwise.
- 20 Sec. 2. Section 81-15,117, Revised Statutes Supplement,
- 21 2000, is amended to read:
- 22 81-15,117. Sections 81-15,117 to 81-15,127 and sections
- 23 5 to 7 of this act shall be known and may be cited as the Petroleum
- 24 Products and Hazardous Substances Storage and Handling Act.
- 1 Sec. 3. Section 81-15,119, Reissue Revised Statutes of
- 2 Nebraska, is amended to read:
- 3 81-15,119. For purposes of the Petroleum Products and
- 4 Hazardous Substances Storage and Handling Act, unless the context
- 5 otherwise requires:
- 6 (1) Operator shall mean any person in control of, or
- 7 having responsibility for, the daily operation of a tank but shall
- 8 not include a person described in subdivision (2)(b) of this
- 9 section;
- 10 (2)(a) Owner shall mean:
- 11 (i) In the case of a tank in use on July 17, 1986, or
- 12 brought into use after such date, any person who owns a tank used

- 13 for the storage or dispensing of regulated substances; and  
 14 (ii) In the case of any tank in use before July 17, 1986,  
 15 but no longer in use on such date, any person who owned such tank  
 16 immediately before the discontinuation of its use.
- 17 (b) Owner shall not include a person who, without  
 18 participating in the management of a tank and otherwise not engaged  
 19 in petroleum production, refining, and marketing:
- 20 (i) Holds indicia of ownership primarily to protect his  
 21 or her security interest in a tank or a lienhold interest in the  
 22 property on or within which a tank is or was located; or  
 23 (ii) Acquires ownership of a tank or the property on or  
 24 within which a tank is or was located:
- 25 (A) Pursuant to a foreclosure of a security interest in  
 26 the tank or of a lienhold interest in the property; or  
 27 (B) If the tank or the property was security for an  
 1 extension of credit previously contracted, pursuant to a sale under  
 2 judgment or decree, pursuant to a conveyance under a power of sale  
 3 contained within a trust deed or from a trustee, or pursuant to an  
 4 assignment or deed in lieu of foreclosure.
- 5 (c) Ownership of a tank or the property on or within  
 6 which a tank is or was located shall not be acquired by a  
 7 fraudulent transfer, as provided in the Uniform Fraudulent Transfer  
 8 Act;
- 9 (3) Permanent abandonment shall mean that a tank has been  
 10 taken permanently out of service as a storage vessel for any reason  
 11 or has not been used for active storage for more than one year;
- 12 (4) Person shall mean any individual, firm, joint  
 13 venture, partnership, limited liability company, corporation,  
 14 association, political subdivision, cooperative association, or  
 15 joint-stock association and includes any trustee, receiver,  
 16 assignee, or personal representative thereof owning or operating a  
 17 tank;
- 18 (5) Petroleum product shall mean any petroleum product,  
 19 including, but not limited to, petroleum-based motor or vehicle  
 20 fuels, gasoline, kerosene, and other products used for the purposes  
 21 of generating power, lubrication, illumination, heating, or  
 22 cleaning, but shall not include propane or liquefied natural gas;
- 23 ~~(5) (6) Regulated substance shall mean:~~  
 24 ~~(a) Any petroleum product and any substance defined~~  
 25 ~~in section 101(14) of the Comprehensive, Environmental Response,~~  
 26 ~~Compensation, and Liability Act of 1980, as such act existed on the~~  
 27 ~~effective date of this act, but not including any substance~~  
 1 ~~regulated as a hazardous waste under subtitle C of such act; and~~  
 2 ~~(b) Any petroleum product, including, but not limited to,~~  
 3 ~~petroleum-based motor or vehicle fuels, gasoline, kerosene, and~~  
 4 ~~other products used for the purposes of generating power,~~  
 5 ~~lubrication, illumination, heating, or cleaning, but shall not~~  
 6 ~~include propane or liquefied natural gas;~~
- 7 ~~(6) (7) Release shall mean any spilling, leaking,~~

8 emitting, discharging, escaping, leaching, or disposing from a tank  
9 or any overfilling of a tank into ground water, surface water, or  
10 subsurface soils;

11 ~~(7)~~ (8) Remedial action shall mean any immediate or  
12 long-term response to a release or suspected release in accordance  
13 with rules and regulations adopted and promulgated by the  
14 department or the State Fire Marshal, including tank testing only  
15 in conjunction with a release or suspected release, site  
16 investigation, site assessment, cleanup, restoration, mitigation,  
17 and any other action which is reasonable and necessary;

18 ~~(8)~~ (9) Risk-based corrective action shall mean an  
19 approach to petroleum release corrective actions in which exposure  
20 and risk assessment practices, including appropriate consideration  
21 of natural attenuation, are integrated with traditional corrective  
22 actions to ensure that appropriate and cost-effective remedies are  
23 selected that are protective of human health and the environment;

24 ~~(9)~~ (10) Tank shall mean any tank or combination of  
25 tanks, including underground pipes connected to such tank or tanks,  
26 which is used to contain an accumulation of regulated substances  
27 and the volume of which is ten percent or more beneath the surface  
1 of the ground. Tank shall not include any:

2 (a) Farm or residential tank of one thousand one hundred  
3 gallons or less capacity used for storing motor fuel for  
4 consumptive use on the premises where stored, subject to a one-time  
5 fee;

6 (b) Tank with a storage capacity of one thousand one  
7 hundred gallons or less used for storing heating oil for  
8 consumptive use on the premises where stored, subject to a one-time  
9 fee;

10 (c) Septic tank;

11 (d) Tank situated in an underground area such as a  
12 basement, cellar, mineworking, drift, shaft, or tunnel if the tank  
13 is situated on or above the surface of the floor;

14 (e) Pipeline facility, including gathering lines:

15 (i) ~~Regulated~~ Defined under the Natural Gas Pipeline  
16 Safety Act of 1979, 49 U.S.C. app. 1671 60101, as such section  
17 existed on the effective date of this act; or

18 (ii) ~~Regulated under the Hazardous Liquid Pipeline Safety~~  
19 ~~Act of 1979, 49 U.S.C. app. 2001; or~~

20 (iii) Which is an intrastate pipeline regulated under  
21 state law comparable to the ~~laws~~ law prescribed in ~~subdivisions~~  
22 subdivision (e)(i) and (e)(ii) of this subdivision;

23 (f) Surface impoundment, pit, pond, or lagoon;

24 (g) Flow-through process tank;

25 (h) Liquid trap or associated gathering lines directly  
26 related to oil or gas production and gathering operations; or

27 (i) Storm water or wastewater collection system; and

1 ~~(10)~~ (11) Temporary abandonment shall mean that a tank  
2 will be or has been out of service for at least one hundred eighty

3 days but not more than one year.

4 Sec. 4. Section 81-15,120, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 81-15,120. Any farm or residential tank or tank used for  
7 storing heating oil as defined in subdivisions ~~(9)(a)~~ (10)(a) and  
8 (b) of section 81-15,119 shall be registered with the State Fire  
9 Marshal. The registration shall be accompanied by a one-time fee  
10 of five dollars and shall be valid until the State Fire Marshal is  
11 notified that a tank so registered has been permanently closed.  
12 Such registration shall specify the ownership of, location of, and  
13 substance stored in the tank to be registered. The State Fire  
14 Marshal shall remit the fee to the State Treasurer for credit to  
15 the Petroleum Products and Hazardous Substances Storage and  
16 Handling Fund which is hereby created as a cash fund. The fund  
17 shall also consist of any money appropriated to the fund by the  
18 state. The fund shall be administered by the Department of  
19 Environmental Quality to carry out the purposes of the Petroleum  
20 Products and Hazardous Substances Storage and Handling Act,  
21 including the provision of matching funds required by Public Law  
22 99-499 for actions otherwise authorized by the act. Any money in  
23 such fund available for investment shall be invested by the state  
24 investment officer pursuant to the Nebraska Capital Expansion Act  
25 and the Nebraska State Funds Investment Act.

26 Sec. 5. (1) If a remedial action plan submitted by a  
27 responsible person as defined in section 66-1514 is approved or  
1 deemed to be approved by the Department of Environmental Quality  
2 pursuant to subdivision (2) of section 81-15,124 and has been  
3 carried out, the department may issue to the responsible person a  
4 certificate of completion stating that no further remedial action  
5 needs to be taken at the site relating to any contamination for  
6 which remedial action has already been taken in accordance with the  
7 approved remedial action plan. The department shall condition the  
8 certificate of completion upon compliance with any monitoring,  
9 institutional, or technological controls that may be necessary and  
10 which were relied upon by the responsible person to demonstrate  
11 compliance with the remedial action plan. Any certificate of  
12 completion issued pursuant to this section shall be in a form which  
13 can be filed for record in the real estate records of the county in  
14 which the remedial action took place. The responsible person shall  
15 file the certificate of completion and notify the department within  
16 ten days after issuance as to the date and location of the real  
17 estate filing. If the department issues a certificate of  
18 completion to a responsible person under this section, a covenant  
19 not to sue shall arise by operation of law subject to subsection  
20 (2) of this section. The covenant not to sue releases the  
21 responsible person from liability to the state and from liability  
22 to perform additional environmental assessment, remedial activity,  
23 or response action with regard to the release of a petroleum  
24 product for which the responsible person has complied with the

25 requirements of this subsection. The covenant not to sue shall be  
26 voided if the responsible person fails to conduct additional  
27 remedial action as required under subsection (2) of this section,  
1 if a certificate of completion is revoked by the department under  
2 subsection (3) of this section, or if the responsible person fails  
3 to comply with the monitoring, institutional, or technological  
4 controls, if any, upon which the certificate of completion is  
5 conditioned.

6 (2) A certificate of completion issued by the department  
7 under subsection (1) of this section shall require the responsible  
8 person to conduct additional remedial action in the event that any  
9 monitoring conducted at or near the real property or other  
10 circumstances indicate that (a) contamination is reoccurring, (b)  
11 additional contamination is present for which remedial action was  
12 not taken according to the remedial action plan, or (c)  
13 contamination from the site presents a threat to human health or  
14 the environment and was not addressed in the remedial action plan.

15 (3) A certificate of completion shall be revoked if the  
16 department demonstrates by a preponderance of the evidence that  
17 any approval provided under this section was obtained by fraud or  
18 material misrepresentation, knowing failure to disclose material  
19 information, or false certification to the department. The  
20 department shall file a copy of the notice of revocation of any  
21 certificate of completion in the real estate records of the county  
22 in which the remedial action took place within ten days after such  
23 revocation.

24 (4) If a responsible person transfers property to an  
25 affiliate in order for that affiliate to obtain a benefit to which  
26 the transferor would not otherwise be eligible under this section  
27 or to avoid an obligation under this section, the affiliate shall  
1 be subject to the same obligations and obtain the same level of  
2 benefits as those available to the transferor under this section.

3 (5)(a) A covenant not to sue arising under subsection (1)  
4 of this section, unless voided pursuant to such subsection, shall  
5 bar suit against any person who acquires title to property to which  
6 a certificate of completion applies for all claims of the state or  
7 any other person in connection with petroleum products which were  
8 the subject of an approved remedial action plan and (b) a person  
9 who purchased a site before the effective date of this act is  
10 released, upon the issuance of a certificate of completion under  
11 this section or upon the issuance of a no further action letter on  
12 or after the effective date of this act pursuant to section  
13 81-15,186, from all liability to the state for cleanup of  
14 contamination that was released at the site covered by the  
15 certificate of completion or the no further action letter before  
16 the purchase date, except as provided in subsection (4) of this  
17 section, for releases or consequences that the person contributed  
18 to or caused, for failure by such person to comply with the  
19 monitoring, institutional, or technological controls, if any, upon



20 which the certificate of completion is conditioned, or in the event  
 21 the certificate of completion is revoked by the department under  
 22 subsection (3) of this section.  
 23 (6) Any person entitled to the protections of the  
 24 covenant not to sue or eligible to be released from liability  
 25 pursuant to the issuance of a certificate of completion or a no  
 26 further action letter under subsection (5) of this section who is  
 27 ordered by the department to take remedial action shall be eligible  
 1 for reimbursement as a responsible person pursuant to section  
 2 66-1525 and shall not be required to pay the first cost or percent  
 3 of the remaining cost as provided in subsection (1) of section  
 4 66-1523 unless such person contributed to or caused the release or  
 5 failed to comply with the monitoring, institutional, or  
 6 technological controls, if any, imposed under subsection (1) of  
 7 this section.  
 8 Sec. 6. Upon issuance of a certificate of completion  
 9 under section 5 of this act, except as otherwise provided in such  
 10 section, the responsible person shall no longer have liability to  
 11 the state as to the release of petroleum products for which  
 12 compliance with the remedial action plan is demonstrated by the  
 13 responsible person.  
 14 Sec. 7. (1) Participating in a remedial action plan does  
 15 not constitute an admission of liability under the laws of this  
 16 state, the rules and regulations adopted pursuant to law, or the  
 17 ordinances and resolutions of any political subdivision or an  
 18 admission of civil liability under statutory or common law of this  
 19 state.  
 20 (2) The fact that a responsible person has participated  
 21 in a remedial action plan is not admissible in any civil, criminal,  
 22 or administrative proceeding initiated or brought under any law of  
 23 this state other than to enforce sections 5 to 7 of this act.  
 24 (3) Participating in a remedial action plan shall not be  
 25 construed to be an acknowledgment that the conditions of the  
 26 affected area identified and addressed by the remedial action plan  
 27 constitute a threat or danger to the public health or safety or the  
 1 environment.  
 2 Sec. 8. Original sections 66-1516, 81-15,119, and  
 3 81-15,120, Reissue Revised Statutes of Nebraska, and section  
 4 81-15,117, Revised Statutes Supplement, 2000, are repealed."

(Signed) Ed Schrock, Chairperson

### AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 335:  
 AM1335

(Amendments to E & R amendments, AM7092)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 13-518, Revised Statutes Supplement,

3 2000, 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  
1 levy authority under section 77-3443 except sanitary and  
2 improvement districts which have been in existence for five years  
3 or less 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 and reimbursements to counties from the County Revenue Assistance  
7 Fund under section 6 of this act;

8 (d) For community colleges, state aid to community  
9 colleges paid under sections 85-1536 to 85-1537.01;

10 (e) For natural resources districts, state aid to natural  
11 resources districts paid pursuant to section 77-27,136; and

12 (f) For educational service units, state aid appropriated  
13 under section 79-1241."

14 2. On page 7, after line 14 insert the following new  
15 subsection:

16 "(6) For purposes of section 13-519, for any year in  
17 which a county first seeks reimbursement from the County Revenue  
18 Assistance Fund, the last prior year's total of restricted funds  
19 shall be the last prior year's total of restricted funds plus any  
20 increased amount budgeted for indigent defense services that is  
21 required to develop a plan and meet the standards necessary to  
22 qualify for reimbursement of expenses from the County Revenue  
23 Assistance Fund."; and in line 16 strike "section" and insert  
24 "sections 13-518 and".

25 3. Renumber the remaining sections and correct internal  
26 references accordingly.

Senator Chambers filed the following amendment to LB 242:  
FA203

Amend AM1076

1. On page 2 in line 14 after "board" insert "the head football coach at the  
University of Nebraska at Lincoln"

Senator Kristensen filed the following amendment to LB 335:  
AM1613

(Amendments to E & R amendments, AM7092)

1 1. Strike section 5 and insert the following new  
2 section:  
3 "Sec. 5. (1) Any county which intends to request  
4 reimbursement for a portion of its expenditures for its indigent  
5 defense system must comply with this section.  
6 (2) On or before May 15 of each year in which the county  
7 intends to seek reimbursement for a portion of its expenditures for  
8 indigent defense services in felony cases for the next fiscal year,  
9 the county shall present to the Commission on Public Advocacy (a) a  
10 plan, in a format approved by the commission, describing how the  
11 county intends to provide indigent defense services in felony  
12 cases, (b) a statement of intent declaring that the county intends  
13 to comply with the standards set by the commission for felony cases  
14 and that the county intends to apply for reimbursement, and (c) a

15 projection of the total dollar amount of expenditures for that  
16 county's indigent defense services in felony cases for the next  
17 fiscal year.

18 (3) The commission may conduct whatever investigation is  
19 necessary and may require certifications by key individuals in the  
20 criminal justice system, in order to determine if the county is in  
21 compliance with the standards. If a county is certified by the  
22 commission as having met the standards established by the  
23 commission for felony cases, the county shall be eligible for  
1 reimbursement according to the following schedule and procedures:  
2 The county clerk of the county seeking reimbursement may submit, on  
3 a quarterly basis, a certified request to the commission, for  
4 reimbursement from the County Revenue Assistance Fund, for an  
5 amount equal to one-fourth of the county's actual expenditures for  
6 indigent defense services in felony cases.

7 (4) Upon certification by the county clerk of the amount  
8 of the expenditures, and a determination by the commission that the  
9 request is in compliance with the standards set by the commission  
10 for felony cases, the commission shall quarterly authorize an  
11 amount of reimbursement to the county as set forth in this section.

12 (5) If the General Funds appropriated are insufficient in  
13 any quarter to meet the amount needed for full payment of all  
14 county reimbursements for net expenditures that are certified for  
15 that quarter, the commission shall pay the counties their pro rata  
16 share of the remaining funds based upon the percentage of the  
17 county's certified request in comparison to the total certified  
18 requests for that quarter."

Senator Raikes filed the following amendment to LB 797:  
AM1466

1 1. Insert the following new sections:  
2 "Sec. 39. Section 79-10,110, Revised Statutes  
3 Supplement, 2000, as amended by section 1, Legislative Bill 240,  
4 Ninety-seventh Legislature, First Session, 2001, is amended to  
5 read:  
6 79-10,110. (1) A school board, after making a  
7 determination that an actual or potential environmental hazard or  
8 accessibility barrier exists within the school buildings or grounds  
9 under its control, may make and deliver to the county clerk of such  
10 county in which any part of the school district is situated, not  
11 later than the date provided in section 13-508, an itemized  
12 estimate of the amounts necessary to be expended for the abatement  
13 of such environmental hazard or accessibility barrier elimination  
14 in its school buildings or grounds. The board shall conduct a  
15 public hearing on the itemized estimate prior to presenting such  
16 estimate to the county clerk. Notice of the place and time of such  
17 hearing shall, at least five days prior to the date set for  
18 hearing, be published in a newspaper of general circulation within  
19 the school district or be sent by direct mailing to each resident

20 within the district. The board shall designate the particular  
21 environmental hazard abatement project or accessibility barrier  
22 elimination project for which the tax levy provided for by this  
23 section will be expended, the period of years, which shall not  
24 exceed ten years, for which the tax will be levied for such

1 project, and the amount of the levy for each year of the period.

2 (2) After a public hearing, a school board may undertake  
3 any qualified capital purpose in any qualified zone academy under  
4 its control and may levy a tax as provided in this section to ~~pay~~  
5 ~~the costs of repay a qualified zone academy bond issued for such~~  
6 undertaking. The board shall designate the particular qualified  
7 capital purpose for which the qualified zone academy bond was  
8 issued and for which the tax levy provided for by this section will  
9 be expended, the period of years, not exceeding fifteen, for which  
10 the tax will be levied for such qualified purpose zone academy  
11 bond, and the amount of the levy for each year of the period. The  
12 hearing required by this subsection shall be held only after notice  
13 of such hearing has been published for three consecutive weeks  
14 prior to the hearing in a legal newspaper published or of general  
15 circulation in the school district.

16 (3) The board may designate more than one project under  
17 subsection (1) of this section or qualified capital purpose under  
18 subsection (2) of this section and levy a tax pursuant to this  
19 section for each such project or qualified capital purpose,  
20 concurrently or consecutively, as the case may be, if the aggregate  
21 levy in each year and the duration of each such levy will not  
22 exceed the limitations specified in this section. Each levy for a  
23 project or qualified capital purpose which is authorized by this  
24 section may be imposed for such duration as the board specifies,  
25 notwithstanding the contemporaneous existence or subsequent  
26 imposition of any other levy for another project or qualified  
27 capital purpose imposed pursuant to this section and

1 notwithstanding the subsequent issuance by the district of bonded  
2 indebtedness payable from its general fund levy.

3 (4) The county clerk shall levy such taxes, not to exceed  
4 five and one-fifth cents per one hundred dollars of taxable  
5 valuation for Class II, III, IV, V, and VI districts, and not to  
6 exceed the limits set for Class I districts in section 79-10,124,  
7 on the taxable property of the district necessary to (a) cover the  
8 environmental hazard abatement or accessibility barrier elimination  
9 project costs itemized by the board pursuant to subsection (1) of  
10 this section and (b) ~~pay the costs of any qualified purpose for~~  
11 repay any qualified zone academy undertaken by the board bonds  
12 pursuant to subsection (2) of this section. Such taxes shall be  
13 collected by the county treasurer at the same time and in the same  
14 manner as county taxes are collected and when collected shall be  
15 paid to the treasurer of the district and used to cover the project  
16 costs.

17 (5) If such board operates grades nine through twelve as

18 part of an affiliated school system, it shall designate the  
19 fraction of the project or undertaking to be conducted for the  
20 benefit of grades nine through twelve. Such fraction shall be  
21 raised by a levy placed upon all of the taxable value of all  
22 taxable property in the affiliated school system pursuant to  
23 subsection (2) of section 79-1075. The balance of the project or  
24 undertaking to be conducted for the benefit of grades kindergarten  
25 through eight shall be raised by a levy placed upon all of the  
26 taxable value of all taxable property in the district which is  
27 governed by such board. The combined rate for both levies in the  
1 high school district, to be determined by such board, shall not  
2 exceed five and one-fifth cents on each one hundred dollars of  
3 taxable value.

4 (6) Each board which submits an itemized estimate shall  
5 establish an environmental hazard abatement and accessibility  
6 barrier elimination project fund, and each board which undertakes a  
7 qualified capital purpose shall establish a qualified capital  
8 purpose undertaking fund. Taxes collected pursuant to this section  
9 shall be credited to the appropriate fund to cover the project or  
10 undertaking costs. Such estimates may be presented to the county  
11 clerk and taxes levied accordingly.

12 (7) The itemized estimate submitted by a board may  
13 include the actual cost of abatement of an environmental hazard  
14 when such abatement occurred prior to the delivery of such estimate  
15 to the county clerk and was completed after June 28, 1982.

16 (8) For purposes of this section:

17 (a) Abatement includes, but is not limited to, any  
18 inspection and testing regarding environmental hazards, any  
19 maintenance to reduce, lessen, put an end to, diminish, moderate,  
20 decrease, control, dispose of, or eliminate environmental hazards,  
21 any removal or encapsulation of environmentally hazardous material  
22 or property, any restoration or replacement of material or  
23 property, any related architectural and engineering services, and  
24 any other action to reduce or eliminate environmental hazards in  
25 the school buildings or on the school grounds under the board's  
26 control, except that abatement does not include the encapsulation  
27 of any material containing more than one percent friable asbestos;

1 (b) Accessibility barrier means anything which impedes  
2 entry into, exit from, or use of any building or facility by all  
3 people;

4 (c) Accessibility barrier elimination includes, but is  
5 not limited to, inspection for and removal of accessibility  
6 barriers, maintenance to reduce, lessen, put an end to, diminish,  
7 control, dispose of, or eliminate accessibility barriers, related  
8 restoration or replacement of facilities or property, any related  
9 architectural and engineering services, and any other action to  
10 eliminate accessibility barriers in the school buildings or grounds  
11 under the board's control;

12 (d) Environmental hazard means any contamination of the

13 air, water, or land surface or subsurface caused by any substance  
14 adversely affecting human health or safety if such substance has  
15 been declared hazardous by a federal or state statute, rule, or  
16 regulation;

17 (e) Qualified capital purpose has the meaning found in 26  
18 U.S.C. 1397E(d)(5), as such section existed on the effective date  
19 of this act means (i) rehabilitating or repairing the public school  
20 facility in which the qualified zone academy is established or (ii)  
21 providing equipment for use at such qualified zone academy;

22 (f) Qualified zone academy has the meaning found in 26  
23 U.S.C. 1397E(d)(4), as such section existed on the effective date  
24 of this act; and

25 (g) Qualified zone academy allocation means the  
26 allocation of the qualified zone academy bond limitation by the  
27 State Department of Education to the qualified zone academies  
1 pursuant to 26 U.S.C. 1397E(e)(2), as such section existed on the  
2 effective date of this act; and

3 (h) Qualified zone academy bond has the meaning found in  
4 26 U.S.C. 1397E(d)(1), as such section existed on the effective  
5 date of this act.

6 (9) Accessibility barrier elimination project costs  
7 includes, but is not limited to, inspection, maintenance,  
8 accounting, emergency services, consultation, or any other action  
9 to reduce or eliminate accessibility barriers.

10 (10) For the purpose of (a) paying amounts necessary for  
11 the abatement of environmental hazards and accessibility barrier  
12 elimination, and (b) undertaking one or more qualified purposes in  
13 a qualified zone academy, the board may borrow money and issue  
14 bonds and other evidences of indebtedness of the district, which  
15 bonds and other evidences of indebtedness shall be secured by and  
16 payable from an irrevocable pledge by the district of amounts  
17 received in respect of the tax levy provided for by this section  
18 and any other funds of the district available therefor. Bonds and  
19 other evidences of indebtedness issued by a district pursuant to  
20 this subsection shall not constitute a general obligation of the  
21 district or be payable from any portion of its general fund levy.

22 The total principal amount of qualified zone academy  
23 bonds which may be issued pursuant to this section for qualified  
24 capital purposes with respect to a qualified zone academy shall not  
25 exceed the qualified zone academy allocation granted to the board  
26 by the department. The total amount that may be financed by  
27 qualified zone academy bonds pursuant to this section for qualified  
1 purposes with respect to a qualified zone academy shall not exceed  
2 seven and one-half million dollars statewide in a single year. In  
3 any year that the statewide Nebraska qualified zone academy  
4 allocations exceed seven and one-half million dollars for qualified  
5 capital purposes to be financed with qualified zone academy bonds  
6 issued pursuant to this section, (a) the department shall reduce  
7 such allocations proportionally such that the statewide total for

8 such allocations equals seven and one-half million dollars and (b)  
 9 the difference between the Nebraska allocation and seven and  
 10 one-half million dollars shall be available to qualified zone  
 11 academies for requests that will be financed with qualified zone  
 12 academy bonds issued without the benefit of this section.  
 13 Nothing in this section directs the State Department of  
 14 Education to give any preference to allocation requests that will  
 15 be financed with qualified zone academy bonds issued pursuant to  
 16 this section. The total of such reductions shall be reallocated to  
 17 requests from qualified zone academies that will not be financed  
 18 with bonds issued pursuant to this section.  
 19 Sec. 53. Since an emergency exists, this act takes  
 20 effect when passed and approved according to law."  
 21 2. On page 94, line 14, strike "and"; and in line 21  
 22 after the last comma insert "and section 79-10,110, Revised  
 23 Statutes Supplement, 2000, as amended by section 1, Legislative  
 24 Bill 240, Ninety-seventh Legislature, First Session, 2001,".  
 25 3. Renumber the remaining sections accordingly.

Senator Raikes filed the following amendment to LB 797:  
 AM1467

1 1. On page 14, lines 25 and 26 and 27 and 28, strike the  
 2 new matter and insert "unless the board or commission is limited to  
 3 an advisory capacity".

## VISITORS

Visitors to the Chamber were 45 fifth grade students and teachers from Sacred Heart School, Norfolk; Mary Dwyer from Omaha and Edna Lee Kutschkau from Lincoln; David Eigenberg from Alma; 6 first through seventh grade students and teachers from Crookston School, District #16; and 65 fourth grade students and teachers from Ackerman Elementary School, Omaha.

## ADJOURNMENT

At 1:00 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Monday, April 23, 2001.

Patrick J. O'Donnell  
 Clerk of the Legislature



**SIXTY-NINTH DAY - APRIL 23, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SIXTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 23, 2001

**PRAYER**

The prayer was offered by Pastor Mark Cutler, St. John Lutheran Church, Seward, 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 Landis, McDonald, and D. Pederson who were excused; and Senators Beutler, Brashear, Byars, Coordsen, Hartnett, Kristensen, Raikes, Schimek, Schrock, Tyson, Vrtiska, and Wehrbein who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-eighth day was approved.

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 180.** Placed on Select File as amended.  
(E & R amendment, AM7108, 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 827A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 536.** Title read. Considered.

The Standing Committee amendment, AM1356, printed separately and referred to on page 1380, was considered.

Senator Dierks withdrew his pending amendment, AM1482, found on page 1467.

Senator Dierks renewed his pending amendment, AM1559, found on page 1533, to the Standing Committee amendment.

Senators Quandahl and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 543:

AM1567

(Amendments to Standing Committee amendments, AM1049)

- 1 1. On page 132, lines 8 and 9, strike "50,915,113  
2 51,975,873" and insert "20,915,113 21,975,873".

Senator Wehrbein filed the following amendment to LB 541:

AM1626

(Amendments to Standing Committee amendments, AM1514)

- 1 1. On page 9, line 24, strike "forty-two" and insert  
2 "sixty-four".

Senator Dw. Pedersen filed the following amendment to LB 611:

AM1451

(Amendments to Standing Committee amendments, AM1005)

- 1 1. On page 1, strike lines 14 through 16; and in line  
2 17, strike "(3)" and insert "(2)".
- 3 2. On page 2, line 27, strike "2003" and insert "2005".
- 4 3. On page 3, line 17, strike "6 to 9" and insert "7 and  
5 8"; in line 18 strike "eight" and insert "the"; in line 19 strike  
6 "independent and"; and strike beginning with the period in line 20  
7 through "conducted" in line 22.
- 8 4. On page 4, line 5, strike "juvenile and"; and strike  
9 lines 7 through 27.
- 10 5. On page 5, strike lines 1 through 22; in line 23  
11 strike "(5)" and insert "(2)" and strike "institutional  
12 segregation" and insert "inmate classifications and discipline"; in  
13 line 25 strike "regarding" and insert "in the classification and  
14 discipline of inmates, including those"; and in line 26, after  
15 "shall" insert "review the system of inmate classification,  
16 including initial classification determinations, development of  
17 personalized plans, and standards used in subsequent  
18 reclassification, review the disciplinary system of the department,

19 including the offenses, penalties, and procedures followed in  
20 disciplinary hearings and appeals, and".

21 6. On page 6, line 9, strike "(6)" and insert "(3)".

22 7. On page 7, line 5, strike "(7)" and insert "(4)"; in

23 line 18, strike "(8)" and insert "(5)"; in line 22 strike "in

1 Lincoln and Omaha"; and in lines 25 and 26 strike "electronic court  
2 filings,".

3 8. On page 8, strike beginning with "For" in line 1

4 through line 4; in line 7 strike "2003" and insert "2005".

### GENERAL FILE

**LEGISLATIVE BILL 536.** The Dierks pending amendment, AM1559, found on page 1533 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

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.

The Dierks amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Dierks renewed his pending amendment, AM1560, found on page 1535, to the Standing Committee amendment.

### SENATOR CUDABACK PRESIDING

Senator Chambers moved to bracket LB 536 until April 25, 2001.

Senators Foley and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### VISITORS

Visitors to the Chamber were Tim Buche from O'Neill and Terry Davis and family from Atkinson; 44 fourth grade students and teachers from Plattsmouth Elementary School; Alex Williams from Plattsmouth; members of the 48<sup>th</sup> District Youth Advisory Council from Scottsbluff, Mitchell, Minatare, and Gering; 15 students and teachers from R-4 School, Holdrege; 86 fourth grade students and teachers from Aldrich Elementary School, Omaha; 18 fourth grade students, teacher, and sponsors from Axtell Community Schools; 45 fourth grade students and teachers from Rohwer Elementary School, Omaha; and 11 third and fourth grade students and

teacher from Christ is King School, Norfolk.

### RECESS

At 11:58 a.m., on a motion by Senator Chambers, 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 Jensen, Landis, McDonald, and D. Pederson who were excused; and Senators Bromm, Coordsen, Foley, Kristensen, Maxwell, Preister, and Wickersham who were excused until they arrive.

### SELECT COMMITTEE REPORT Enrollment and Review

**LEGISLATIVE BILL 242.** Placed on Select File as amended.  
(E & R amendment, AM7109, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Philip Erdman, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 536.** The Chambers pending motion, found in this day's Journal, to bracket until April 25, 2001, was renewed.

Senator Janssen asked unanimous consent to be excused. No objections. So ordered.

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

Senator Chambers withdrew his motion to bracket.

The Chair declared the call raised.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dierks pending amendment, AM1560, found on page 1535 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dierks amendment was adopted with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

Pending.

### AMENDMENTS - Print in Journal

Senator Suttle filed the following amendment to LB 468:  
AM1572

(Amendments to AM1493)

- 1 1. Insert the following new section:
- 2 "Sec. 7. The Nursing Student Loan Cash Fund is created.
- 3 The fund shall be the repository for loan repayments received under
- 4 section 5 of this act. Any money in the fund available for
- 5 investment shall be invested by the state investment officer
- 6 pursuant to the Nebraska Capital Expansion Act and the Nebraska
- 7 State Funds Investment Act."
- 8 2. On page 1, line 3, strike "6" and insert "7".
- 9 3. On page 2, strike beginning with the second "for" in
- 10 line 7 through the first "year" in line 8; and in line 8 strike
- 11 "fiscal" and insert "academic".

Senator Chambers filed the following amendment to LB 242:  
AM1624

(Amendments to E & R amendments, AM7109)

- 1 1. On page 3, line 1, after the semicolon insert the
- 2 following new subdivision:
- 3 "(12) An individual employed at the University of
- 4 Nebraska-Lincoln in the position of Director of Athletics, Head
- 5 Football Coach, Men's Basketball Coach, or Women's Basketball
- 6 Coach;"; and in line 2 strike "(12)" and insert "(13)".

Senator Chambers filed the following amendment to LB 641:  
AM1556

(Amendments to E & R amendments, AM7102)

- 1 1. On page 2, line 1, after "226.2(a)(16)" insert ", as
- 2 such regulation existed on the effective date of this act,"; strike
- 3 beginning with "section" in line 1 through "seq." in line 2, show
- 4 as stricken, and insert "15 U.S.C. 1602(g), as such section existed
- 5 on the effective date of this act,"; and in line 3 strike
- 6 "213.2(a)(6)", show as stricken, and insert "213.2(e), as such
- 7 regulation existed on the effective date of this act".
- 8 2. On page 5, line 18, after the second comma insert "as
- 9 such act existed on the effective date of this act,"; and in line
- 10 22 after the second comma insert "as such section existed on the
- 11 effective date of this act,".

12 3. On page 13, line 8, after the second comma insert "as  
13 such act existed on the effective date of this act.".

### GENERAL FILE

**LEGISLATIVE BILL 536.** Senator Bruning renewed his pending amendment, AM1553, found on page 1535, to the Standing Committee amendment.

Senators Erdman and Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

### PRESIDENT MAURSTAD PRESIDING

Pending.

### STANDING COMMITTEE REPORT Appropriations

**LEGISLATIVE BILL 758.** Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 620:  
AM1565

(Amendments to E & R amendments, AM7106)

- 1 1. Insert the following new section:
- 2 "Sec. 41. Section 49-801.01, Revised Statutes
- 3 Supplement, 2000, as amended by Legislative Bill 122,
- 4 Ninety-seventh Legislature, First Session, 2001, is amended to
- 5 read:
- 6 49-801.01. Except as provided by Article VIII, section
- 7 1B, of the Constitution of Nebraska and in sections 77-2701.01,
- 8 77-2714 to 77-27,123, 77-27,191, 77-4103, 77-4104, and 77-4108 and
- 9 sections 9, 15, 25, 26, 27, and 36 of this act, any reference to
- 10 the Internal Revenue Code refers to the Internal Revenue Code of
- 11 1986 as it exists on the effective date of this act."
- 12 2. On page 26, line 9, after the comma insert "and
- 13 section 49-801.01, Revised Statutes Supplement, 2000, as amended by
- 14 Legislative Bill 122, Ninety-seventh Legislature, First Session,
- 15 2001,".
- 16 3. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB 142:  
AM1582

(Amendments to E & R amendments, AM7100)

- 1 1. On page 73, lines 1 and 5, before the period insert
- 2 "as such title existed on the effective date of this act".

Senator Chambers filed the following amendment to LB 536:

FA205

Amend AM1356

Add a new section:

"No plant shall be eligible to receive credits under this act if it uses or derives energy for the production of ethanol from any fuel which does not contain ten percent of ethanol, with the exception of electrical energy."

Senator Chambers filed the following amendment to LB 536:

FA206

Amend AM1356

Amend repealer clause:

"Repeal outright sections 66-1344 and 66-1345 Revised Statutes Supplement, 2000."

### SELECT FILE

**LEGISLATIVE BILL 773.** Senator Burling withdrew his pending motion, found on page 1291, to indefinitely postpone.

Senator Kruse renewed his pending amendment, AM1418, printed separately and referred to on page 1455.

Senator Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

The Kruse 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 711.** E & R amendment, AM7075, printed separately and referred to on page 1230, was adopted.

Senators Wickersham and Vrtiska renewed their pending amendment, AM1595, found on page 1568.

The Wickersham-Vrtiska amendment was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 335.** E & R amendment, AM7092, found on page 1369, was adopted.

Senator Wickersham renewed his pending amendment, AM1335, found on page 1607.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 18 present

and not voting, and 6 excused and not voting.

Senator Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Kristensen renewed his pending amendment, AM1613, found on page 1609.

The Kristensen amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 335A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 489.** E & R amendment, AM7093, found on page 1373, was adopted.

Senator Quandahl renewed his pending amendment, AM1385, found on page 1392.

The Quandahl amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Senator Bromm renewed his pending amendment, AM1370, found on page 1393.

The Bromm 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 797.** E & R amendment, AM7097, found on page 1398, was adopted.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers renewed his pending amendment, AM1332, found on page 1421.

The Chambers amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Senator Raikes renewed his pending amendment, AM1466, found on page 1610.

The Raikes amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.



Senator Raikes renewed his pending amendment, AM1467, found on page 1614.

The Raikes amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Senator Raikes offered the following amendment:

AM1609

- 1 1. Insert the following new sections:
- 2 "Sec. 5. Section 79-215, Revised Statutes Supplement,
- 3 2000, 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 or any school district where at least one of his or her
- 7 parents reside and shall be admitted to ~~the~~ any such school
- 8 district upon request without charge.
- 9 (2) A school board shall admit any homeless student that
- 10 requests admission without charge.
- 11 (3) ~~The~~ A school board may allow a student whose
- 12 residency in the district ceases during a school year to continue
- 13 attending school in such district for the remainder of that school
- 14 year.
- 15 (4) A school board may admit nonresident students to the
- 16 school district pursuant to a contract with the district where the
- 17 student is a resident and shall collect tuition pursuant to the
- 18 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 79-246, and such admission shall
- 22 be without charge.
- 23 (6) A school board may admit a student who is a resident
- 24 of another state to the school district and collect tuition in
- 1 advance at a rate determined by the school board.
- 2 (7) When ~~the~~ a student as a ward of the state or as a
- 3 ward of any court (a) has been placed in a school district other
- 4 than the district in which he or she resided at the time he or she
- 5 became a ward and such ward does not reside in a foster family home
- 6 licensed or approved by the Department of Health and Human Services
- 7 or a foster home maintained or used pursuant to section 83-108.04
- 8 or (b) has been placed in any institution which maintains a special
- 9 education program which has been approved by the State Department
- 10 of Education and such institution is not owned or operated by the
- 11 district in which he or she resided at the time he or she became a
- 12 ward, the cost of his or her education and the required
- 13 transportation costs associated with the student's education shall
- 14 be paid by the state, but not in advance, to the receiving school
- 15 district or approved institution under rules and regulations
- 16 prescribed by the Department of Health and Human Services and the
- 17 student shall remain a resident of the district in which he or she

18 resided at the time he or she became a ward. Any student who is a  
19 ward of the state or a ward of any court who resides in a foster  
20 family home licensed or approved by the Department of Health and  
21 Human Services or a foster home maintained or used pursuant to  
22 section 83-108.04 shall be deemed a resident of the district in  
23 which the foster family home or foster home is located.

24 (8) When ~~the~~ a student is not a ward of the state or a  
25 ward of any court and is residing in a residential setting located  
26 in Nebraska for reasons other than to receive an education and the  
27 residential setting is operated by a service provider which is  
1 certified or licensed by the Department of Health and Human  
2 Services or is enrolled in the medical assistance program  
3 established under sections 68-1018 to 68-1025 and Title XIX or XXI  
4 of the federal Social Security Act, as amended, the student shall  
5 remain a resident of the district in which he or she resided  
6 immediately prior to residing in such residential setting. Upon  
7 request by a parent or legal guardian, the resident school district  
8 shall contract with the district in which such residential setting  
9 is located for the provision of all educational services, including  
10 all special education services. If the parent or legal guardian has  
11 requested that the resident school district contract with the  
12 district in which such residential setting is located, the district  
13 in which such residential setting is located shall contract with  
14 the resident district and provide all educational services,  
15 including all special education services, to the student. If the  
16 two districts cannot agree on the amount of the contract, the State  
17 Department of Education shall determine the amount to be paid by  
18 the resident district to the district in which such residential  
19 setting is located based on the needs of the student, approved  
20 special education rates, the department's general experience with  
21 special education budgets, and the cost per student in the district  
22 in which such residential setting is located. Once the contract has  
23 been entered into, all legal responsibility for special education  
24 and related services shall be transferred to the school district in  
25 which the residential setting is located. The resident district  
26 for a student who is not a ward of the state or a ward of any court  
27 does not change when the student moves from one residential setting  
1 to another.

2 (9) In the case of any individual eighteen years of age  
3 or younger who is a ward of the state or any court and who is  
4 placed in a county detention home established under section  
5 43-2,110, the cost of his or her education shall be paid by the  
6 state, regardless of the district in which he or she resided at the  
7 time he or she became a ward, to the agency or institution which:  
8 (a) Is selected by the county board with jurisdiction over such  
9 detention home; (b) has agreed or contracted with such county board  
10 to provide educational services; and (c) has been approved by the  
11 State Department of Education pursuant to rules and regulations  
12 prescribed by the State Board of Education.

13 (10) No tuition shall be charged for students who may be  
14 by law allowed to attend the school without charge.

15 (11) On a form prescribed by the State Department of  
16 Education, an adult with legal or actual charge or control of ~~the a~~  
17 student shall provide the name of the student, the name of the  
18 adult with legal or actual charge or control of the student, the  
19 address where the student is residing, and the phone number and  
20 address where the adult may generally be reached during the school  
21 day. If the student is homeless or if the adult does not have a  
22 phone number and address where he or she may generally be reached  
23 during the school day, those parts of the form may be left blank  
24 and a box may be marked acknowledging that these are the reasons  
25 these parts of the form were left blank. The adult with legal or  
26 actual charge or control of the student shall also sign the form.

27 (12) The department shall adopt and promulgate rules and  
1 regulations to carry out the department's responsibilities under  
2 this section.

3 Sec. 6. Section 79-237, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 79-237. (1)(a) Except as provided in subdivision (b) of  
6 this subsection, for a student to attend school in an option school  
7 district, the student's parent or legal guardian shall submit an  
8 application to the school board ~~or board of education~~ of the option  
9 school district between September 1 and ~~January 1~~ March 15 for  
10 enrollment during the following and subsequent school years.  
11 Applications submitted after January 1 shall be accompanied by a  
12 written release from the resident school district. The option  
13 school district shall provide the resident school district with the  
14 name of the applicant on or before ~~January 15~~ April 1. The option  
15 school district shall notify, in writing, the parent or legal  
16 guardian of the student, and the resident school district, and the  
17 State Department of Education whether the application is accepted  
18 or rejected on or before April 1.

19 (b) For a student to attend school in an option school  
20 district whose resident school district has a desegregation plan  
21 adopted by the school board ~~or the board of education~~ or ordered by  
22 the federal court, the student's parent or legal guardian shall  
23 submit an application to the school board ~~or board of education~~ of  
24 the resident school district between September 1 and January 1 for  
25 enrollment during the following and subsequent school years. If  
26 the application is accepted, the resident school district shall  
27 notify, in writing, the option school district and the parent or  
1 legal guardian of the student on or before February 1. If the  
2 application is rejected, the resident school district shall notify,  
3 in writing, the parent or legal guardian of the student on or  
4 before February 1. If the application is accepted by the resident  
5 school district, the option school district shall notify, in  
6 writing, the parent or legal guardian of the student, the resident  
7 school district, and the State Department of Education whether the

8 application is accepted or rejected by the option school district  
9 on or before April 1.

10 (2) Applications for students who do not actually attend  
11 the option school district may be withdrawn in good standing upon  
12 mutual agreement by both the resident and option school districts.

13 (3) No option student shall attend an option school  
14 district for less than one school year unless the student relocates  
15 to a different resident school district, completes requirements for  
16 graduation prior to the end of his or her senior year, transfers to  
17 a private or parochial school, or upon mutual agreement of the  
18 resident and option school districts cancels the enrollment option  
19 and returns to the resident school district.

20 (4) Except as provided in subsection (3) of this section,  
21 the option student shall attend the option school district until  
22 graduation unless the student relocates in a different resident  
23 school district, transfers to a private or parochial school, or  
24 chooses to return to the resident school district.

25 (5) In each case of cancellation pursuant to subsections  
26 (3) and (4) of this section, the student's parent or legal guardian  
27 shall notify the school board ~~or board of education~~ of the option  
1 school district and the resident school district and the department  
2 by ~~January 1~~ March 15 for automatic approval for the following  
3 school year.

4 (6) The application and cancellation forms shall be  
5 prescribed and furnished by the State Department of Education.

6 (7) An option student who subsequently chooses to attend  
7 a private or parochial school shall be automatically accepted to  
8 return to either the resident school district or option school  
9 district upon the completion of the grade levels offered at the  
10 private or parochial school. If such student chooses to return to  
11 the option school district, the student's parent or legal guardian  
12 shall submit another application to the school board ~~or board of~~  
13 ~~education~~ of the option school district which shall be  
14 automatically accepted, and the deadlines prescribed in this  
15 section shall be waived.

16 Sec. 7. Section 79-238, Revised Statutes Supplement,  
17 2000, is amended to read:

18 79-238. (1) Except as provided in section 79-240, the  
19 school board ~~or board of education~~ of the option school district  
20 shall adopt by resolution specific standards for acceptance and  
21 rejection of applications. Standards may include the capacity of a  
22 program, class, grade level, or school building or the availability  
23 of appropriate special education programs operated by the option  
24 district. Capacity shall be determined by setting a maximum number  
25 of option students that a district will accept in any program,  
26 class, grade level, or school building, based upon available staff,  
27 facilities, projected enrollment of resident students, projected  
1 number of students with which the option district will contract  
2 based on existing contractual arrangements, and availability of

3 appropriate special education programs. The school board ~~or board~~  
4 ~~of education~~ of the option school district may by resolution  
5 declare a program, a class, or a school unavailable to option  
6 students due to lack of capacity. Standards shall not include  
7 previous academic achievement, athletic or other extracurricular  
8 ability, disabilities, proficiency in the English language, or  
9 previous disciplinary proceedings except as provided in section  
10 79-266.01.

11 (2) A school district that has a desegregation plan  
12 adopted by the school board ~~or the board of education~~ or ordered by  
13 the federal court may adopt standards for acceptance and rejection  
14 of applications for transfer into or out of such district which are  
15 designed to make desegregation easier to maintain or improve.  
16 Desegregation is made easier to maintain or improve by standards  
17 which, considering all requests for transfer into or out of the  
18 school district received prior to the school district's application  
19 deadline established in conformity with section 79-237 or 79-240,  
20 prohibit transfers which if granted would increase the racial  
21 percentage in the school district's total enrollment of the  
22 minority group for whom the desegregation plan was ordered or  
23 adopted. Any such standards may apply to students residing within  
24 the school district who seek to transfer to a school in another  
25 school district and to students who reside in another district who  
26 seek to transfer into a school district which has a desegregation  
27 plan.

1 (3) Any option school district shall give first priority  
2 for enrollment to option students whose request for enrollment  
3 would aid the racial integration of the option school district and  
4 the resident school district and to siblings of option students,  
5 except that the option school district shall not be required to  
6 accept the sibling of an option student if the district is at  
7 capacity except as provided in subsections (2) and (4) of section  
8 79-240.

9 (4) For purposes of this section, racial integration is  
10 aided if a student transfers to an option school district in which  
11 his or her race is a smaller percentage of the total student  
12 enrollment of the option school district than it is of the  
13 student's resident school district."

14 2. On page 94, line 12, after "sections" insert  
15 "79-237, "; and in line 15 after the second comma insert "79-215,  
16 79-238,".

17 3. Renumber the remaining sections and correct internal  
18 references accordingly.

The Raikes amendment was adopted with 29 ayes, 0 nays, 12 present and  
not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 667.** E & R amendment, AM7099, found on page 1505, was adopted.

Senator Schrock asked unanimous consent to replace the Stuhr-Baker pending amendment, AM1454, printed separately and referred to on page 1480, with a substitute amendment. No objections. So ordered.

Senator Schrock withdrew the Stuhr-Baker pending amendment, AM1454, printed separately and referred to on page 1480.

Senator Schrock offered the following Stuhr substitute amendment:  
(Amendment on file in the Clerk's Office - Room 2018 - AM1637.)

The Stuhr amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator Baker renewed his pending amendment, AM1499, printed separately and referred to on page 1480.

The Baker 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.

### AMENDMENTS - Print in Journal

Senator Jones filed the following amendment to LB 305:  
AM1580

(Amendments to Standing Committee amendments, AM1406)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 48-233, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-233. (1) In addition to the penalties provided in the
- 5 Uniform Controlled Substances Act, any employee of a state agency,
- 6 political subdivision, or institution who possesses, dispenses,
- 7 delivers, administers, uses, or knowingly allows a subordinate
- 8 employee or a student attending such employee's employing
- 9 institution to possess, dispense, deliver, administer, or use an
- 10 anabolic steroid unless such substance is needed for a valid
- 11 medical purpose:
- 12 (a) For the first conviction, shall be dismissed from
- 13 employment and shall not be an employee of the dismissing entity or
- 14 any other state agency, political subdivision, or institution for a
- 15 period of one year after his or her dismissal; and
- 16 (b) For a second or any subsequent conviction, shall be
- 17 dismissed from employment and shall not thereafter be an employee
- 18 of the dismissing entity or any other state agency, political
- 19 subdivision, or institution.
- 20 (2) Any sanction imposed pursuant to this section shall

21 be subject to the Administrative Procedure Act, ~~except for those~~  
22 ~~employees governed by sections 79-824 to 79-842.~~

23 (3) The use of an anabolic steroid for the purpose of

1 hormonal manipulation that is intended to increase muscle mass,  
2 strength, or weight without a medical necessity to do so or for the  
3 intended purpose of improving physical appearance or performance in  
4 any form of exercise, sport, or game shall not be a valid medical  
5 purpose or in the course of professional practice.

6 Sec. 5. Section 79-4,108, Revised Statutes Supplement,  
7 2000, is amended to read:

8 79-4,108. (1)(a) Unified system means two or more Class  
9 II or III school districts participating in an interlocal agreement  
10 under the Interlocal Cooperation Act with approval from the State  
11 Committee for the Reorganization of School Districts. The  
12 interlocal agreement may include Class I districts if the entire  
13 valuation is included in the unified system. The interlocal  
14 agreement shall provide for a minimum term of three school years.  
15 The agreement shall provide that all property tax and state aid  
16 resources shall be shared by the unified system and that a board  
17 composed of school board members, with at least one school board  
18 member from each district, shall determine the general fund levy,  
19 within the limitations placed on school districts and  
20 multiple-district school systems pursuant to section 77-3442, to be  
21 applied in all participating districts and shall determine the  
22 distribution of property tax and state aid resources within the  
23 unified system. For purposes of section 77-3442, the  
24 multiple-district school system shall include all of the Class I,  
25 II, and III districts participating in the unified system and the  
26 Class I districts or portions thereof affiliated with any of the  
27 participating Class II and III districts.

1 (b) The interlocal agreement shall also provide that  
2 certificated staff will be employees of the unified system. For  
3 any certificated staff employed by the unified system, ~~tenure and~~  
4 seniority as of the effective date of the interlocal agreement  
5 shall be transferred to the unified system and ~~tenure and~~ seniority  
6 provisions shall continue in the unified system except as provided  
7 in sections 79-850 to 79-858. If a district withdraws from the  
8 unified system or if the interlocal agreement expires and is not  
9 renewed, certificated staff employed by a participating district  
10 immediately prior to the unification shall be reemployed by the  
11 original district and tenure and seniority as of the effective date  
12 of the withdrawal or expiration shall be transferred to the  
13 original district. The certificated staff hired by the unified  
14 system but not employed by a participating district immediately  
15 prior to the unification shall be subject to the reduction-in-force  
16 policy of the unified system. The interlocal agreement shall also  
17 require participating districts to pay obligations of the unified  
18 system pursuant to sections 79-850 to 79-858 on a pro rata basis  
19 based on the adjusted valuations if a district withdraws from the

20 unified system or if the interlocal agreement expires and is not  
21 renewed. Additional provisions in the interlocal agreement shall  
22 be determined by the participating districts and shall encourage  
23 cooperation within the unified system.

24 (2) Application for unification shall be made to the  
25 state committee. The application shall contain a copy of the  
26 interlocal agreement signed by the president of each participating  
27 school board. The state committee shall approve or disapprove  
1 applications for unification within thirty days after receipt of  
2 the application. If the interlocal agreement complies with  
3 subsection (1) of this section and all school boards of the  
4 participating districts have approved the interlocal agreement, the  
5 state committee shall approve the application. Unification  
6 agreements shall be effective on June 1 following approval from the  
7 state committee for status as a unified system or on the date  
8 specified in the interlocal agreement, except that the date shall  
9 be on or after June 1 and on or before September 1 for a specified  
10 year. The board established in the interlocal agreement may begin  
11 meeting any time after the application has been approved by the  
12 state committee.

13 (3) Upon granting the application for unification, the  
14 State Department of Education shall recognize the unified system as  
15 a single Class II or III district for state aid, budgeting,  
16 accreditation, enrollment of students, state programs, and  
17 reporting. The unified system shall submit a single report  
18 document for each of the reports required of school districts  
19 pursuant to Chapter 79 and shall submit a single budget document  
20 pursuant to the Nebraska Budget Act and sections 13-518 to 13-522.  
21 The class of district shall be the same as the majority of  
22 participating districts, excluding Class I districts. If there are  
23 an equal number of Class II and Class III districts in the unified  
24 system, the unified system shall be recognized by the department as  
25 a Class III district.

26 (4) The school districts participating in a unified  
27 system shall retain their separate identities for all purposes  
1 except those specified in this section, and participation in a  
2 unified system shall not be considered a reorganization.

3 Sec. 6. Section 79-846, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 79-846. ~~Prior to January 1, 1979, every~~ Every school  
6 board, ~~board of education, or governing board of any educational~~  
7 institution in Nebraska covered by the provisions of sections  
8 ~~79-824 to 79-842~~ shall adopt a reduction-in-force policy covering  
9 employees subject to such statutory provisions to carry out the  
10 intent of sections 79-846 to 79-849. No such policy shall allow  
11 the reduction of a permanent ~~or tenured~~ employee while a  
12 probationary employee is retained to render a service which such  
13 permanent employee is qualified by reason of certification and  
14 endorsement to perform or, in cases in which certification is not



15 applicable, by reason of college credits in the teaching area. If  
 16 employee evaluation is to be included as a criterion to be used for  
 17 reduction in force, specific criteria such as frequency of  
 18 evaluation, evaluation forms, and number and length of classroom  
 19 observations shall be included as part of the reduction-in-force  
 20 policy.

21 Sec. 7. Section 79-847, Reissue Revised Statutes of  
 22 Nebraska, is amended to read:

23 79-847. Before a reduction in force occurs, the school  
 24 board or ~~board of education~~ and the school district administration  
 25 shall present competent evidence demonstrating that a change in  
 26 circumstances has occurred necessitating a reduction in force. Any  
 27 alleged change in circumstances must be specifically related to the  
 1 teacher or teachers to be reduced in force, and the board, ~~based~~  
 2 ~~upon evidence produced at the hearing required by sections 79-824~~  
 3 ~~to 79-842~~, shall be required to specifically find that there are no  
 4 other vacancies on the staff for which the employee to be reduced  
 5 is qualified by endorsement or professional training to perform.

6 Sec. 8. Section 79-851, Revised Statutes Supplement,  
 7 2000, is amended to read:

8 79-851. The unified system or reorganized school  
 9 district or districts may terminate, ~~in accordance with sections~~  
 10 ~~79-824 to 79-842~~, the contracts of employment of teachers whose  
 11 employer's school district was or is to be closed, merged, or  
 12 otherwise altered as provided for unified systems or reorganized  
 13 school districts in section 79-850, except that such teachers shall  
 14 for the purpose of reduction in force be considered teachers of the  
 15 unified system or reorganized school district or districts and the  
 16 teachers shall be given full credit for the years of teaching  
 17 experience they had acquired as well as the same ~~tenure or~~  
 18 permanent status rights they had in the school district or  
 19 districts affected by the unification or reorganization.

20 Sec. 22. The following sections are outright repealed:

21 Sections 79-824 to 79-842, Reissue Revised Statutes of Nebraska."

22 2. On page 4, lines 17 and 18, strike "8 and 9" and  
 23 insert "13 and 14".

24 3. On page 19, line 23, strike "9" and insert "14".

25 4. On page 41, line 1, strike "section" and insert  
 26 "sections 48-233, 79-846, 79-847, and"; and in line 2 after the  
 27 second comma insert "79-4,108, 79-851,".

1 5. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 641:  
 AM1607

(Amendments to E & R amendments, AM7102)

1 1. On page 9, line 23, strike "or" and show as stricken;  
 2 and in line 26 after "69-2110" insert "; or

3 (4) Increase the lease payment or the total payments to  
 4 acquire ownership as a result of a consumer's declining to purchase

5 liability damage waiver".

Senators Tyson and Wehrbein filed the following amendment to LB 543:  
AM1631

(Amendments to Standing Committee amendments, AM1049)

1 PURPOSE: Provide \$258,639 Cash Funds and \$107,298 Federal Funds  
2 for FY2001-02 and \$195,878 Cash Funds and \$140,278 Federal Funds  
3 for FY2002-03 to allow for an earlier expansion of members into the  
4 new Norfolk Veterans' Home.

5 AMENDMENT:

6 1. On page 41, strike lines 7 through 10 and insert  
7 "CASH FUND                   13,828,905           13,762,350  
8 FEDERAL FUND est.        9,911,143           10,930,758  
9 PROGRAM TOTAL           37,540,565         40,707,136  
10 SALARY LIMIT             20,508,820         21,147,621".

Senators Cudaback and Schimek filed the following amendment to LB 142:  
AM1617

(Amendments to E & R amendments, AM7100)

1 1. On page 6, lines 8 and 9, strike "the" through  
2 "assessor" and insert ", as an elected position, any elected county  
3 office in any county to be consolidated into the municipal county".

Senator Wehrbein filed the following amendment to LB 758:  
AM1635

1 1. Strike original sections 1 and 2 and insert the  
2 following new section:  
3 "Section 1. Section 81-2,162.27, Reissue Revised  
4 Statutes of Nebraska, is amended to read:  
5 81-2,162.27. (1) All money received under the Nebraska  
6 Commercial Fertilizer and Soil Conditioner Act shall be remitted to  
7 the State Treasurer for credit to the Fertilizers and Soil  
8 Conditioners Administrative Fund, which fund is hereby created.  
9 All money so received shall be appropriated to the uses of the  
10 department for defraying the expenses of administering the act and  
11 excess funds at the end of any fiscal year may be used by the  
12 Department of Agriculture to contract with the University of  
13 Nebraska Institute of Agriculture and Natural Resources, Department  
14 of Agronomy and Horticulture, for agronomic crop production  
15 research projects. It is the intent of the Legislature that any  
16 such contract shall contain a provision that no funds shall be used  
17 for administrative purposes by the university in conjunction with  
18 the project that is the subject matter of the contract.  
19 (2) The Legislature finds that excess funds have  
20 accumulated in the Fertilizers and Soil Conditioners Administrative  
21 Fund, and such funds have accumulated from tonnage tax fees paid by  
22 retail fertilizer and soil conditioner agricultural businesses.  
23 For FY2001-02, the Department of Agriculture shall contract with  
24 the University of Nebraska Institute of Agriculture and Natural  
1 Resources, Department of Agronomy and Horticulture, for agronomic

- 2 crop production research on precise nitrogen management in  
 3 center-pivot irrigated corn systems, through which the department  
 4 shall provide at least three hundred thousand dollars for such  
 5 research. This funding shall be provided no later than October 1,  
 6 2001.  
 7 (3) Any unexpended balance in ~~such fund~~ the Fertilizers  
 8 and Soil Conditioners Administrative Fund at the close of any  
 9 biennium shall, when reappropriated, be available for the uses and  
 10 purposes of the fund for the succeeding biennium. Any money in the  
 11 fund available for investment shall be invested by the state  
 12 investment officer pursuant to the Nebraska Capital Expansion Act  
 13 and the Nebraska State Funds Investment Act."  
 14 2. Renumber the remaining section accordingly.

### SELECT COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 640.** Placed on Select File as amended.  
 E & R amendment to LB 640:  
 AM7110

- 1 1. In the Standing Committee amendment, AM1022:  
 2 a. On page 3, line 2; and page 13, line 18, strike "6"  
 3 and insert "7";  
 4 b. On page 6, line 3, after "regulations" insert  
 5 "adopted and"; and  
 6 c. On page 13, line 25, strike "and 17" and insert "17,  
 7 and 19".  
 8 2. On page 1, strike beginning with "the" in line 1  
 9 through line 8 and insert "juveniles; to amend section 43-413,  
 10 Reissue Revised Statutes of Nebraska, and sections 43-2401 to  
 11 43-2406, 43-2408, 43-2409, 43-2412, and 43-3503, Revised Statutes  
 12 Supplement, 2000; to change provisions relating to detention and  
 13 evaluation costs; to change provisions of the Juvenile Services  
 14 Act; to state intent; to harmonize provisions; to provide operative  
 15 dates; to repeal the original sections; and to declare an  
 16 emergency."

**LEGISLATIVE BILL 640A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 329A.** 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 329, Ninety-seventh

Legislature, First Session, 2001.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Price asked unanimous consent to have her name added as cointroducer to LB 366. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 60 fifth grade students and teachers from Lincoln Elementary School, Fremont; and 28 fourth grade students and teachers from Pawnee Elementary School, Pawnee City.

**ADJOURNMENT**

At 4:31 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, April 24, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTIETH DAY - APRIL 24, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 24, 2001

**PRAYER**

The prayer was offered by Senator Kruse.

**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 McDonald and Landis who were excused; and Senators Brashear, Brown, Cunningham, Erdman, Hartnett, Jensen, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-ninth day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 538.** Title read. Considered.

The Standing Committee amendment, AM1046, printed separately and referred to on page 1590, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 539.** Title read. Considered.

The Standing Committee amendment, AM1047, found on page 1590, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 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.

**LEGISLATIVE BILL 540.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 541.** Title read. Considered.

The Standing Committee amendment, AM1514, printed separately and referred to on page 1593, was considered.

Senator Wehrbein renewed his pending amendment, AM1626, found on page 1616, to the Standing Committee amendment.

### **SENATOR CUDABACK PRESIDING**

Senator Kristensen 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 25 ayes, 5 nays, and 19 not voting.

The Wehrbein amendment was adopted with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

Senators Bromm, Coordsen, and Wickersham 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 failed with 19 ayes, 5 nays, and 25 not voting.

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 2 nays, 8 present and not voting, and 9 excused and not voting.

Pending.

### **AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 640:  
AM1622

(Amendments to Standing Committee amendments, AM1022)

1. On page 3, line 8, strike "as amended," and show as

2 stricken; and in line 9 before the semicolon insert ", as the act  
3 existed on the operative date of this section".

### GENERAL FILE

**LEGISLATIVE BILL 541.** Senator Chambers moved to indefinitely postpone.

Senators Hartnett and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to E & R for review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 541A.** Title read. Considered.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 468A.** 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 468, Ninety-seventh Legislature, First Session, 2001.

### VISITORS

Visitors to the Chamber were 16 seventh and eighth grade students and teacher from Funk; 18 fourth grade students and teacher from Waterloo Elementary School; 40 twelfth grade students and teacher from Cambridge High School; and 50 fourth grade students and teachers from Rockwell Elementary School, Omaha.

### RECESS

At 11:52 a.m., on a motion by Senator Wehrbein, 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 Landis and McDonald who were excused; and Senators Brashear, Brown, Cunningham, Dierks, Jensen, Kristensen, and Schimek who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 543.** Title read. Considered.

The Standing Committee amendment, AM1049, printed separately and referred to on page 1594, was considered.

Senator Wehrbein renewed his pending amendment, AM1567, found on page 1616, to the Standing Committee amendment.

**SPEAKER KRISTENSEN PRESIDING**

Senator Hilgert 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 Wehrbein amendment was adopted with 30 ayes, 4 nays, 11 present and not voting, and 4 excused and not voting.

Senators Tyson and Wehrbein renewed their pending amendment, AM1631, found on page 1632, to the Standing Committee amendment.

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

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

FA207

Amend AM1049

On page 75, line 14, strike "108,369,199 121,825,247 and insert "97,085,374 102,273,523";

In line 18, strike "125,512,088 138,932,721" and insert "114,228,263 119,380,997";

In line 19, strike "64,922,080 73,279,432" and insert "56,197,192 58,224,605"

On page 75 strike line 27

Senator Chambers asked unanimous consent to replace his pending



amendment, FA207, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA207, found in this day's Journal.

Senator Chambers offered the following substitute amendment to the Standing Committee amendment:

FA211

Amend AM1049

On page 75 line 14 strike "108,369,199 121,825,247" and insert "108,368,199 121,824,247".

In line 18 strike "125,512,088 138,932,721" and insert "125,511,088 138,931,721".

In line 19 strike "64,922,080 73,279,432" and insert "64,921,080 73,278,432".

Senator Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

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

AM1630

(Amendments to Standing Committee amendments, AM1049)

- 1 PURPOSE: Delete the \$2.7 million of funding for the Attracting
- 2 Excellence to Teaching Program Act (loan forgiveness program).
- 3 AMENDMENT:
- 4 1. On page 16, strike line 24, and insert "CASH FUND
- 5 5,378,968 5,388,244"; and strike line 27 and insert "PROGRAM
- 6 TOTAL 987,057,908 1,017,558,695".
- 7 2. On page 17, lines 3 and 7, strike "\$7,014,926" and
- 8 insert "\$4,314,926".
- 9 3. On page 19, strike lines 13 through 16.
- 10 4. On page 141, in lines 26 and 27 strike ", Attracting
- 11 Excellence to Teaching Program Cash Fund".
- 12 5. On page 158, strike lines 24 and 25; and in line 26
- 13 strike "(e)" and insert "(d)".
- 14 6. On page 159, line 2, strike "(f)" and insert "(e)";
- 15 in line 6 strike "(g)" and insert "(f)"; in line 8 strike "(h)" and
- 16 insert "(g)"; in line 10 strike "(i)" and insert "(h)"; in line 14
- 17 strike "(j)" and insert "(i)"; in line 17 strike "(k)" and insert
- 18 "(j)"; in line 21 strike "(l)" and insert "(k)"; and in line 24
- 19 strike "(m)" and insert "(l)".
- 20 7. On page 160, line 1, strike "(n)" and insert "(m)";
- 21 in line 5 strike "(o)" and insert "(n)"; in line 9 strike "(p)" and
- 22 insert "(o)"; in line 13 strike "(q)" and insert "(p)"; in line 16
- 23 strike "(r)" and insert "(q)"; and in line 20 strike "(s)" and
- 1 insert "(r)".

- 2 8. On page 161, strike lines 17 and 18; in line 19  
 3 strike "(e)" and insert "(d)"; in line 22 strike "(f)" and insert  
 4 "(e)"; and in line 26 strike "(g)" and insert "(f)".  
 5 9. On page 162, line 1, strike "(h)" and insert "(g)";  
 6 in line 3 strike "(i)" and insert "(h)"; in line 6 strike "(j)" and  
 7 insert "(i)"; in line 9 strike "(k)" and insert "(j)"; in line 12  
 8 strike "(l)" and insert "(k)"; in line 16 strike "(m)" and insert  
 9 "(l)"; in line 20 strike "(n)" and insert "(m)"; in line 24 strike  
 10 "(o)" and insert "(n)"; and in line 26 strike "(p)" and insert  
 11 "(o)".  
 12 10. On page 163, line 2, strike "(q)" and insert "(p)";  
 13 and in line 6 strike "(r)" and insert "(q)".

Senators Coordsen, D. Pederson, and Dw. Pedersen 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 20 ayes, 0 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Chambers	Cudaback	Janssen	Kristensen	Price
Raikes	Robak	Schimek	Schrock	Tyson
Wickersham				

Voting in the negative, 27:

Aguilar	Baker	Bourne	Brashear	Brown
Bruning	Burling	Byars	Coordsen	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Jones	Kruse	Maxwell	Preister
Quandahl	Redfield	Smith	Stuhr	Suttle
Thompson	Wehrbein			

Present and not voting, 6:

Beutler	Bromm	Connealy	Cunningham	Jensen
Vrtiska				

Excused and not voting, 5:

Kremer	Landis	McDonald	Pedersen, Dw.	Pederson, D.
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The Chambers amendment lost with 11 ayes, 27 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

### AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendment to LB 313:  
AM1641

(Amendments to Second Final Reading copy)

- 1 1. On page 2, line 10, strike "2003" and insert "2002".
- 2 2. On page 7, lines 25 and 26, strike "each" through
- 3 "2003-04", show the old matter as stricken, and insert "for school
- 4 fiscal year 2001-02"; and in line 27 after the period insert "For
- 5 school fiscal year 2002-03, two million dollars plus any unused
- 6 funds that were made available for base fiscal year incentive
- 7 payments in school fiscal year 2001-02 shall be set aside for base
- 8 fiscal year incentive payments pursuant to such subsection.".
- 9 3. On page 8, strike beginning with "two" in line 17
- 10 through "2003-04" in line 20, show the old matter as stricken, and
- 11 insert "amount set aside for such school fiscal year"; and in line
- 12 28 strike "two" through "year", show the old matter as stricken,
- 13 and insert "the amount set aside for such school fiscal year.".
- 14 4. On page 9, strike beginning with line 1 through the
- 15 comma in line 2 and show the old matter as stricken; strike
- 16 beginning with "two" in line 5 through "applicable" in line 6, show
- 17 the old matter as stricken, and insert "the amount set aside for
- 18 such school fiscal year"; in line 10 strike "2005" and insert
- 19 "2003"; and in line 25 strike "2003" and insert "2002".
- 20 5. On page 11, lines 26 and 28, strike the new matter
- 21 and reinstate the stricken matter.
- 22 6. On page 12, lines 1, 2, and 4, strike the new matter
- 23 and reinstate the stricken matter; in line 5 after "Fund" insert
- 1 "minus two million dollars"; and in line 8 strike "2006" and insert
- 2 "2005".

Senator Kristensen filed the following amendment to LB 242:  
AM1640

(Amendments to E & R amendments, AM7109)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 49-1449, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 49-1449. Each committee shall file a statement of
- 5 organization with the ~~filing officials designated in section~~
- 6 ~~49-1464 to receive the committee's campaign statements commission.~~
- 7 Such statement of organization shall be filed within ten days after
- 8 a committee is formed. ~~Any committee in existence on July 1, 1977,~~
- 9 ~~and desiring to remain in existence shall file a statement with the~~
- 10 ~~appropriate filing officials within thirty days after July 1, 1977.~~
- 11 ~~Any committee in existence on July 1, 1977, and not filing a~~
- 12 ~~statement within thirty days after such date shall be dissolved.~~
- 13 ~~The filing official~~ The commission shall maintain a statement of

14 organization filed by a committee until notified of the committee's  
15 dissolution. Any person who fails to file with the commission a  
16 statement of organization required by this section shall pay to the  
17 commission a late filing fee of twenty-five dollars for each day  
18 the statement remains not filed in violation of this section, not  
19 to exceed seven hundred fifty dollars.

20 Sec. 3. Section 49-1463.01, Revised Statutes Supplement,  
21 2000, is amended to read:

22 49-1463.01. (1) A person required to pay a late filing  
23 fee imposed under section 32-1604.01, ~~49-1446.05~~, 49-1449, 49-1458,  
24 1 49-1463, 49-1467, 49-1469, 49-1478.01, or 49-1479.01 may apply to  
25 2 the commission for relief. The commission by order may reduce the  
26 3 amount of a late filing fee imposed and waive any or all of the  
27 4 interest due on the fee upon a showing by such person that (a) the  
28 5 circumstances indicate no intent to file late, (b) the person has  
29 6 not been required to pay late filing fees for two years prior to  
30 7 the time the filing was due, (c) the late filing shows that less  
31 8 than five thousand dollars was raised, received, or expended during  
32 9 the reporting period, and (d) a reduction of the late fees and  
33 10 waiver of interest would not frustrate the purposes of the Nebraska  
34 11 Political Accountability and Disclosure Act.

35 12 (2) A person required to pay a late filing fee imposed  
36 13 for failure to file a statement of exemption under subsection (2)  
37 14 of section 49-1459 may apply to the commission for relief. The  
38 15 commission by order may reduce or waive the late filing fee and  
39 16 waive any or all of the interest due on the fee, and the person  
40 17 shall not be required to make a showing as provided by subsection  
41 18 (1) of this section.

42 19 Sec. 4. Section 49-1464, Reissue Revised Statutes of  
43 20 Nebraska, is amended to read:

44 21 49-1464. (4) The campaign statement of any committee,  
45 22 including a candidate committee, a ballot question committee, or a  
46 23 political party committee, shall be filed with the commission, and  
47 24 a copy with the election commissioner or, if there is no election  
48 25 commissioner, the clerk of the county of residence of the  
49 26 candidate.

50 27 (2) The campaign statement of a ballot question committee  
51 1 supporting or opposing (a) a statewide ballot question or (b) a  
52 2 ballot question to be voted upon in more than one county, but not  
53 3 statewide, shall be filed with the commission. A ballot question  
54 4 committee supporting or opposing a ballot question to be voted upon  
55 5 within a single county shall file a statement with the commission  
56 6 and with the election commissioner or, if there is no election  
57 7 commissioner, the clerk of that county.

58 8 (3) The campaign statement of a political party committee  
59 9 that is a state central, district, or county committee shall be  
60 10 filed with the commission. A copy of the campaign statement of a  
61 11 district political party committee shall be filed with the election  
62 12 commissioner or, if there is no election commissioner, the clerk of

13 the most populous county in the district. A copy of the campaign  
14 statement of a county committee shall be filed with the election  
15 commissioner or, if there is no election commissioner, the clerk of  
16 that county.

17 (4) The campaign statement of any other committee not  
18 covered under this section shall be filed with the commission.

19 Sec. 5. Section 49-1467, Revised Statutes Supplement,  
20 2000, is amended to read:

21 49-1467. (1) Any person, other than a committee, who  
22 makes an independent expenditure advocating the election of a  
23 candidate or the defeat of a candidate's opponents or the  
24 qualification, passage, or defeat of a ballot question, which is in  
25 an amount of more than two hundred fifty dollars, shall file a  
26 report of the independent expenditure, within ten days, with the  
27 commission and the election commissioner or, if there is no  
1 election commissioner, the clerk of the county of residence of that  
2 person. The report shall be made on an independent expenditure  
3 report form provided by the commission and shall include the date  
4 of the expenditure, a brief description of the nature of the  
5 expenditure, the amount of the expenditure, the name and address of  
6 the person to whom it was paid, the name and address of the person  
7 filing the report, together with the name, address, occupation,  
8 employer, and principal place of business of each person who  
9 contributed more than two hundred fifty dollars to the expenditure.  
10 The commission shall forward copies, as required, to the  
11 appropriate filing officers as described in section 49-1464.

12 (2) Any person who fails to file a report of an  
13 independent expenditure with the commission as required by this  
14 section shall pay to the commission a late filing fee of  
15 twenty-five dollars for each day the statement remains not filed in  
16 violation of this section not to exceed seven hundred fifty  
17 dollars.

18 (3) Any person who violates the provisions of this  
19 section shall be guilty of a Class IV misdemeanor.

20 Sec. 6. Section 49-1483, Revised Statutes Supplement,  
21 2000, is amended to read:

22 49-1483. (1) Every registered lobbyist for each of his  
23 or her principals, and every principal employing a registered  
24 lobbyist, shall file a separate statement for each calendar quarter  
25 with the Clerk of the Legislature within fifteen days after the end  
26 of each calendar quarter.

27 Each statement shall show the following:

- 1 (a) The total amount received or expended directly or
- 2 indirectly for the purpose of carrying on lobbying activities, with
- 3 the following categories of expenses each being separately
- 4 itemized: (i) Miscellaneous expenses; (ii) entertainment, including
- 5 expenses for food and drink as provided in subdivision (2)(b) of
- 6 this section; (iii) lodging expenses; (iv) travel expenses; (v)
- 7 lobbyist compensation, except that when a principal retains the

8 services of a person who has only part-time lobbying duties, only  
9 the compensation paid which is reasonably attributable to  
10 influencing legislative action need be reported; (vi) lobbyist  
11 expense reimbursement; (vii) admissions to a state-owned facility  
12 or a state-sponsored industry or event as provided in subdivision  
13 (2)(b) of this section; and (viii) office expenses, if reported;

14 (b) A detailed statement of any money which is loaned,  
15 promised, or paid by a lobbyist, a principal, or anyone acting on  
16 behalf of either to an official in the executive or legislative  
17 branch or member of such official's staff. The detailed statement  
18 shall identify the recipient and the amount and the terms of the  
19 loan, promise, or payment; and

20 (c) The total amount expended for gifts, other than  
21 admissions to a state-owned facility or a state-sponsored industry  
22 or event, as provided in subdivision (2)(b) of this section.

23 (2)(a) The statement is not required to include office  
24 expenses.

25 (b) ~~For purposes of~~ In addition to the entertainment  
26 expenses reported under subdivision (1)(a)(ii) of this section,  
27 admissions reported under subdivision (1)(a)(vii) of this section,  
1 and gifts reported under subdivision (1)(c) of this section, the  
2 statement shall disclose the aggregate expenses for such  
3 entertainment, admissions, and gifts for each of the following  
4 categories of elected officials: Members of the Legislature; and  
5 officials in the executive branch of the state. ~~For purposes of~~  
6 ~~this subdivision, entertainment expenses shall be limited to the~~  
7 ~~average cost attributable to an official if an entertainment~~  
8 ~~expense is for an event to which persons other than such officials~~  
9 ~~are invited.~~

10 (c) For purposes of reporting aggregate expenses for  
11 entertainment for members of the Legislature and officials in the  
12 executive branch of the state as required by subdivision (2)(b) of  
13 this section, the reported amount shall include the actual amounts  
14 attributable to entertaining members of the Legislature and  
15 officials in the executive branch of the state. When the nature of  
16 an event at which members of the Legislature are entertained makes  
17 it impractical to determine the actual cost, the cost of  
18 entertainment shall be the average cost per person multiplied by  
19 the number of members of the Legislature in attendance. When the  
20 nature of an event at which officials in the executive branch of  
21 the state are entertained makes it impractical to determine the  
22 actual cost, the cost of entertainment shall be the average cost  
23 per person multiplied by the number of officials in the executive  
24 branch of the state in attendance. For purposes of this  
25 subdivision, the average cost per person means the cost of the  
26 event divided by the number of persons expected to attend the  
27 event.

1 (d) The lobbyist shall also file any changes or  
2 corrections to the information set forth in the registration

3 required pursuant to section 49-1480 so as to reflect the  
4 correctness of such information as of the end of each calendar  
5 quarter for which such statement is required by this section.

6 (3) If a lobbyist does not expect to receive lobbying  
7 receipts from or does not expect to make lobbying expenditures for  
8 a principal, the quarterly statements required by this section as  
9 to such principal need not be filed by the lobbyist if the  
10 principal and lobbyist both certify such facts in writing to the  
11 Clerk of the Legislature. A lobbyist exempt from filing quarterly  
12 statements pursuant to this section shall (a) file a statement of  
13 activity pursuant to section 49-1488 and (b) resume or commence  
14 filing quarterly statements with regard to such principal starting  
15 with the quarterly period the lobbyist receives lobbying receipts  
16 or makes lobbying expenditures for such principal.

17 (4) If a principal does not expect to receive lobbying  
18 receipts or does not expect to make lobbying expenditures, the  
19 quarterly statements required pursuant to this section need not be  
20 filed by the principal if the principal and lobbyist both certify  
21 such facts in writing to the Clerk of the Legislature. A principal  
22 exempt from filing quarterly statements pursuant to this section  
23 shall commence or resume filing quarterly statements starting with  
24 the quarterly period the principal receives lobbying receipts or  
25 makes lobbying expenditures.

26 (5) For purposes of sections 49-1480 to 49-1492.01,  
27 calendar quarter shall mean the first day of January through the  
1 thirty-first day of March, the first day of April through the  
2 thirtieth day of June, the first day of July through the thirtieth  
3 day of September, and the first day of October through the  
4 thirty-first day of December.

5 Sec. 8. Section 49-1494, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 49-1494. (1) An individual who files to appear on the  
8 ballot for election to an elective office specified in section  
9 49-1493 shall file a statement of financial interests for the  
10 preceding calendar year at the same time and with the same official  
11 with whom the individual files and shall, within five days, file a  
12 copy of the statement with the commission. Candidates for the  
13 elective offices specified in section 49-1493 who qualify other  
14 than by filing shall, within fifteen days after becoming a  
15 candidate or within fifteen days after being appointed to that  
16 elective office, file a statement for the preceding calendar year  
17 with the commission. This section shall not apply to a person who  
18 has already filed a statement ~~in that~~ for the preceding calendar  
19 year, ~~pursuant to section 49-1493~~. A filing to appear on the  
20 ballot shall not be accepted by a filing official unless a  
21 statement is properly filed. Financial interest statements shall  
22 be preserved for a period of not less than eighteen months by the  
23 officials other than the commission with whom they are filed; and  
24 for a period of not less than five years by the commission.

- 25 (2) If the candidate for an elective office specified in  
 26 section 49-1493 files to appear on the ballot for election prior to  
 27 January 1 of the year in which the election is held, the candidate  
 1 shall file supplementary statements with the appropriate filing  
 2 officials on or before April 1 of the year in which the election is  
 3 held covering the preceding calendar year.
- 4 Sec. 9. Section 49-1495, Reissue Revised Statutes of  
 5 Nebraska, is amended to read:  
 6 49-1495. (1) An individual appointed to an office  
 7 specified in section 49-1493 shall, before assuming duties, file a  
 8 statement for the preceding calendar year with the commission. When  
 9 confirmation is required, the individual shall file a statement of  
 10 financial interests for the preceding calendar year with the  
 11 commission prior to the confirmation hearing or prior to assuming  
 12 his or her duties, whichever comes first.
- 13 (2) ~~An individual designated in section 49-1493 shall,~~  
 14 ~~within five days, file with the election commissioner of the county~~  
 15 ~~in which the individual resides a copy of any statement that~~  
 16 ~~individual files with the commission. If the county has no~~  
 17 ~~election commissioner, the individual shall file the copy of the~~  
 18 ~~statement with the clerk of the county in which the individual~~  
 19 ~~resides. The commission, election commissioners, and clerks of the~~  
 20 ~~counties shall make the statements available for public inspection~~  
 21 ~~during regular office hours and shall make copying facilities~~  
 22 ~~available at a cost of not to exceed fifty cents per page.~~
- 23 Sec. 25. The following section is outright repealed:  
 24 Section 49-1446.05, Revised Statutes Supplement, 2000".  
 25 2. On page 19, line 17, after "sections" insert  
 26 "49-1464, 49-1494, 49-1495,"; and in line 19 after the second comma  
 27 insert "49-1449, 49-1463.01, 49-1467, 49-1483,".
- 1 3. Renumber the remaining sections and correct internal  
 2 references accordingly.

## RESOLUTION

### LEGISLATIVE RESOLUTION 63. Introduced by Hudkins, 21.

**PURPOSE:** This interim study will examine the environmental and hydrologic impacts of current Metropolitan Utilities District (MUD) plans to pump nineteen billion gallons of water per year from the Platte River basin to the Missouri River basin for use by the cities of Omaha, Nebraska, and Carter Lake, Iowa.

Specifically, the interim study should take under consideration how, if implemented, the present MUD water transfer proposal could: (1) Result in a significant lowering of the water tables which serve Saunders, Cass, Douglas, Lancaster, and Sarpy counties, affecting area farmers and their communities; (2) cause a dramatic diminution in the flow of the Platte River; (3) alter the City of Lincoln's ability to meet its long-term water needs for surface water from the Platte River to replenish local aquifers



supplying Lincoln's water; and (4) conflict with interbasin and interstate transfer prohibitions, as well as other restrictions, contained in Chapter 46 of the Nebraska Revised Statutes.

Should the study reveal a need to do so, the appropriate preventive statutory language will be prepared for introduction during the subsequent legislative session to address any injurious consequences, including those discussed in subdivisions (1) through (4) of this resolution, of carrying out the current MUD water transfer proposal.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 543.** Senator Chambers offered the following amendment to the Standing Committee amendment:

FA209

Amend AM1049

On page 86, in lines 13 and 14 strike "3,184,050 3,184,050" and insert "2,434,050 2,434,050".

Purpose: Reduce General Fund appropriation for Postsecondary Education Award Program by \$750,000 for each of FY2001-02 and FY2002-03.

Senators Preister and Beutler asked unanimous consent to be excused. No objections. So ordered.

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

Senator Hilgert requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 4:

Price	Raikes	Schimek	Wickersham
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Voting in the negative, 33:

Aguilar	Baker	Bourne	Brashear	Bromm
Bruning	Byars	Connealy	Coordsen	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Janssen	Jensen	Kristensen	Kruse
Maxwell	Pedersen, Dw.	Quandahl	Redfield	Robak
Schrock	Smith	Stuhr	Suttle	Thompson

Tyson            Vrtiska            Wehrbein

Present and not voting, 6:

Brown            Burling            Chambers            Cudaback            Hudkins  
Jones

Excused and not voting, 6:

Beutler            Kremer            Landis            McDonald            Pederson, D.  
Preister

The Chambers amendment lost with 4 ayes, 33 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider the vote on his amendment, FA209.

Senators Quandahl, Schrock, and Janssen asked unanimous consent to be excused. No objections. So ordered.

### **SENATOR CUDABACK PRESIDING**

Senator Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 6:

Chambers            Hudkins            Price            Raikes            Schimek  
Wickersham

Voting in the negative, 24:

Aguilar            Baker            Bourne            Bruning            Burling  
Byars            Connealy            Coordsen            Dierks            Engel  
Erdman            Foley            Hartnett            Hilgert            Kruse  
Maxwell            Pedersen, Dw.            Redfield            Smith            Stuhr  
Suttle            Thompson            Tyson            Wehrbein

Present and not voting, 10:

Brashear            Bromm            Brown            Cudaback            Cunningham  
Jensen            Jones            Kristensen            Robak            Vrtiska

Excused and not voting, 9:

Beutler            Janssen            Kremer            Landis            McDonald  
Pederson, D.            Preister            Quandahl            Schrock

The Chambers motion to reconsider failed with 6 ayes, 24 nays, 10 present and not voting, and 9 excused and not voting.

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

AM1643

(Amendments to Standing Committee amendments, AM1049)

- 1 1. On page 96, after line 9 insert the following:
- 2 "The University of Nebraska shall, to the maximum extent
- 3 possible, seek to fill all vacancies on its faculty through an open
- 4 competitive recruitment process. Such process means one in which
- 5 the faculty vacancy is advertised in such a way as to attempt to
- 6 attract a pool of qualified applicants both from the University of
- 7 Nebraska and elsewhere. By January 31 of each year, the University
- 8 of Nebraska shall provide a report to the Legislature indicating
- 9 the number of faculty positions filled during the preceding
- 10 calendar year, the number filled through an open competitive
- 11 recruitment process, and an explanation of why each position not so
- 12 filled occurred."

Pending.

#### AMENDMENTS - Print in Journal

Senator Connealy filed the following amendment to LB 849:

AM1574

(Amendments to Standing Committee amendments, AM0972)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendment:
- 3 "1. On page 5, after line 18 insert:
- 4 'Claim No. 01-219, against the Office of the
- 5 Attorney General, pay to Smith, King & Freudenberg,
- 6 c/o John R. Freudenberg, Box 490, Rushville, NE
- 7 69360, out of the General Fund. 682.50
- 8 Claim No. 01-220, against the Office of the Attorney
- 9 General, pay to Smith, King & Freudenberg, c/o John
- 10 R. Freudenberg, Box 490, Rushville, NE 69360,
- 11 out of the General Fund. 299.70
- 12 Claim No. 01-221, against the Office of the Attorney
- 13 General, pay to Smith, King & Freudenberg, c/o John
- 14 R. Freudenberg, Box 490, Rushville, NE 69360,
- 15 out of the General Fund. 735.00
- 16 Claim No. 01-255, against the Office of the Attorney
- 17 General, pay to Lincoln County Attorney, c/o Jeff
- 18 Meyer, 301 N. Jeffers, Suite 101A,
- 19 North Platte, NE 69101, out of the General Fund. 500.00
- 20 Claim No. 01-283, against the Office of the Attorney
- 21 General, pay to Lincoln County Attorney, c/o Jeff
- 22 Meyer, 301 N. Jeffers, Suite 101A, North Platte,

23 NE 69101, out of the General Fund.	500.00
1 Claim No. 01-284, against the Office of the Attorney	
2 General, pay to <u>Lincoln County Attorney</u> , c/o Jeff	
3 Meyer, 301 N. Jeffers, Suite 101A, North Platte,	
4 NE 69101, out of the General Fund.	500.00
5 Claim No. 01-285, against the Office of the Attorney	
6 General, pay to <u>Lincoln County Attorney</u> , c/o Jeff	
7 Meyer, 301 N. Jeffers, Suite 101A, North Platte,	
8 NE 69101, out of the General Fund.	500.00
9 Claim No. 01-286, against the Office of the Attorney	
10 General, pay to <u>Lincoln County Attorney</u> , c/o Jeff	
11 Meyer, 301 N. Jeffers, Suite 101A, North Platte,	
12 NE 69101, out of the General Fund.	500.00
13 Claim No. 01-310, against the Office of the Attorney	
14 General, pay to <u>Smith, King &amp; Freudenberg</u> , c/o John	
15 R. Freudenberg, Box 490, Rushville, NE 69360,	
16 out of the General Fund.	187.50
17 Claim No. 01-340, against the Secretary of State,	
18 pay to <u>Nebraska Press Advertising Service</u> , c/o Allen	
19 Beerman, 845 S Street, Lincoln, NE 68508, out of	
20 the General Fund.	214,985.21
21 Claim No. 01-364, against the Department of Health	
22 and Human Services, pay to <u>Joan Marr</u> , 1935 Q Street,	
23 Lincoln, NE 68503, out of the the General Fund	43,623.28
24 Claim No. 01-487, against the Office of the Attorney	
25 General, pay to <u>Smith, King &amp; Freudenberg</u> , c/o John	
26 R. Freudenberg, Box 490, Rushville, NE 69360,	
27 out of the General Fund.	907.20
1 Claim No. 01-517, against the Office of the Attorney	
2 General, pay to <u>Smith, King &amp; Freudenberg</u> , c/o John	
3 R. Freudenberg, Box 490, Rushville, NE 69360,	
4 out of the General Fund.	559.00';
5 in line 23 strike '41,447.12' and insert '305,926.51'; and in line	
6 25 strike '50,268.21' and insert '314,747.60'.	

Senator Connealy filed the following amendment to LB 849:

AM1648

(Amendments to Standing Committee amendments, AM0972)

- 1 1. On page 2, line 14, strike "10,471.07" and insert
- 2 "10,417.07".

Senator Wickersham filed the following amendment to LB 543:

AM1654

(Amendments to Standing Committee amendments, AM1049)

- 1 1. On page 61, line 26, strike "5,670,000 5,670,000"
- 2 and insert "5,170,000 4,170,000".
- 3 2. On page 62, line 1, strike "5,720,000 5,720,000" and
- 4 insert "5,220,000 4,220,000"; in line 5 strike "\$5,670,000" and
- 5 insert "\$5,170,000"; in line 8 strike "\$5,670,000" and insert

6 "\$4,170,000"; in line 11 strike "\$3,500,000" and insert  
 7 "\$3,000,000"; in line 14 before the period insert ", except no  
 8 funds shall be allocated to the Antelope Valley project"; in line  
 9 16 strike "\$3,500,000" and insert "\$2,000,000"; in line 19 before  
 10 the period insert ", except no funds shall be allocated to the  
 11 Antelope Valley project"; and in line 20 strike "\$3,500,000" and  
 12 insert "funds".

Senator Chambers filed the following amendment to LB 543:

FA210

Amend AM1049

On page 85, in line 9 strike "1,566,023 1,566,023" and insert "1,866,023  
 1,866,023"; in line 11 strike "1,646,399 1,646,399" and insert "1,946,399  
 1,946,399"; in lines 21 and 22 strike "2,369,988 2,369,988" and insert  
 "2,669,988 2,669,988"; and on page 86, in lines 13 and 14 strike "3,184,050  
 3,184,050" and insert "2,584,050 2,584,050".

Purpose: (1) Increase General Fund appropriation to State Scholarship  
 Award Program by \$300,000 for each of FY2001-02 and FY2002-03.

(2) Increase General Fund appropriation for Scholarship Assistance Program  
 by \$300,000 for each of FY2001-02 and FY2002-03.

(3) Reduce General Fund appropriation for Postsecondary Education Award  
 Program by \$600,000 for each of FY2001-02 and FY2002-03.

Senator Schrock filed the following amendment to LB 329:

AM1653

(Amendments to AM1588)

- 1 1. On page 6, line 16, strike "fifty", show as stricken,
- 2 and insert "twenty-five".

## VISITORS

Visitors to the Chamber were Nebraska Pork Producers' mentoring students;  
 71 fourth grade students and teachers from Tara Height Elementary School,  
 Papillion; and 35 fourth grade students and teachers from Plainview  
 Elementary School.

The Doctor of the Day was Dr. Sauer from Lincoln.

## ADJOURNMENT

At 6:33 p.m., on a motion by Senator Wickersham, the Legislature  
 adjourned until 9:00 a.m., Wednesday, April 25, 2001.

Patrick J. O'Donnell  
 Clerk of the Legislature



**SEVENTY-FIRST DAY - APRIL 25, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 25, 2001

**PRAYER**

The prayer was offered by Pastor Matt Geiger, First Plymouth Congregational 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 Senator McDonald who was excused; and Senators Brashear, Brown, Coordsen, Cunningham, Dierks, Landis, Raikes, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventieth day was approved.

**MESSAGE FROM THE GOVERNOR**

April 20, 2001

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:  
Nolan Berry, 1710 21st, Gering NE 69341

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

## RESOLUTION

### **LEGISLATIVE RESOLUTION 64.** Introduced by Aguilar, 35.

WHEREAS, Rocky Czaplewski, a senior at Grand Island Central Catholic High School, competed at the 2001 Nebraska state high school speech tournament on March 15 and 16; and

WHEREAS, Mr. Czaplewski competed in the category of extemporaneous speaking; and

WHEREAS, the category of extemporaneous requires the competing speakers to draw a topic, then prepare for one hour, before speaking on the topic, and the speech must include an introduction, a conclusion, and several sources; and

WHEREAS, Mr. Czaplewski won the 2001 state high school championship in extemporaneous speaking; and

WHEREAS, the 2001 state championship was Mr. Czaplewski's second consecutive state championship in extemporaneous speaking; and

WHEREAS, Mr. Czaplewski won two gold medals in the 2000-01 speech season, including his state championship in extemporaneous speaking, and seven gold medals in the 1999-00 season; and

WHEREAS, Mr. Czaplewski is coached by Grand Island Central Catholic High School speech and drama coach Pam Krall.

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

1. That the Legislature congratulates Rocky Czaplewski of Grand Island Central Catholic High School on his 2001 state championship in extemporaneous speaking.

2. That a copy of this resolution be sent to Rocky Czaplewski and Coach Pam Krall.

Laid over.

## GENERAL FILE

### **LEGISLATIVE BILL 329A.** 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.



**SELECT FILE**

**LEGISLATIVE BILL 827A.** Advanced to E & R for engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 543.** The Foley pending amendment, AM1643, found on page 1649, to the Standing Committee amendment, was renewed.

Senators Engel and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Foley requested a record vote on his amendment.

Voting in the affirmative, 1:

Foley

Voting in the negative, 26:

Aguilar	Bourne	Brashear	Bruning	Chambers
Connealy	Cunningham	Hilgert	Janssen	Jensen
Kremer	Kristensen	Pederson, D.	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Suttle	Thompson	Vrtiska	Wehrbein
Wickersham				

Present and not voting, 15:

Baker	Beutler	Bromm	Burling	Byars
Cudaback	Erdman	Hartnett	Hudkins	Jones
Kruse	Maxwell	Preister	Stuhr	Tyson

Excused and not voting, 7:

Brown	Coordsen	Dierks	Engel	Landis
McDonald	Pedersen, Dw.			

The Foley amendment lost with 1 aye, 26 nays, 15 present and not voting, and 7 excused and not voting.

Senator Wickersham renewed his pending amendment, AM1654, found on page 1650, to the Standing Committee amendment.

Senators Erdman and Kruse asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Thompson moved the previous question. The question is, "Shall the debate now close?"

Senator Beutler moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, and 17 present and not voting.

The Chair declared the call raised.

The Wickersham amendment lost with 12 ayes, 28 nays, 6 present and not voting, and 3 excused and not voting.

Senator Chambers renewed his pending amendment, FA210, found on page 1651, to the Standing Committee amendment.

Senators Beutler, Coordsen, Dierks, and Bruning 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 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 6:

Hudkins	Price	Raikes	Robak	Schimek
Wickersham				

Voting in the negative, 31:

Aguilar	Baker	Bourne	Brashear	Bromm
Burling	Byars	Connealy	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Janssen
Jensen	Kremer	Kristensen	Maxwell	Pedersen, Dw.
Pederson, D.	Quandahl	Redfield	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein				

Present and not voting, 6:

Brown	Chambers	Cudaback	Cunningham	Jones
Preister				

Excused and not voting, 6:

Beutler	Bruning	Coordsen	Kruse	Landis
McDonald				

The Chambers amendment lost with 6 ayes, 31 nays, 6 present and not voting, and 6 excused and not voting.

**SPEAKER KRISTENSEN PRESIDING**

Senator Chambers moved to reconsider the vote on his amendment, FA210.

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 59, 60, and 61 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 59, 60, and 61.

The Chair declared the call raised.

**UNANIMOUS CONSENT - Members Excused**

Senators Hilgert and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

**GENERAL FILE**

**LEGISLATIVE BILL 543.** The Chambers pending motion, found in this day's Journal, to reconsider the vote on his amendment, FA210, was renewed.

Senators Byars, Janssen, and Vrtiska 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 17 ayes, 0 nays, and 32 not voting.

Senator Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 7:

Chambers	Hudkins	Price	Raikes	Robak
Schimek	Wickersham			

Voting in the negative, 26:

Aguilar	Baker	Bourne	Bromm	Burling
Connealy	Cunningham	Dierks	Engel	Erdman
Hartnett	Hilgert	Jensen	Kremer	Kruse
Maxwell	Pedersen, Dw.	Pederson, D.	Quandahl	Redfield
Schrock	Smith	Stuhr	Thompson	Tyson
Wehrbein				

Present and not voting, 6:

Brown	Cudaback	Jones	Kristensen	Preister
Suttle				

Absent and not voting, 1:

Foley

Excused and not voting, 9:

Beutler	Brashear	Bruning	Byars	Coordsen
Janssen	Landis	McDonald	Vrtiska	

The Chambers motion to reconsider failed with 7 ayes, 26 nays, 6 present and not voting, 1 absent and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

#### AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 242:  
AMI659

(Amendments to E & R amendments, AM7109)

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 49-1480, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 49-1480. Every person employed, retained, or authorized
- 5 as a lobbyist shall, before commencing any lobbying activity, file
- 6 an application with the Clerk of the Legislature for registration
- 7 as a lobbyist, and if the clerk is satisfied that the application
- 8 has been properly prepared the registration shall be deemed to be
- 9 complete. The application shall be on a form prescribed by the
- 10 clerk and approved by the Executive Board of the Legislative
- 11 Council, and shall include as a minimum the following:
- 12 (1) The name, permanent residence address, and office
- 13 address of the lobbyist; ~~and, if the applicant is an individual,~~
- 14 ~~the applicant's social security number;~~
- 15 (2) The name and address of the principal of such
- 16 lobbyist;
- 17 (3) The nature of the business of such principal and the
- 18 amounts or sums given or to be given the lobbyist as compensation
- 19 or reimbursement for lobbying. A lobbyist who is salaried or
- 20 retained by a principal need only report that portion of
- 21 compensation or reimbursement reasonably attributable to lobbying;
- 22 (4) A description of the business activity of the
- 23 lobbyist;
- 1 (5) An identification of the matters on which the
- 2 principal or lobbyist expects to lobby;
- 3 (6) If the principal is an industry, trade or
- 4 professional association, a specific description of the industry,

5 trade, or profession represented by the principal and the names and  
 6 addresses of its officers;  
 7 (7) If the principal is not an industry, trade, or  
 8 professional association, a specific description of the interests  
 9 and groups represented by the principal and the names and addresses  
 10 of its officers; and  
 11 (8) The name and address of any official in the  
 12 legislative or executive branch, and of any members of any such  
 13 official's staff or immediate family who is employed by the  
 14 lobbyist or any person acting on behalf of such lobbyist if such  
 15 information is known or reasonably should have been known to the  
 16 lobbyist."  
 17 2. On page 19, line 17, after "sections" insert  
 18 "49-1480,".  
 19 3. Renumber the remaining sections and correct internal  
 20 references accordingly.

Senator Tyson filed the following amendment to LB 142:  
 AM1629

(Amendments to E & R amendments, AM7100)

1 1. On page 12, line 12, after "If" insert "at least  
 2 seventy-five percent of the registered voters eligible to vote on  
 3 the question vote on the question and"; in lines 12 and 25 and 26  
 4 strike "those voting" and insert "the registered voters eligible to  
 5 vote"; in lines 13, 14, 16, 18, and 25 and 26 strike "those voting"  
 6 and insert "the registered voters eligible to vote"; in line 22  
 7 strike "those" and insert "the registered voters eligible to vote";  
 8 and in line 25 after "which" insert "at least seventy-five percent  
 9 of the registered voters eligible to vote on the question vote on  
 10 the question and".  
 11 2. On page 13, line 1, after "consolidated" insert ", in  
 12 which at least seventy-five percent of the registered voters  
 13 eligible to vote on the question vote on the question"; in lines  
 14 1, 5, 6, 7, 9 and 10, 11 and 12, 20, and 24 strike "those voting"  
 15 and insert "the registered voters eligible to vote"; in line 11  
 16 strike "or"; and in line 13 after "opposed" insert " . or (vi) if  
 17 less than seventy-five percent of the registered voters eligible to  
 18 vote on the question voted on the question".  
 19 3. On page 14, line 1, strike "those voting" and insert  
 20 "the registered voters eligible to vote".  
 21 4. On page 17, line 25, strike "qualified electors" and  
 22 insert "registered voters".

Senator Wickersham filed the following amendment to LB 620:  
 AM1649

(Amendments to E & R amendments, AM7106)

1 1. On page 14, line 9, after the period insert "Prior to  
 2 setting a meeting on the application, the confidential information  
 3 contained in the application and supplemental information submitted

4 by the company shall be made available to the Legislative Fiscal  
 5 Analyst for purposes of determining the economic benefits and costs  
 6 of the project using economic forecasting models owned and  
 7 maintained by the Legislative Fiscal Analyst. Upon receipt of the  
 8 information, the Legislative Fiscal Analyst shall keep all such  
 9 information confidential but shall transmit the results of the  
 10 analysis to the board prior to the meeting."  
 11 2. On page 16, line 12, after "factors" insert "and  
 12 other information made available to the board".

Senator Kristensen filed the following amendment to LB 335A:  
 AM1658

1 1. Strike original section 1 and insert the following  
 2 new sections:  
 3 "Section 1. There is hereby appropriated (1) \$442,500  
 4 from the General Fund for FY2001-02 and (2) \$950,000 from the  
 5 General Fund for FY2002-03 to the Commission on Public Advocacy,  
 6 for Program 427, to aid in carrying out the provisions of  
 7 Legislative Bill 335, Ninety-seventh Legislature, First Session,  
 8 2001.  
 9 There is included in the appropriation to this program  
 10 for FY2001-02 \$442,500 General Funds for reimbursing counties for  
 11 indigent defense costs, which shall only be used for such purpose.  
 12 There is included in the appropriation to this program for  
 13 FY2002-03 \$950,000 General Funds for reimbursing counties for  
 14 indigent defense costs, which shall only be used for such purpose.  
 15 Sec. 2. There is hereby appropriated (1)\$-0- from the  
 16 General Fund for FY2001-02 and (2) \$43,500 from the General Fund  
 17 for FY2002-03 to the Commission on Public Advocacy, for Program  
 18 425.  
 19 Total expenditures for permanent and temporary salaries  
 20 and per diems from funds appropriated in this section shall not  
 21 exceed \$-0- for FY2001-02 or \$27,000 for FY2002-03."

Senator Schrock filed the following amendment to LB 243:  
 AM1348

(Amendments to Final Reading copy)

1 1. On page 3, strike beginning with "shall" in line 8  
 2 through "service" in line 9 and insert "in no case shall such  
 3 rates, tolls, rents, and charges be less than the cost of supplying  
 4 such services".

## REFERENCE COMMITTEE REPORT

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

Berry, Nolan - Dry Bean Commission - Agriculture

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### **VISITORS**

Visitors to the Chamber were 18 twelfth grade students and teacher from Sterling; 42 fifth grade students and teachers from Milliken Park Elementary School, Fremont; 7 ninth grade students and teachers from Goodrich Middle School, Lincoln; 39 fourth grade students and teachers from Bryan Elementary School, Lexington; 42 fourth grade students and teachers from Hayward Elementary School, Nebraska City; members of the Mayor's Youth Council and 36 North Platte and St. Patrick's High School students; twelfth grade students and teacher from Lincoln High School; 70 third grade students and teachers from Holmes Elementary School, Lincoln; and 10 students and teacher from Platteview, 19 students and teacher from Gretna, and 13 students and teacher from Bellevue West High School.

### **RECESS**

At 12:06 p.m., on a motion by Senator Dierks, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

### **CEREMONIES**

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

### **ROLL CALL**

The roll was called and all members were present except Senator McDonald who was excused; and Senators Brown and Landis who were excused until they arrive.

### **AMENDMENT - Print in Journal**

Senator Kristensen filed the following amendment to LB 420:  
(Amendment, AM1664, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 65.** Introduced by Hudkins, 21.

WHEREAS, Cheston Carl Coffin, of Lincoln, Nebraska, has earned the rank of Eagle Scout, the highest honor and rank conferred by the Boy Scouts

of America; and

WHEREAS, Cheston Carl Coffin received the coveted Eagle Award during a Court of Honor Ceremony held on September 10th, 2000, at Sheridan Lutheran Church in Lincoln, Nebraska; and

WHEREAS, Cheston Carl Coffin's Eagle Scout project consisted of designing and constructing an arbor at Milder Manor, a Lincoln retirement home, to provide residents there with shade lost as a result of the destruction of surrounding trees during a prior ice storm; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts of America attain the rank of Eagle Scout; and

WHEREAS, Cheston Carl Coffin has been an active member of the Boy Scouts of America, Lincoln Troop 756, since 1992; and

WHEREAS, Cheston Carl Coffin has achieved great success as an exemplary member of the Boy Scouts of America and has represented both his troop and community with excellence.

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

1. That the Legislature congratulates Cheston Carl Coffin on his achievement of the elite rank of Eagle Scout, commending him for his years of dedication, hard work, and perseverance as an outstanding member of the Boy Scouts of America.

2. That copies of this resolution be sent to both Cheston Carl Coffin and the members of his immediate family.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 536.** The Bruning pending amendment, AM1553, found on page 1535 and considered on page 1620, to the Standing Committee amendment, was renewed.

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Bruning requested a record vote on his amendment.

Voting in the affirmative, 7:

Bruning	Chambers	Connealy	Erdman	Hilgert
Pedersen, Dw.	Smith			

Voting in the negative, 16:

Aguilar	Beutler	Bourne	Byars	Coordsen
Cunningham	Engel	Kristensen	Pederson, D.	Price
Raikes	Redfield	Schrock	Stuhr	Thompson
Tyson				



Present and not voting, 23:

Baker	Brashear	Bromm	Brown	Burling
Cudaback	Dierks	Foley	Hartnett	Hudkins
Janssen	Jensen	Jones	Kremer	Kruse
Maxwell	Preister	Quandahl	Robak	Suttle
Vrtiska	Wehrbein	Wickersham		

Excused and not voting, 3:

Landis            McDonald        Schimek

The Bruning amendment lost with 7 ayes, 16 nays, 23 present and not voting, and 3 excused and not voting.

### **SENATOR CUDABACK PRESIDING**

Senator Chambers renewed his pending amendment, FA195, found on page 1538, to the Standing Committee amendment.

Senator Chambers withdrew his amendment.

Senator Chambers withdrew his pending amendments, FA196, FA197, and FA198, found on pages 1538 and 1539.

Senator Chambers renewed his pending amendment, FA205, found on page 1621, to the Standing Committee amendment.

Senator Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

### **SPEAKER KRISTENSEN PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Chambers amendment lost with 3 ayes, 38 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA206, found on page 1621, to the Standing Committee amendment.

Senator Robak 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 16 ayes, 0 nays, and 33 not voting.

The Chambers amendment lost with 3 ayes, 37 nays, 6 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 758A.** 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 758, Ninety-seventh Legislature, First Session, 2001.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

#### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 335, 489, 711, 773, 797, and 827A.

#### **Enrollment and Review Change to LB 335**

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

ER9059

1. In the Kristensen amendment, AM1613, section 5 has been renumbered as section 6.
2. In the Wickersham amendment, AM1335, on page 3, the matter beginning with "(6)" in line 16 through the period in line 23 has been incorporated into the Kristensen amendment, AM1613, on page 2, after line 18.
3. On page 1, line 3, "section" has been struck and "sections 13-518 and" inserted.

#### **Enrollment and Review Change to LB 489**

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

ER9058

1. In the Bromm amendment, AM1370:
  - a. Amendment 2 has been struck; and
  - b. Section 2 has been renumbered as section 11.
2. In the Quandahl amendment, AM1385, on page 3, line 6, "11, 12, and 15" have been struck and "12, 13, and 16 of this act" inserted.

3. In the E & R amendments, AM7093:

a. On page 8, lines 12 and 13, "effective date of this act" has been struck and "operative date of this section" inserted; in lines 15 and 22 "and 30-2402" has been struck and "30-2402, and 39-1345.01" inserted; in line 21 "courts" has been struck and "law" inserted; in line 22 "25-1558," has been inserted after the first comma; and in line 25 "garnishment of wages, responsibility of highway contractors," has been inserted after the second comma; and

b. On page 9, lines 1 and 2 have been struck and "to provide operative dates; to repeal the original sections; to outright repeal sections 25-1703 and 25-1704, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

### **Enrollment and Review Change to LB 711**

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

ER9062

1. In the E & R amendments, AM7075:

a. On page 1, line 16, "and" has been inserted before "until"; and

b. On page 7, line 19, "prior to" has been struck and "until" inserted.

### **Enrollment and Review Change to LB 773**

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

ER9057

1. On page 1, the matter beginning with "driving" in line 1 through line 6 and all amendments thereto have been struck and "operating vehicles, watercraft, or aircraft while impaired; to amend sections 28-1465, 28-1466, 28-1470, 28-1471, 28-1473, 28-1474, 37-1254.01, 37-1254.03, 37-1254.05, 37-1254.08, 60-4,163, 60-4,168, 60-4,182, and 81-1822, Reissue Revised Statutes of Nebraska, and sections 37-1254.02, 60-6,196, 60-6,197, and 60-6,201, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to chemical analysis of breath or body fluid samples as prescribed; to change provisions relating to prior convictions and operator's license suspensions as prescribed; to harmonize provisions; and to repeal the original sections." inserted.

### **Enrollment and Review Change to LB 797**

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

ER9060

1. In the Raikes amendment, AM1609, on page 5, line 11, "January 1" has been struck, shown as stricken, and "March 15" inserted.

2. In the Raikes amendment, AM1467, on page 1, line 2, "beginning with 'whose' through 'power'" has been inserted after "matter".

3. In the Chambers amendment, AM1332, on page 1, lines 5 and 8, the

underscored comma has been struck.

4. On page 1, line 1, "79-237," has been inserted after "sections"; in line 4 "and" has been struck and "79-215, 79-238," has been inserted after the last comma; in line 12 ", and section 79-10,110, Revised Statutes Supplement, 2000, as amended by section 1, Legislative Bill 240, Ninety-seventh Legislature, First Session, 2001" has been inserted after "2000"; and in line 15 "the enrollment option program," has been inserted after the first comma.

5. On page 2, line 5, "qualified zone academy undertakings," has been inserted after the last comma; in line 11 "and" has been struck; and in line 14 "; and to declare an emergency" has been inserted after "2000".

6. On page 80, line 22, "and" has been struck and shown as stricken.

7. On page 89, line 17, an underscored comma has been inserted after "19".

(Signed) Philip Erdman, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 536.** Senator Jones offered the following amendment to the Standing Committee amendment:

AM1655

1 1. In AM1560:

2 a. On page 1, line 13, strike "~~forty-eight-consecutive~~"  
3 and insert "twenty-four-consecutive"; and in line 16 strike "2008"  
4 and insert "2006"; and

5 b. On page 2, lines 1 and 2, strike "or  
6 forty-eight-consecutive-month period"; and in line 3 after the  
7 underscored period insert "Not more than thirty million gallons of  
8 ethanol produced at an ethanol facility by the end of the  
9 twenty-four-consecutive-month period set forth in this subsection  
10 shall be eligible for credits.".

11 2. In AM1559, strike amendments 1 and 2 and renumber the  
12 remaining amendments accordingly.

13 3. In AM1356:

14 a. Strike section 8;

15 b. On page 1, lines 5 and 6, strike "sections 7 and 8"  
16 and insert "section 7"; and

17 c. Renumber the remaining sections accordingly.

Senators Brashear and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Jones withdrew his amendment.

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

FA212

Amend AM1560

1. On page 1 in line 9, strike "twenty" and insert "ten"

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 3 ayes, 33 nays, 9 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 538.** Placed on Select File as amended.

E & R amendment to LB 538:

AM7111

1 1. Because of the passage of Laws 2000, LB 352A, and  
2 Laws 2000, LB 1217, in the Standing Committee amendments, AM1046:  
3 a. Strike sections 46 and 47 and insert the following

4 new sections:

5 "Sec. 52. Laws 2000, LB 352A, section 3, is amended to

6 read:

7 Sec. 3. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND HUMAN

8 SERVICES FINANCE AND SUPPORT

9 Program No. 341 - Administration

10		FY1999-00	FY2000-01
11	<del>GENERAL FUND</del>	<del>25,018,923</del>	<del>25,704,683</del>
12	<del>GENERAL FUND</del>	<del>25,018,923</del>	<del>31,344,034</del>
13	<del>CASH FUND</del>	<del>4,180,512</del>	<del>4,180,512</del>
14	<del>CASH FUND</del>	<del>4,180,512</del>	<del>2,609,296</del>
15	<del>FEDERAL FUND est.</del>	<del>71,253,236</del>	<del>71,438,119</del>
16	<del>FEDERAL FUND est.</del>	<del>71,253,236</del>	<del>67,369,984</del>
17	<del>PROGRAM TOTAL</del>	<del>100,452,671</del>	<del>101,323,314</del>
18	<del>SALARY LIMIT</del>	<del>21,054,496</del>	<del>21,817,708</del>

19 Sec. 54. Laws 2000, LB 1217, section 64, is amended to  
20 read:

21 Sec. 64. AGENCY NO. 13 -- STATE DEPARTMENT OF EDUCATION

22 Program No. 25 - Education, Administration, and Support

23		FY1999-00	FY2000-01
24	<del>GENERAL FUND</del>	<del>739,085,129</del>	<del>711,803,203</del>
	<del>1 GENERAL FUND</del>	<del>739,085,129</del>	<del>710,796,431</del>
	<del>2 CASH FUND</del>	<del>3,097,517</del>	<del>3,121,778</del>
	<del>3 FEDERAL FUND est.</del>	<del>152,868,651</del>	<del>153,056,779</del>
	<del>4 REVOLVING FUND</del>	<del>483,218</del>	<del>500,429</del>
	<del>5 PROGRAM TOTAL</del>	<del>895,534,515</del>	<del>868,482,189</del>

6 <u>PROGRAM TOTAL</u>	<u>895,534,515</u>	<u>867,475,417</u>
7 <u>SALARY LIMIT</u>	<u>7,956,557</u>	<u>8,290,252</u>

8 There is included in the appropriation to this program  
 9 for FY1999-00 \$730,867,343 General Funds, \$2,040,938 Cash Funds,  
 10 and \$145,937,874 Federal Funds estimate for state aid, which shall  
 11 only be used for such purpose. There is included in the  
 12 appropriation to this program for FY2000-01 ~~\$703,545,220~~  
 13 \$702,538,448 General Funds, \$2,040,938 Cash Funds, and \$145,937,874  
 14 Federal Funds estimate for state aid, which shall only be used for  
 15 such purpose.

16 There is included in the amount shown for FY1999-00  
 17 \$189,982 General Funds as state aid for the reimbursement of  
 18 transportation costs pursuant to section 79-241 for the enrollment  
 19 option program. There is included in the amount shown for  
 20 FY2000-01 ~~\$172,200~~ \$218,854 General Funds as state aid for the  
 21 reimbursement of transportation costs pursuant to section 79-241  
 22 for the enrollment option program.

23 There is included in the amount shown for FY1999-00  
 24 \$583,552,195 General Funds which are hereby appropriated to the Tax  
 25 Equity and Educational Opportunities Fund, which fund is hereby  
 26 appropriated to provide state aid to public school districts  
 27 pursuant to the Tax Equity and Educational Opportunities Support  
 1 Act. There is included in the amount shown for FY2000-01  
 2 ~~\$552,343,705~~ \$551,290,279 General Funds which are hereby  
 3 appropriated to the Tax Equity and Educational Opportunities Fund,  
 4 which fund is hereby appropriated to provide state aid to public  
 5 school districts pursuant to the Tax Equity and Educational  
 6 Opportunities Support Act.

7 There is included in the amount shown for this program  
 8 \$132,575,807 General Funds provided as state aid in FY1999-00 for  
 9 special education reimbursement. There is included in the amount  
 10 shown for this program \$136,553,081 General Funds provided as state  
 11 aid in FY2000-01 for special education reimbursement.

12 There is included in the amount shown for this program  
 13 \$349,225 General Funds provided as state aid in FY1999-00 and  
 14 \$349,225 General Funds provided as state aid in FY2000-01 to carry  
 15 out the provisions of subsection (2) of section 79-734.

16 There is included in the amount shown for this program  
 17 \$560,000 General Funds provided as state aid in FY1999-00 and  
 18 \$560,000 General Funds provided as state aid in FY2000-01 for early  
 19 childhood education projects.

20 There is included in the amount shown for this program a  
 21 one-time appropriation of \$150,000 General Funds provided as state  
 22 aid in FY1999-00 to match funds provided by the National Geographic  
 23 Society for an endowment for geography education.

24 There is included in the amount shown for this program  
 25 \$9,700,000 General Funds provided as state aid in FY1999-00 and  
 26 \$9,700,000 General Funds provided as state aid in FY2000-01 for  
 27 core services for educational service units.

1 There is included in the amount shown for this program  
2 \$3,075,000 General Funds provided as state aid in FY1999-00 and  
3 \$3,151,875 General Funds provided as state aid in FY2000-01 for  
4 programs for learners with high ability.

5 There is included in the amount shown for this program  
6 \$195,715 General Funds for FY1999-00, which shall only be used to  
7 contract with the Nebraska Educational Telecommunications  
8 Commission for the Schools TeleLearning/Distance Learning Program.

9 There is included in the amount shown for this program \$201,586  
10 General Funds for FY2000-01, which shall only be used to contract  
11 with the Nebraska Educational Telecommunications Commission for the  
12 Schools TeleLearning/Distance Learning Program.

13 There is included in the amount shown for this program  
14 \$100,000 General Funds for FY1999-00 and \$100,000 General Funds for  
15 FY2000-01 to develop or enhance interpreter training programs,  
16 which shall only be used for such purpose.

17 There is included in the amount shown for this program  
18 \$250,000 General Funds for FY1999-00 and \$250,000 General Funds for  
19 FY2000-01, which shall only be used for satellite programs for  
20 children who are deaf or hard of hearing.

21 There is included in the amount shown for this program  
22 \$220,000 General Funds for FY1999-00 and \$220,000 General Funds for  
23 FY2000-01 to provide a reporting system that results in a statewide  
24 report card for primary and secondary education in Nebraska that  
25 includes, but is not limited to, information on student  
26 performance, teacher and student attendance, teacher qualifications  
27 and salaries, graduate tracking, and demographics. There is  
28 included in the amount shown for this program \$80,000 General Funds  
29 for FY1999-00 to provide incentives and reimburse schools for  
30 participation in the National Assessment of Educational Progress.

31 The General Fund appropriation shown for FY2000-01 is  
32 increased by \$10,000 and the Cash Fund appropriation shown for  
33 FY2000-01 is reduced by \$15,000 if Legislative Bill 489,  
34 Ninety-sixth Legislature, First Session, 1999, does not become law.

35 The State Department of Education is authorized to  
36 utilize existing resources to establish a position to serve public  
37 schools with Native American students and to provide the necessary  
38 technical assistance to assist these schools in meeting the unique  
39 educational and cultural needs of Native American students. The  
40 department's assistance may include:

41 (1) Engaging the schools and their communities in  
42 creating partnerships to support families, students, and the  
43 schools;

44 (2) Engaging the schools and communities in continuous  
45 planning and implementation for school improvement; and

46 (3) Implementing continuous professional development for  
47 the educators working with Native American students.

48 On or before October 1 of each year, the Department of  
49 Health and Human Services Finance and Support and the State

23 Department of Education shall jointly certify to the budget  
 24 administrator of the budget division of the Department of  
 25 Administrative Services the amount of federal medicaid funds paid  
 26 to school districts pursuant to the Early Intervention Act for  
 27 special education services for children age five years and older.

1 The General Fund appropriation to the State Department of  
 2 Education, Program No. 25, for state special education aid shall be  
 3 decreased by an amount equal to the amount that would have been  
 4 reimbursed with state General Funds to the school districts through  
 5 the special education reimbursement process for special education  
 6 services for children age five years and older that was paid to  
 7 school districts or approved cooperatives with federal medicaid  
 8 funds. There is hereby appropriated from the General Fund an  
 9 amount equal to the amount certified to the budget administrator  
 10 for FY1999-00 and FY2000-01 to the Department of Health and Human  
 11 Services Finance and Support to aid in carrying out the provisions  
 12 of Laws 1991, LB 701. The budget administrator of the budget  
 13 division of the Department of Administrative Services shall  
 14 distribute the amount appropriated between budget programs  
 15 according to percentages certified by the Department of Health and  
 16 Human Services Finance and Support.";

17 b. On page 44, line 8, strike "39, 99,"; in line 9  
 18 strike "section 1" and insert "sections 1 and 3"; in line 10 after  
 19 the first comma insert "64,"; and in line 11 strike the semicolon  
 20 and insert a comma; and

21 c. Renumber the remaining sections accordingly.  
 22 2. On page 1, line 3, strike "39, 99,"; in line 4 strike  
 23 "section 1" and insert "sections 1 and 3" and after "sections"  
 24 insert "35, 64,"; and in line 5 after the first semicolon insert  
 25 "and Laws 2000, LB 1363A, section 2;".

**LEGISLATIVE BILL 539.** Placed on Select File.

**LEGISLATIVE BILL 540.** Placed on Select File.

**LEGISLATIVE BILL 541.** Placed on Select File as amended.

E & R amendment to LB 541:

AM7112

1 1. In the Standing Committee amendments, AM1514:  
 2 a. On page 5, line 11, after the comma insert "except  
 3 that of such revenue received on or after July 1, 2001, nine  
 4 million two hundred thousand dollars shall be remitted to the State  
 5 Treasurer for credit to the Department of Health and Human Services  
 6 Cash Fund."; and strike beginning with "except" in line 12 through  
 7 the period in line 16 and show the old matter as stricken;  
 8 b. On page 9, line 11, after "Gas" insert "Regulation";  
 9 c. On page 18, line 17, after "fees" insert "; transfer  
 10 of funds"; and  
 11 d. On page 19, line 20, after the first comma insert  
 12 "83-162.04,".



13 2. On page 1, strike beginning with "the" in line 1  
 14 through line 4 and insert "state funds; to amend sections 2-958,  
 15 45-621, 89-187, and 89-1,100, Reissue Revised Statutes of Nebraska,  
 16 sections 9-1,101, 71-7607, 83-162.04, 84-612, and 84-1613, Revised  
 17 Statutes Supplement, 2000, and section 9-531, Uniform Commercial  
 18 Code; to provide for certain transfers from the Cash Reserve Fund  
 19 and other funds; to eliminate appropriations provisions; to  
 20 harmonize provisions; to repeal the original sections; to outright  
 21 repeal section 83-162.06, Revised Statutes Supplement, 2000; and to  
 22 declare an emergency."

**LEGISLATIVE BILL 541A.** Placed on Select File.

**LEGISLATIVE BILL 329A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 152A:  
 AM1666

(Amendments to Final Reading copy)

- 1 1. On page 2, lines 1 and 2, strike "\$95,000" and insert
- 2 "\$105,000".

Senator Jensen filed the following amendment to LB 152:  
 AM1469

1 Amendments to Final Reading copy)

- 2 1. Insert the following new sections:
- 3 "Sec. 3. Section 81-664, Reissue Revised Statutes of
- 4 Nebraska, as amended by section 34, Legislative Bill 209,
- 5 Ninety-seventh Legislature, First Session, 2001, is amended to
- 6 read:
- 7 81-664. For purposes of sections 81-663 to 81-675:
- 8 (1) Aggregate data means data contained in the medical
- 9 record and health information registries maintained by the
- 10 department which is compiled in a statistical format and which does
- 11 not include patient-identifying data;
- 12 (2) Approved researcher means an individual or entity
- 13 which is approved by the department pursuant to section 81-666 to
- 14 obtain access to data contained in the medical record and health
- 15 information registries maintained by the department to assist in
- 16 the scientific or medical research for the prevention, cure, or
- 17 control of a disease or injury process;
- 18 (3) Case-specific data means data contained in the
- 19 medical record and health information registries concerning a
- 20 specific individual other than patient-identifying data;
- 21 (4) Department means the Department of Health and Human
- 22 Services Regulation and Licensure;
- 23 (5) Medical record and health information registry means
- 24 the system of reporting certain medical conditions occurring in

1 this state, as prescribed by law, which are reported and recorded  
2 in order to achieve the goals of prevention, cure, and control  
3 through research and education, and includes the birth defects  
4 registry established in section 71-646, the cancer registry  
5 established in sections 81-642 to 81-650, and the brain injury  
6 registry established in sections 81-653 to 81-661, and the  
7 Parkinson's Disease Registry established in the Parkinson's Disease  
8 Registry Act;

9 (6) Patient-identifying data means the patient's name,  
10 address, record number, symbol, or other identifying particular  
11 assigned to or related to an individual patient; and

12 (7) Research means study specific to the diseases or  
13 injuries for which access to data is requested and which is  
14 dedicated to the prevention, cure, or control of the diseases or  
15 injuries.

16 Sec. 4. Section 81-672, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 81-672. Any person who receives or releases information  
19 in the form and manner prescribed by sections 81-663 to 81-675 and  
20 the rules and regulations adopted and promulgated pursuant to such  
21 sections shall not be civilly or criminally liable for such receipt  
22 or release unless the receipt or release is done with actual  
23 malice, fraudulent intent, or bad faith. In an action brought  
24 against a person for wrongful receipt or release of medical record  
25 and health information registry information, the party bringing the  
26 action shall plead specifically the allegation that the immunity  
27 provided in this section does not apply because the person  
1 receiving or releasing the information did so with actual malice,  
2 fraudulent intent, or bad faith.

3 Sec. 5. Sections 5 to 19 of this act shall be known and  
4 may be cited as the Parkinson's Disease Registry Act.

5 Sec. 6. The purpose of the Parkinson's Disease Registry  
6 is to provide a central data bank of accurate, historical and  
7 current information for research purposes. The Parkinson's Disease  
8 Registry Act will provide for screening and collecting patient and  
9 family data that may be useful in detecting the incidence of and  
10 possible risk factors concerning Parkinson's disease and related  
11 movement disorders. The act will also aid in planning for health  
12 care requirements and education needs.

13 Sec. 7. For purposes of the Parkinson's Disease Registry  
14 Act:

15 (1) Approved researcher means an individual or entity who  
16 is approved by the department in accordance with section 81-666 to  
17 obtain access to data contained in the Parkinson's Disease Registry  
18 to assist in scientific or medical research for the prevention,  
19 cure, or control of Parkinson's disease;

20 (2) Department means the Department of Health and Human  
21 Services Regulation and Licensure;

22 (3) Parkinson's disease means a chronic, progressive

23 disorder in which there is a lack of the chemical dopamine in the  
24 brain as a direct result of the destruction of the  
25 dopamine-producing cells in the portion of the brain called the  
26 substantia nigra. Clinical features of the disease include tremor  
27 at rest, slow movements, rigidity, and unsteady or shuffling gait  
1 and may be indicated by improvement after using medications used  
2 for Parkinson's disease; and

3 (4) Related movement disorder means a disorder that  
4 resembles Parkinson's disease in some way, such as another kind of  
5 tremor.

6 Sec. 8. The department shall establish and maintain the  
7 Parkinson's Disease Registry. The registry shall consist of a  
8 compilation of the reports of cases of Parkinson's disease and  
9 related movement disorders occurring among residents of this state  
10 which are with the department. The registry shall include  
11 information the department deems necessary and appropriate for the  
12 statistical identification and planning for treatment and education  
13 of health care providers and persons diagnosed with Parkinson's  
14 disease and related movement disorders.

15 Sec. 9. The department shall:

16 (1) Adopt and promulgate rules and regulations, including  
17 a uniform system of classification of Parkinson's disease which is  
18 consistent with medically and clinically accepted standards and  
19 definitions for use in reporting by medical personnel treating the  
20 disease;

21 (2) Execute any contracts that the department deems  
22 necessary to carry out the Parkinson's Disease Registry Act;

23 (3) Receive and record the data obtained from reports  
24 filed under sections 10 and 11 of this act;

25 (4) Compile and publish a statistical report annually or  
26 at reasonable intervals containing information obtained from  
27 patient data to provide accessible information useful to medical  
1 personnel, approved researchers, and the public; and

2 (5) Comply with all necessary requirements to obtain  
3 funds or grants.

4 Sec. 10. (1) If a resident of this state is diagnosed  
5 with Parkinson's disease or a related movement disorder within this  
6 state in the office of a physician licensed under the Uniform  
7 Licensing Law, the physician shall file a report of the diagnosis  
8 and pertinent information with the department within sixty days  
9 after the diagnosis.

10 (2) An individual resident of this state who has been  
11 diagnosed with Parkinson's disease or a related movement disorder  
12 by a licensed physician may file a report with the department  
13 providing relevant information. The department shall provide for  
14 validation of individual reports.

15 (3) A report filed under this section shall contain the  
16 following information about the person diagnosed with Parkinson's  
17 disease or a related movement disorder:

- 18 (a) Name;
- 19 (b) Social security number;
- 20 (c) Date of birth;
- 21 (d) Gender;
- 22 (e) Address at time of diagnosis;
- 23 (f) Current address;
- 24 (g) Date of diagnosis;
- 25 (h) Physician;
- 26 (i) Identification of reporting source; and
- 27 (j) Any additional information the department

1 demonstrates is reasonable to implement the Parkinson's Disease  
2 Registry Act.

3 Sec. 11. The pharmacist in charge of each pharmacy  
4 located within the state or doing business in the state shall file  
5 a semiannual report with the department listing persons to whom the  
6 pharmacist has dispensed drugs on the list of drugs required to be  
7 reported under this section for Parkinson's disease. The report  
8 shall include the name, address, and social security number of the  
9 person for whom the drugs were prescribed and the name and address  
10 of the prescribing physician. The department shall issue a list of  
11 drugs used for the treatment of Parkinson's disease to be reported  
12 under this section, shall review and revise the list annually, and  
13 shall distribute the list to each pharmacy located within the state  
14 or doing business in the state.

15 Sec. 12. All data and information developed or collected  
16 pursuant to the Parkinson's Disease Registry Act and the receipt  
17 and release of data from the Parkinson's Disease Registry is  
18 subject to and shall comply with sections 81-663 to 81-675. For  
19 purposes of the Parkinson's Disease Registry, data may be released  
20 as Class I data, Class II data, Class III data, or Class IV data as  
21 classified in section 81-667.

22 Sec. 13. Nothing in the Parkinson's Disease Registry Act  
23 shall be deemed to compel any individual to submit to any medical  
24 examination or supervision by the department, any of its authorized  
25 representatives, or an approved researcher. No person who seeks  
26 information or obtains data pursuant to the act shall contact a  
27 patient or such patient's family without first obtaining the  
1 permission of a physician actively involved in the care of such  
2 patient.

3 Sec. 14. Nothing in the Parkinson's Disease Registry Act  
4 requires a physician or pharmacist to deny medical treatment or  
5 services to an individual who refuses to provide the information  
6 necessary to make complete reports required under section 10 or 11  
7 of this act.

8 Sec. 15. (1) Any physician or pharmacist required to  
9 make reports under section 10 or 11 of this act is immune from  
10 liability, civil, criminal, or otherwise, for filing an incomplete  
11 report as a result of the failure of an individual to provide the  
12 information necessary to make such report.

13 (2) Any physician or pharmacist who fails to file reports  
14 as required under section 10 or 11 of this act shall be guilty of a  
15 Class V misdemeanor for each offense.

16 Sec. 16. The initial reports required under section 11  
17 of this act shall be made within thirty days after January 1 of the  
18 year following issuance by the department of the list of drugs to  
19 be reported under section 11 of this act.

20 Sec. 17. (1) On and after the effective date of this  
21 act, for purposes of the Parkinson's Disease Registry Act:

22 (a) Any rules, regulations, and orders of the Department  
23 of Health and Human Services Regulation and Licensure adopted  
24 pursuant to the former Parkinson's Disease Registry Act, as such  
25 act existed prior to February 14, 2001, and in effect on February  
26 13, 2001, shall be revived and continue in effect until revised,  
27 amended, repealed, or nullified pursuant to law;

1 (b) Any contracts entered into by the department prior to  
2 February 14, 2001, and in effect on February 13, 2001, in  
3 connection with the duties and functions of the former act are  
4 recognized and may be revived upon the agreement of all contract  
5 parties. If revived, the department shall succeed to all rights  
6 and obligations under such contracts;

7 (c) Any cash funds, custodial funds, gifts, trusts,  
8 grants, and appropriations of funds which were available for use by  
9 the department for purposes of the former act shall continue to be  
10 available for use by the department if such funds continue to  
11 exist; and

12 (d) Any documents created, information compiled, or  
13 property used by the department under the former act shall continue  
14 to be available to and may be used by the department.

15 (2) For purposes of this section, former act means the  
16 Parkinson's Disease Registry Act, as such act existed prior to  
17 February 14, 2001, which act was outright repealed in LB 209,  
18 Ninety-seventh Legislature, First Session, 2001.

19 Sec. 19. The Parkinson's Disease Registry Act terminates  
20 on June 30, 2003, or if no requests are received for two years from  
21 approved researchers to obtain access to data contained in the  
22 Parkinson's Disease Registry, the act terminates two years after  
23 the date of the last request, whichever occurs sooner, unless  
24 re-enacted or reestablished by the Legislature."

25 2. On page 1, line 1, after "amend" insert "section  
26 81-672, Reissue Revised Statutes of Nebraska,"; in line 2 after  
27 "2000" insert ", and section 81-664, Reissue Revised Statutes of  
1 Nebraska, as amended by section 34, Legislative Bill 209,  
2 Ninety-seventh Legislature, First Session, 2001"; and in lines 3  
3 and 4 strike "eliminate a termination date" and insert "change  
4 registry information provisions; to adopt the Parkinson's Disease  
5 Registry Act; to provide penalties; to provide for and eliminate  
6 termination dates; to harmonize provisions".

7 3. On page 4, line 9, after "Original" insert "section  
8 81-672, Reissue Revised Statutes of Nebraska,"; and in line 10

9 after the last comma insert "and section 81-664, Reissue Revised 10 Statutes of Nebraska, as amended by section 34, Legislative Bill 11 209, Ninety-seventh Legislature, First Session, 2001,".  
 12 4. Renumber the remaining sections accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 536.** Senator Chambers offered the following amendment to the Standing Committee amendment:

FA213

Amend AM1560

1. On page 1 in line 9, strike "twenty" and insert "twelve and one-half"

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 2:

Chambers      Redfield

Voting in the negative, 36:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Landis
Maxwell	Pederson, D.	Price	Quandahl	Schimek
Smith	Stuhr	Thompson	Tyson	Vrtiska
Wehrbein				

Present and not voting, 8:

Beutler	Hartnett	Kruse	Preister	Raikes
Schrock	Suttle	Wickersham		

Excused and not voting, 3:

McDonald      Pedersen, Dw. Robak

The Chambers amendment lost with 2 ayes, 36 nays, 8 present and not voting, and 3 excused and not voting.

Senator Dierks moved to invoke cloture on LB 536, pursuant to Rule 7, Section 10.

Senator Chambers requested a record vote on the Dierks motion to invoke

cloture.

Voting in the affirmative, 39:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pederson, D.
Preister	Quandahl	Schimek	Schrock	Smith
Stuhr	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 7:

Chambers	Price	Raikes	Redfield	Suttle
Thompson	Wickersham			

Excused and not voting, 3:

McDonald    Pedersen, Dw. Robak

The Dierks motion to invoke cloture prevailed with 39 ayes, 7 nays, and 3 excused and not voting.

The Standing Committee amendment, AM1356, as amended, was adopted with 42 ayes, 4 nays, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	Pederson, D.	Preister
Quandahl	Schimek	Schrock	Smith	Stuhr
Suttle	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 7:

Chambers	Landis	Price	Raikes	Redfield
Thompson	Wickersham			

Excused and not voting, 3:

McDonald    Pedersen, Dw. Robak

Advanced to E & R for review with 39 ayes, 7 nays, and 3 excused and not voting.

The Chair declared the call raised.

Senators Landis and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 543.** The Standing Committee amendment, AM1049, printed separately and referred to on page 1594 and considered on page 1638, as amended, was renewed.

The Standing Committee amendment, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 542.** Title read. Considered.

Senator Bourne asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM1048, printed separately and referred to on page 1594, 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 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 666.** Title read. Considered.

Senator Bruning asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 666A.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

## RESOLUTION

**LEGISLATIVE RESOLUTION 66.** Introduced by Hilgert, 7; Suttle, 10.

WHEREAS, Jim Miller was born in Friend, Nebraska, to Kenneth and Arvilla Miller on June 11, 1950, and moved to Milford, Nebraska, when he



was two years of age; and

WHEREAS, Jim Miller grew up with sports being a central part of his life, participating in football, basketball, and track. He garnered all-conference achievements in basketball and football at Milford High School from which he graduated in 1968; and

WHEREAS, Jim Miller graduated from Kearney State College in 1972 with a degree in education and a specialization in biology. He remained true to his rural roots by teaching biology for two years at Summer/Miller/Eddyville; and

WHEREAS, Jim Miller arrived at Omaha's Marian High School in 1974 to teach and started coaching Junior Varsity basketball and cross-country shortly after he arrived; and

WHEREAS, Jim Miller assumed the role of athletic director at Marian High School in 1975. In the following year, Jim took on the position of head coach of the varsity basketball team. Since being named head coach, his teams have always had a winning record; and

WHEREAS, Jim Miller completed an administration degree at the University of Nebraska at Omaha in 1979; and

WHEREAS, Marian High School first won the basketball state championship in 1985 while Jim Miller was coach. In that same year, Marian High School achieved a national ranking of 17 by USA Today. In total, under Jim Miller's leadership, Marian High School has been in the state tournament twenty-three times and advanced to the finals of the tournament eleven times; and

WHEREAS, in 1994, Jim Miller stopped teaching and assumed the role of assistant principal at Marian High School while remaining head basketball coach and athletic director; and

WHEREAS, Jim Miller's personal pinnacle was the back-to-back basketball titles won by Marian High School in 2000 and 2001. In the 2000 championship year, Jim coached his daughter Jaime on the Marian High School basketball team. That same year, Jim was recognized as girls' basketball coach of the year; and

WHEREAS, as athletic director, Jim Miller witnessed state titles in a variety of sports, including the record-setting achievement of five championships in cross-country, volleyball, swimming, soccer, and basketball in the year 2000; and

WHEREAS, Jim Miller married the former Maureen Neary (a 1970 Marian High School alumna) on April 20, 1979. He and his wife have two children: Jaime, a freshman at St. Louis University; and Brennen, a freshman at Creighton Preparatory School.

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

1. That the Legislature congratulates Jim Miller on his achievement of twenty-five years as head basketball coach at Marian High School.

2. That a copy of this resolution be sent to Jim Miller and his family and to the principal of Marian High School.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB 543:  
AM1663

(Amendments to Standing Committee amendments, AM1049)

- 1 PURPOSE: Delete the \$2.7 million of funding for the Attracting  
2 Excellence to Teaching Program Act (loan forgiveness program).  
3 AMENDMENT:
- 4 1. On page 16, strike line 24, and insert "CASH FUND  
5 5,378,968 5,388,244"; and strike line 27 and insert "PROGRAM  
6 TOTAL 987,057,908 1,017,558,695".
- 7 2. On page 17, lines 3 and 7, strike "\$7,014,926" and  
8 insert "\$4,314,926".
- 9 3. On page 19, strike lines 13 through 16.
- 10 4. On page 141, in lines 26 and 27 strike ", Attracting  
11 Excellence to Teaching Program Cash Fund".
- 12 5. On page 158, strike lines 24 and 25; and in line 26  
13 strike "(e)" and insert "(d)".
- 14 6. On page 159, line 2, strike "(f)" and insert "(e)";  
15 in line 6 strike "(g)" and insert "(f)"; in line 8 strike "(h)" and  
16 insert "(g)"; in line 10 strike "(i)" and insert "(h)"; in line 14  
17 strike "(j)" and insert "(i)"; in line 17 strike "(k)" and insert  
18 "(j)"; in line 21 strike "(l)" and insert "(k)"; and in line 24  
19 strike "(m)" and insert "(l)".
- 20 7. On page 160, line 1, strike "(n)" and insert "(m)";  
21 in line 5 strike "(o)" and insert "(n)"; in line 9 strike "(p)" and  
22 insert "(o)"; in line 13 strike "(q)" and insert "(p)"; in line 16  
23 strike "(r)" and insert "(q)"; and in line 20 strike "(s)" and  
1 insert "(r)".
- 2 8. On page 161, strike lines 17 and 18; in line 19  
3 strike "(e)" and insert "(d)"; in line 22 strike "(f)" and insert  
4 "(e)"; and in line 26 strike "(g)" and insert "(f)".
- 5 9. On page 162, line 1, strike "(h)" and insert "(g)";  
6 in line 3 strike "(i)" and insert "(h)"; in line 6 strike "(j)" and  
7 insert "(i)"; in line 9 strike "(k)" and insert "(j)"; in line 12  
8 strike "(l)" and insert "(k)"; in line 16 strike "(m)" and insert  
9 "(l)"; in line 20 strike "(n)" and insert "(m)"; in line 24 strike  
10 "(o)" and insert "(n)"; and in line 26 strike "(p)" and insert  
11 "(o)".
- 12 10. On page 163, line 2, strike "(q)" and insert "(p)";  
13 and in line 6 strike "(r)" and insert "(q)".

Senator Chambers filed the following amendment to LB 543:  
AM1665

(Amendments to Standing Committee amendments, AM1049)

- 1 PURPOSE: (1) Increase General Fund appropriation to State  
2 Scholarship Award Program by \$300,000 for FY2001-02 and FY2002-03.  
3 (2) Increase General Fund appropriation for Scholarship Assistance  
4 Program by \$300,000 for FY2001-02 and FY2002-03. (3) Reduce

5 General Fund appropriation for Postsecondary Education Award  
6 Program by \$600,000 for FY2001-02 and FY2002-03.

7 AMENDMENT:

8 1. On page 85, line 9, strike "1,566,023 1,566,023"  
9 and insert "1,866,023 1,866,023"; in line 11 strike "1,646,399  
10 1,646,399" and insert "1,946,399 1,946,399"; and in lines 21 and  
11 22 strike "2,369,988 2,369,988" and insert "2,669,988  
12 2,669,988".  
13 2. On page 86, in lines 13 and 14 strike "3,184,050  
14 3,184,050" and insert "2,584,050 2,584,050".

### VISITORS

Visitors to the Chamber were 57 fourth grade students and teachers from Morton Elementary School, Lexington.

The Doctor of the Day was Dr. Roth from Lincoln.

### ADJOURNMENT

At 6:20 p.m., on a motion by Senator Connealy, the Legislature adjourned until 9:00 a.m., Thursday, April 26, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-SECOND DAY - APRIL 26, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 26, 2001

**PRAYER**

The prayer was offered by Pastor Dan Zitterkopf, Bayard Assembly of God Church, Bayard, 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 McDonald who was excused; and Senators Brown, Byars, Coordsen, Cunningham, Hartnett, Jensen, Kristensen, Landis, Robak, Schimek, Tyson, and Wehrbein who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-first day was approved.

**STANDING COMMITTEE REPORTS****Health and Human Services**

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

Nebraska Healthcare Council

David Corbin

Joel Gajardo

Dan Worthing

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Maxwell, and Erdman.  
Nay: None. Absent: Cunningham.

The Health and Human Services Committee desires to report favorably upon

the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Juvenile Services Administrator/Protection & Safety Co  
Dawn Swanson

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Maxwell, and Erdman.  
Nay: None. Absent: Cunningham.

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

Health and Human Services System Partnership Council  
Elnora Carr  
David Long

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Maxwell, and Erdman.  
Nay: None. Absent: Cunningham.

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

Commission for the Deaf and Hard of Hearing  
Kathleen Hesser

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Maxwell, and Erdman.  
Nay: None. Absent: Cunningham.

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

Board of Emergency Medical Services  
Michael Buscher

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Maxwell, and Erdman.  
Nay: None. Absent: Cunningham.

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

Child Abuse Prevention Fund Board  
Christine Huber  
A. Jane Storey

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Maxwell, and Erdman.

Nay: None. Absent: Cunningham.

(Signed) Jim Jensen, Chairperson

**AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 773:  
AM1651

(Amendments to Final Reading copy)

- 1 1. On page 10, line 2, after "75-363" insert "as such
- 2 regulation existed on the effective date of this act".
- 3 2. On page 31, line 25, strike "as amended", show as
- 4 stricken, and insert "as such act existed on the effective date of
- 5 this act"; and in line 26 after "Act" insert "as such act existed
- 6 on the effective date of this act".

**GENERAL FILE**

**LEGISLATIVE BILL 468A.** Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

**LEGISLATIVE BILL 849.** Title read. Considered.

The Standing Committee amendment, AM0972, found on page 1100, was considered.

Senator Connealy renewed his pending amendment, AM1574, found on page 1649, to the Standing Committee amendment.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Connealy renewed his pending amendment, AM1648, found on page 1650, to the Standing Committee amendment.

The Connealy amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 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 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

### BILL ON FINAL READING

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 358.** With Emergency.

A BILL FOR AN ACT relating to cigarettes; to provide labeling requirements; to create a deceptive trade practice; to define terms; to create penalties; to provide enforcement; to provide powers and duties; to provide severability; and to declare an emergency.

Senator Hartnett requested a roll call vote.

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

Voting in the affirmative, 26:

Aguilar	Beutler	Bromm	Burling	Chambers
Cudaback	Erdman	Foley	Hartnett	Hudkins
Janssen	Jensen	Jones	Kremer	Landis
Pederson, D.	Preister	Price	Raikes	Redfield
Schimek	Schrock	Stuhr	Thompson	Tyson
Vrtiska				

Voting in the negative, 4:

Baker	Bruning	Kruse	Smith
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Present and not voting, 16:

Bourne	Brashear	Brown	Byars	Connealy
Coordsen	Cunningham	Dierks	Hilgert	Maxwell
Pedersen, Dw.	Quandahl	Robak	Suttle	Wehrbein
Wickersham				

Excused and not voting, 3:

Engel	Kristensen	McDonald
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Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached.



**MOTION - Reconsider Action on LB 358**

Senator Wickersham moved to reconsider the vote on final passage of LB 358 with the emergency clause attached.

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wickersham motion to reconsider prevailed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**BILLS ON FINAL READING**

The following bill was put upon final passage:

**LEGISLATIVE BILL 358.** With Emergency.

Senator Vrtiska requested a roll call vote.

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

Voting in the affirmative, 43:

Aguilar	Baker	Beutler	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 2:

Bourne            Brashear

Excused and not voting, 4:

Engel McDonald Pederson, D. 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 362 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 362.

A BILL FOR AN ACT relating to public funds; to amend sections 2-4214, 13-817, 14-556, 14-563, 14-1237, 14-1719, 15-845, 15-846, 15-847, 15-848, 15-849, 16-712, 16-713, 16-714, 16-715, 16-716, 17-607, 17-720, 18-2473, 18-2732, 46-146, 46-1,139, 46-1,140, 77-2312, 77-2313, 77-2314, 77-2317, 77-2318, 77-2318.01, 77-2319, 77-2320, 77-2323, 77-2325, 77-2326.02, 77-2326.03, 77-2326.04, 77-2326.06, 77-2326.07, 77-2326.08, 77-2326.09, 77-2329, 77-2340, 77-2342, 77-2343, 77-2344, 77-2345, 77-2346, 77-2350, 77-2350.01, 77-2351, 77-2352, 77-2353, 77-2353.01, 77-2354, 77-2355, 77-2357, 77-2358, 77-2361, 77-2362, 77-2363, 77-2369, 77-2370, 77-2371, 77-2374, 77-2375, 77-2376, 77-2377, 77-2378, 77-2381, 77-2383, 77-2385, 77-2388, 77-2389, 77-2392, 77-2393, 77-2394, and 77-2396, Reissue Revised Statutes of Nebraska, and sections 2-3227, 3-506, 3-616, 3-709, 13-1305, 13-2538, 18-2102.01, 30-3209, 46-1,141, 77-2387, 77-2390, 77-2391, 77-2395, 77-2398, 77-2399, 77-23,100, 77-23,101, 77-23,102, 77-23,103, 77-23,104, 77-23,105, and 77-23,106, Revised Statutes Supplement, 2000; to provide for the deposit of funds in qualifying mutual financial institutions as prescribed; to define and authorize the use of repurchase agreements as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

Aguilar	Baker	Bourne	Brashear	Bromm
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	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, 2:

Beutler            Brown

Excused and not voting, 3:

Engel            McDonald          Pederson, D.

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

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 664.**

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend sections 44-4302 to 44-4304, 44-4313, 44-4315, and 44-4317, Reissue Revised Statutes of Nebraska, and section 44-4320, Revised Statutes Supplement, 2000; to authorize use of risk management pools for employee health, dental, accident, and life insurance purposes; 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	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 2:

Chambers          Thompson

Present and not voting, 1:

Burling

Excused and not voting, 3:

Engel            McDonald      Pederson, D.

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

**LEGISLATIVE BILL 668.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-3519, Reissue Revised Statutes of Nebraska, and section 71-6321, Revised Statutes Supplement, 2000; to authorize a radon program as prescribed; to change fee provisions under the Residential Lead-Based Paint Professions Certification 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, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Chambers

Excused and not voting, 3:

Engel            McDonald      Pederson, D.

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

**LEGISLATIVE BILL 668A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 668, Ninety-seventh Legislature, First Session, 2001; to provide for transfers; and to declare an emergency.

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

Voting in the affirmative, 43:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Redfield	Thompson
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Excused and not voting, 3:

Engel	McDonald	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 678.** With Emergency.

A BILL FOR AN ACT relating to physical therapists; to amend section 71-2802, Reissue Revised Statutes of Nebraska; to provide an exemption from licensure for students; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Chambers

Excused and not voting, 3:

Engel	McDonald	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.

### UNANIMOUS CONSENT - Member Excused

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

### RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 62 was adopted.

### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 62, LBs 358, 362, 664, 668, 668A, and 678.

### AMENDMENTS - Print in Journal

Senator Dierks filed the following amendment to LB 329:  
(Amendment, AM1450, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Chambers filed the following amendment to LB 154A:  
AM1448

(Amendments to Final Reading copy)

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 "Section 1. There is hereby appropriated (1) \$755,483
- 4 from the General Fund for FY2001-02 and (2) \$611,783 from the
- 5 General Fund for FY2002-03 to the Department of Correctional
- 6 Services, for Program 200, to aid in carrying out the provisions of
- 7 Legislative Bill 154, Ninety-seventh Legislature, First Session,
- 8 2001.
- 9 Total expenditures for permanent and temporary salaries

10 and per diems from funds appropriated in this section shall not  
11 exceed \$176,024 for FY2001-02 or \$176,024 for FY2002-03."

## RESOLUTIONS

### **LEGISLATIVE RESOLUTION 67.** Introduced by Suttle, 10.

**PURPOSE:** LB 22 (2001) will require licensure of deaf and hard of hearing interpreters. The state court and probation systems need competent interpreters and have had to rely on interpreters from out of state. The purpose of this study is to determine how licensing under LB 22 could encompass (1) provisional licensing when needed for the court and probation systems and (2) levels of competency within a licensing scheme. This study shall include a review of how other states requiring licensure of deaf and hard of hearing interpreters provide for provisional licensing and levels of competency under their licensing schemes.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **LEGISLATIVE RESOLUTION 68.** Introduced by Suttle, 10.

**PURPOSE:** Under current law, military personnel who are legal residents of Nebraska are required to pay individual income tax to the state, even if the individual lives or resides outside the state for long periods of time. The purpose of this resolution is to study the effect of exempting military personnel who pay individual income tax in Nebraska from income tax for the period they do not live or reside in the state. The study shall include a review of states which do not tax residents who are active military personnel who live outside their state of residence.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

## **WITHDRAW - Amendment to LB 152**

Senator Jensen withdrew his pending amendment, AM1209, found on page 1355, to LB 152.

**MOTION - Return LB 152 to Select File**

Senator Jensen moved to return LB 152 to Select File for his specific pending amendment, AM1469, found on page 1671.

The Jensen motion to return prevailed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 152.** The Jensen specific pending amendment, AM1469, found on page 1671, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

**MOTION - Return LB 152A to Select File**

Senator Jensen moved to return LB 152A to Select File for his specific pending amendment, AM1666, found on page 1671.

The Jensen motion to return prevailed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 152A.** The Jensen specific pending amendment, AM1666, found on page 1671, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

**MOTION - Return LB 335A to Select File**

Senator Kristensen moved to return LB 335A to Select File for his specific pending amendment, AM1658, found on page 1660.

The Kristensen motion to return prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 335A.** The Kristensen specific pending amendment, AM1658, found on page 1660, was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.



**MOTIONS - Return LB 398 to Select File**

Senator Beutler moved to return LB 398 to Select File for his specific pending amendment, AM1577, found on page 1555.

Senator Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler withdrew his motion to return.

Senator Beutler moved to return LB 398 to Select File for his specific pending amendment, AM1576, found on page 1556.

Senator Beutler withdrew his motion to return.

**WITHDRAW - Amendment to LB 398**

Senator Beutler withdrew his pending amendment, AM1578, found on page 1556, to LB 398.

**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 398 with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 398. With Emergency.**

A BILL FOR AN ACT relating to public health and welfare; to amend sections 28-409, 28-413, 28-417, 28-418, 28-429, 28-438, 28-442, 71-161.12, 71-161.16, 71-1,144.05, 71-1,145.01, 71-1,147.13, 71-1,147.27, 71-1,147.32, 71-1,147.36, 71-1,147.47, 71-1,147.52, 71-2501, 71-5405 to 71-5407, 71-6045, and 71-7420, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-406 to 28-408, 28-410 to 28-412, 28-414 to 28-416, 71-101, 71-147, 71-155.01, 71-161.13, 71-172.01, 71-1,142, 71-1,143, 71-1,145, 71-1,147, 71-1,147.15, 71-1,147.31, 71-1,147.33, 71-1,147.34, 71-1,147.35, 71-1,147.42 to 71-1,147.46, 71-1,147.48, 71-1,147.50, 71-1,147.53, 71-1,147.55 to 71-1,147.57, 71-1,147.59, 71-401, 71-425, 71-15,139, 71-2407, 71-2411, 71-2413, 71-2417, 71-2419, 71-2421, 71-5402, 71-6721, 71-7409, 71-7416, and 71-7417, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to pharmacies and pharmacists, controlled substances, health care examining boards, drug paraphernalia, emergency box drugs, drug product selection, drug dispensing permits, drug and poison labeling, and wholesale drug distribution; to change provisions relating to drug dispensing; to adopt the

Mail Order Contact Lens Act; to define, redefine, and eliminate terms; to provide, change, and eliminate penalties; to provide for and change fees; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 28-402 and 71-1,147.14, Reissue Revised Statutes of Nebraska, and sections 71-1,147.39 to 71-1,147.41, 71-1,147.49, 71-1,147.51, 71-1,147.58, 71-1,147.60, 71-1,147.61, and 71-462, Revised Statutes Supplement, 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	Bourne	Brashear
Bromm	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Kremer	Kristensen	Kruse	Landis
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimke	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Wehrbein				

Voting in the negative, 0.

Present and not voting, 4:

Brown	Erdman	Vrtiska	Wickersham
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Excused and not voting, 4:

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

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 398A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 398, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bourne	Brashear
Bromm	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cunningham	Dierks	Foley
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 5:

Brown	Cudaback	Erdman	Kremer	Vrtiska
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Excused and not voting, 4:

Engel	Jones	McDonald	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.

### **MOTION - Return LB 516 to Select File**

Senator Beutler moved to return LB 516 to Select File for his specific pending amendment, AM1552, found on page 1515.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler motion to return prevailed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 516.** The Beutler specific pending amendment, AM1552, found on page 1515, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

### **SELECT COMMITTEE REPORTS Enrollment and Review**

**LEGISLATIVE BILL 543.** Placed on Select File as amended.  
E & R amendment to LB 543:  
AM7117

- 1 1. In the Standing Committee amendments, AM1049:
- 2 a. On page 8, line 25, after "CASH FUND" insert "est.";
- 3 b. On page 83, line 19, strike "Funds" and insert
- 4 "Fund"; and
- 5 c. On page 105, strike line 1.

**LEGISLATIVE BILL 542.** Placed on Select File as amended.  
E & R amendment to LB 542:

AM7116

- 1 1. In the Standing Committee amendments, AM1048:
- 2 a. On page 18, lines 20 and 25, strike the period and
- 3 insert a semicolon; and
- 4 b. On page 32, line 6, before "Court" insert "State".

**LEGISLATIVE BILL 666.** Placed on Select File as amended.  
E & R amendment to LB 666:

AM7113

- 1 1. On page 3, line 9, after "(4)" insert "(a)"; in line
- 2 11 strike "(a)", show as stricken, and insert "(i)"; in line 14
- 3 strike "(b)", show as stricken, and insert "(ii)"; in line 18
- 4 before "Depreciation" insert "(b)"; in line 26 strike "(a)" and
- 5 insert "(i)" and strike "(b)" and insert "(ii)"; in line 27 strike
- 6 "(c)" and insert "(iii)" and strike "(d)" and insert "(iv)"; and in
- 7 line 28 strike "(e)" and insert "(v)" and strike "(f)" and insert
- 8 "(vi)".

**LEGISLATIVE BILL 666A.** Placed on Select File.

**LEGISLATIVE BILL 468A.** Placed on Select File.

**LEGISLATIVE BILL 849.** Placed on Select File as amended.  
(E & R amendment, AM7114, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Philip Erdman, Chairperson

## STANDING COMMITTEE REPORTS

### Education

**LEGISLATIVE BILL 573.** Placed on General File as amended.  
Standing Committee amendment to LB 573:

AM1610

- 1 1. Strike original sections 1, 2, 3, 5, and 6 and insert
- 2 the following new sections:
- 3 "Section 1. Section 79-215, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 79-215. (1) Except as otherwise provided in this
- 6 section, a student is a resident of the school district where he or
- 7 she resides or any school district where at least one of his or her

8 parents reside and shall be admitted to ~~the~~ any such school  
9 district upon request without charge.

10 (2) A school board shall admit any homeless student that  
11 requests admission without charge.

12 (3) ~~The~~ A school board may allow a student whose  
13 residency in the district ceases during a school year to continue  
14 attending school in such district for the remainder of that school  
15 year.

16 (4) A school board may admit nonresident students to the  
17 school district pursuant to a contract with the district where the  
18 student is a resident and shall collect tuition pursuant to the  
19 contract.

20 (5) A school board may admit nonresident students to the  
21 school district pursuant to the enrollment option program as  
22 authorized by sections 79-232 to 79-246, and such admission shall  
23 be without charge.

24 (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) When ~~the~~ a student as a ward of the state or as a  
4 ward of any court (a) has been placed in a school district other  
5 than the district in which he or she resided at the time he or she  
6 became a ward and such ward does not reside in a foster family home  
7 licensed or approved by the Department of Health and Human Services  
8 or a foster home maintained or used pursuant to section 83-108.04  
9 or (b) has been placed in any institution which maintains a special  
10 education program which has been approved by the State Department  
11 of Education and such institution is not owned or operated by the  
12 district in which he or she resided at the time he or she became a  
13 ward, the cost of his or her education and the required  
14 transportation costs associated with the student's education shall  
15 be paid by the state, but not in advance, to the receiving school  
16 district or approved institution under rules and regulations  
17 prescribed by the Department of Health and Human Services and the  
18 student shall remain a resident of the district in which he or she  
19 resided at the time he or she became a ward. Any student who is a  
20 ward of the state or a ward of any court who resides in a foster  
21 family home licensed or approved by the Department of Health and  
22 Human Services or a foster home maintained or used pursuant to  
23 section 83-108.04 shall be deemed a resident of the district in  
24 which the foster family home or foster home is located.

25 (8) When ~~the~~ a student is not a ward of the state or a  
26 ward of any court and is residing in a residential setting located  
27 in Nebraska for reasons other than to receive an education and the  
1 residential setting is operated by a service provider which is  
2 certified or licensed by the Department of Health and Human  
3 Services or is enrolled in the medical assistance program  
4 established under sections 68-1018 to 68-1025 and Title XIX or XXI  
5 of the federal Social Security Act, as amended, the student shall

6 remain a resident of the district in which he or she resided  
7 immediately prior to residing in such residential setting. Upon  
8 request by a parent or legal guardian, the resident school district  
9 shall contract with the district in which such residential setting  
10 is located for the provision of all educational services, including  
11 all special education services. If the parent or legal guardian has  
12 requested that the resident school district contract with the  
13 district in which such residential setting is located, the district  
14 in which such residential setting is located shall contract with  
15 the resident district and provide all educational services,  
16 including all special education services, to the student. If the  
17 two districts cannot agree on the amount of the contract, the State  
18 Department of Education shall determine the amount to be paid by  
19 the resident district to the district in which such residential  
20 setting is located based on the needs of the student, approved  
21 special education rates, the department's general experience with  
22 special education budgets, and the cost per student in the district  
23 in which such residential setting is located. Once the contract has  
24 been entered into, all legal responsibility for special education  
25 and related services shall be transferred to the school district in  
26 which the residential setting is located. The resident district  
27 for a student who is not a ward of the state or a ward of any court  
1 does not change when the student moves from one residential setting  
2 to another.

3 (9) In the case of any individual eighteen years of age  
4 or younger who is a ward of the state or any court and who is  
5 placed in a county detention home established under section  
6 43-2,110, the cost of his or her education shall be paid by the  
7 state, regardless of the district in which he or she resided at the  
8 time he or she became a ward, to the agency or institution which:  
9 (a) Is selected by the county board with jurisdiction over such  
10 detention home; (b) has agreed or contracted with such county board  
11 to provide educational services; and (c) has been approved by the  
12 State Department of Education pursuant to rules and regulations  
13 prescribed by the State Board of Education.

14 (10) No tuition shall be charged for students who may be  
15 by law allowed to attend the school without charge.

16 (11) On a form prescribed by the State Department of  
17 Education, an adult with legal or actual charge or control of the a  
18 student shall provide the name of the student, the name of the  
19 adult with legal or actual charge or control of the student, the  
20 address where the student is residing, and the phone number and  
21 address where the adult may generally be reached during the school  
22 day. If the student is homeless or if the adult does not have a  
23 phone number and address where he or she may generally be reached  
24 during the school day, those parts of the form may be left blank  
25 and a box may be marked acknowledging that these are the reasons  
26 these parts of the form were left blank. The adult with legal or  
27 actual charge or control of the student shall also sign the form.

1 (12) The department shall adopt and promulgate rules and  
2 regulations to carry out the department's responsibilities under  
3 this section.

4 Sec. 2. Section 79-237, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 79-237. (1)(a) Except as provided in subdivision (b) of  
7 this subsection, for a student to attend school in an option school  
8 district, the student's parent or legal guardian shall submit an  
9 application to the school board ~~or board of education~~ of the option  
10 school district between September 1 and ~~January 1~~ March 15 for  
11 enrollment during the following and subsequent school years.

12 Applications submitted after ~~January 1~~ March 15 shall be  
13 accompanied by a written release from the resident school district.

14 The option school district shall provide the resident school  
15 district with the name of the applicant on or before ~~January 15~~  
16 April 1. The option school district shall notify, in writing, the  
17 parent or legal guardian of the student, ~~and~~ the resident school  
18 district, and the State Department of Education whether the  
19 application is accepted or rejected on or before April 1.

20 (b) For a student to attend school in an option school  
21 district whose resident school district has a desegregation plan  
22 adopted by the school board ~~or the board of education~~ or ordered by  
23 the federal court, the student's parent or legal guardian shall  
24 submit an application to the school board ~~or board of education~~ of  
25 the resident school district between September 1 and January 1 for  
26 enrollment during the following and subsequent school years. If  
27 the application is accepted, the resident school district shall

1 notify, in writing, the option school district and the parent or  
2 legal guardian of the student on or before February 1. If the  
3 application is rejected, the resident school district shall notify,  
4 in writing, the parent or legal guardian of the student on or  
5 before February 1. If the application is accepted by the resident  
6 school district, the option school district shall notify, in  
7 writing, the parent or legal guardian of the student, the resident  
8 school district, and the State Department of Education whether the  
9 application is accepted or rejected by the option school district  
10 on or before April 1.

11 (2) Applications for students who do not actually attend  
12 the option school district may be withdrawn in good standing upon  
13 mutual agreement by both the resident and option school districts.

14 (3) No option student shall attend an option school  
15 district for less than one school year unless the student relocates  
16 to a different resident school district, completes requirements for  
17 graduation prior to the end of his or her senior year, transfers to  
18 a private or parochial school, or upon mutual agreement of the  
19 resident and option school districts cancels the enrollment option  
20 and returns to the resident school district.

21 (4) Except as provided in subsection (3) of this section,  
22 the option student shall attend the option school district until

- 23 graduation unless the student relocates in a different resident  
 24 school district, transfers to a private or parochial school, or  
 25 chooses to return to the resident school district.
- 26 (5) In each case of cancellation pursuant to subsections  
 27 (3) and (4) of this section, the student's parent or legal guardian  
 1 shall notify the school board ~~or board of education~~ of the option  
 2 school district and the resident school district and the department  
 3 by ~~January 1~~ March 15 for automatic approval for the following  
 4 school year.
- 5 (6) The application and cancellation forms shall be  
 6 prescribed and furnished by the State Department of Education.
- 7 (7) An option student who subsequently chooses to attend  
 8 a private or parochial school shall be automatically accepted to  
 9 return to either the resident school district or option school  
 10 district upon the completion of the grade levels offered at the  
 11 private or parochial school. If such student chooses to return to  
 12 the option school district, the student's parent or legal guardian  
 13 shall submit another application to the school board ~~or board of~~  
 14 ~~education~~ of the option school district which shall be  
 15 automatically accepted, and the deadlines prescribed in this  
 16 section shall be waived.
- 17 Sec. 4. Original section 79-237, Reissue Revised  
 18 Statutes of Nebraska, and sections 79-215 and 79-238, Revised  
 19 Statutes Supplement, 2000, are repealed."
- 20 2. On page 10, lines 24 and 25, strike the new matter  
 21 and reinstate the stricken matter.
- 22 3. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 799.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

### AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 543:  
 AM1681

(Amendments to Standing Committee amendments, AM1049)

- 1 1. PURPOSE: Add the salary limit necessary to expand  
 2 the Norfolk Veterans' Home in FY2002-03.  
 3 AMENDMENT:
- 4 a. On page 41, line 10, strike "20,982,095" and all  
 5 amendments thereto and insert "21,490,990".
- 6 2. PURPOSE: Incorporate a language change previously  
 7 approved by the Appropriations Committee but left out of AM1049  
 8 (Office of the Chief Information Officer, Department of  
 9 Administrative Services).
- 10 AMENDMENT:
- 11 a. On page 103, strike beginning with "The" in line 19  
 12 through the period in line 24 and insert "The unexpended General



13 Fund appropriation balance existing on June 30, 2001, not to exceed  
 14 \$550,000, is hereby reappropriated for the purpose of completing  
 15 technology projects to be authorized for state agencies, which  
 16 shall only be used for such purpose."

17 3.a. On page 129, lines 12 and 13, strike "1,052,362"

18 and insert "1,702,362"; and after line 13 insert:

19 "There is included in the General Fund appropriation to  
 20 this program \$650,000 for FY2001-02 for the Western Community  
 21 College Area. Such amount is intended for one-time state funding  
 22 support for instructional and information technology equipment  
 23 upgrades and acquisitions, applied technology and occupational  
 1 faculty training, employee assessment, preemployment training,  
 2 employment training, and other purposes consistent with the goals  
 3 and objectives of this program."

4 b. On page 132, strike lines 8 and 9, and all amendments  
 5 thereto, and insert:

6 "GENERAL FUND	20,265,113	21,975,873
7 PROGRAM TOTAL	20,265,113	21,975,873".

8 4. PURPOSE: Two bills that passed last session created  
 9 new cash funds. This amendment would add these two new cash funds  
 10 to the listing of cash funds contained in the mainline budget bill.

11 AMENDMENT:

12 a. On page 145, line 12, before the semicolon insert "  
 13 Niobrara Council Fund, Nebraska Environmental Endowment Fund".

Senator Coordsen filed the following amendment to LB 313A:  
 AM1686

(Amendments to Second Final Reading copy)

1 1. On page 2, lines 3 and 18, strike "\$8,135,258" and  
 2 insert "\$2,092,158".

### SELECT FILE

**LEGISLATIVE BILL 420.** Senator Kristensen renewed his pending  
 amendment, AM1664, printed separately and referred to on page 1661.

The Kristensen amendment was adopted with 34 ayes, 0 nays, 10 present  
 and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 641.** E & R amendment, AM7102, printed  
 separately and referred to on page 1594, was adopted.

Senator Chambers renewed his pending amendment, AM1556, found on  
 page 1619.

The Chambers amendment was adopted with 28 ayes, 0 nays, 16 present and  
 not voting, and 5 excused and not voting.

Senator Beutler renewed his pending amendment, AM1607, found on page 1631.

The Beutler 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 468.** E & R amendment, AM7103, found on page 1594, was adopted.

Senator Suttle renewed her pending amendment, AM1572, found on page 1619.

The Suttle 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:  
AM1690

(Amendments to AM1493)

- 1 1. On page 1, lines 22 and 24; and page 2, line 24,  
2 before "students" insert "qualified".
- 3 2. On page 2, line 3, before "student" insert  
4 "qualified"; and strike beginning with "Selection" in line 12  
5 through line 18 and insert "To qualify for a loan under the Nursing  
6 Student Loan Act, a student shall be a resident of Nebraska, intend  
7 to practice in Nebraska, be motivated to practice in Nebraska, and  
8 have substantial financial need as defined in section 85-990."

The Beutler amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 398 and 398A.

### **SELECT FILE**

**LEGISLATIVE BILL 242.** E & R amendment, AM7109, printed separately and referred to on page 1618, was adopted.

Senator Chambers withdrew his pending amendment, FA203, found on page 1609.

Senator Chambers renewed his pending amendment, AM1624, found on page 1619.

Senator Chambers offered the following amendment to his pending amendment:

FA214

Amend AM1624

1. In line 4, strike "Director of Athletics"

Senators Kristensen and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senators Jensen and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment, AM1624, as amended, was adopted with 25 ayes, 4 nays, 12 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 851.** Introduced by Redistricting Committee: Coordsen, 32, Chairperson; Bourne, 8; Bromm, 23; Schimek, 27; Wickersham, 49.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to change district boundaries of the Representatives in the Congress of the United States; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 852.** Introduced by Redistricting Committee: Coordsen, 32, Chairperson; Bourne, 8; Brashear, 4; Bromm, 23; Schimek, 27; Wickersham, 49.

A BILL FOR AN ACT relating to redistricting; to adopt changes in the boundaries of the legislative districts.

**LEGISLATIVE BILL 853.** Introduced by Redistricting Committee: Coordsen, 32, Chairperson; Bourne, 8; Brashear, 4; Bromm, 23; Schimek, 27; Wickersham, 49.

A BILL FOR AN ACT relating to redistricting; to amend sections 24-201.02 and 24-201.04, Reissue Revised Statutes of Nebraska; to change boundaries of the Supreme Court judicial districts; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 854.** Introduced by Redistricting Committee: Coordsen, 32, Chairperson; Bourne, 8; Brashear, 4; Bromm, 23; Schimek, 27; Wickersham, 49.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-510, 85-103.01, and 85-103.02, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the Board of Regents of the University of Nebraska; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 855.** Introduced by Redistricting Committee: Coordsen, 32, Chairperson; Bourne, 8; Brashear, 4; Bromm, 23; Schimek, 27; Wickersham, 49.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-509, 75-101.01, and 75-101.02, Reissue Revised Statutes of Nebraska; to change boundaries of the public service commissioner districts; to eliminate obsolete language; to harmonize provisions; to repeal the original sections; and to outright repeal section 75-101.03, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 856.** Introduced by Redistricting Committee: Coordsen, 32, Chairperson; Bourne, 8; Brashear, 4; Bromm, 23; Schimek, 27; Wickersham, 49.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-511, 79-311, and 79-312, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the State Board of Education; to harmonize provisions; and to repeal the original sections.

### REFERENCE COMMITTEE REPORT

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

<b>LB/LR</b>	<b>Committee</b>
LB 851	Redistricting
LB 852	Redistricting
LB 853	Redistricting
LB 854	Redistricting
LB 855	Redistricting
LB 856	Redistricting

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

**NOTICE OF COMMITTEE HEARINGS**  
**Redistricting**

Your **Redistricting Committee** gives notice of Public Hearing at the following locations:

Omaha, Nebraska

University of Nebraska Medical Center, University Hospital-Wittson Hall, Room 3042, parking located at 45<sup>th</sup> & Emile Streets

Scottsbluff, Nebraska

Panhandle Learning Center-High Plains Room, 4502 Avenue I

McCook, Nebraska

Von Riesen Library, Room 6, 1205 E. 3<sup>rd</sup> Street

North Platte, Nebraska

McKinley Education Center, Room 1, 301 West F Street

Grand Island, Nebraska

College Park-Conference Room C, 3180 West Highway 34

Wayne, Nebraska

Wayne State College-Gardner Hall, Room 105, 1111 Main Street

Norfolk, Nebraska

Northeast Community College-Life Long Learning Center, Suite A, 801 E. Benjamin

Lincoln, Nebraska

State Capitol Building, Room 1507, 1445 K Street

<b>Subject Information/Details</b>	<b>Day/Date</b>	<b>Time</b>
LB 851 Congress	Saturday, May 5, 2001	9:00 AM CDT
LB 852 Legislature	Saturday, May 5, 2001	9:00 AM CDT
LB 853 Nebraska Supreme Court	Saturday, May 5, 2001	9:00 AM CDT
LB 854 Board of Regents	Saturday, May 5, 2001	9:00 AM CDT
LB 855 Public Service Commission	Saturday, May 5, 2001	9:00 AM CDT
LB 856 State Board of Education	Saturday, May 5, 2001	9:00 AM CDT

(Signed) George Coordsen, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 26, 2001, at 11:00 a.m., were the following: LBs 358e, 362, 664, 668e, 668Ae, and 678e.

Presented to the Governor on April 26, 2001, at 12:45 p.m., were the following: LBs 398e and 398Ae.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**NOTICE OF COMMITTEE HEARING**  
**Education**

Monday, May 7, 2001  
Board of Educational Lands and Funds  
Demarus Carlson

1:15 PM

(Signed) Ron Raikes, Chairperson

**AMENDMENTS - Print in Journal**

Senator Wickersham filed the following amendment to LB 242:  
AM1703

(Amendments to E & R amendments, AM7109)

- 1 1. On page 13, line 15, after "question" insert "or a
- 2 public corporation organized under Chapter 70 from otherwise
- 3 supporting or opposing a ballot question concerning the sale or
- 4 purchase of its assets".

Senator Beutler filed the following amendment to LB 543:  
AM1682

(Amendments to Standing Committee amendments, AM1049)

- 1 1. On page 2, line 23, after "that" insert "for all
- 2 collective bargaining agreements negotiated after the operative
- 3 date of this act and all other future wage determinations,".

**UNANIMOUS CONSENT - Add Cointroducers**

Senators Kristensen, Chambers, and Beutler asked unanimous consent to have their names added as cointroducers to LB 851, LB 852, LB 853, LB 854, LB 855, and LB 856. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Elizabeth, Jordan, Samuel, Abigail, and Isaac Zitterkopf from Bayard; Megan McCollister from Lincoln; 20 eleventh and twelfth grade students and teacher from Ralston; members of the Building Trades from Omaha and Lincoln; 52 fourth grade students and teachers from Wasmer Elementary School, Grand Island; 8 students and teachers from Sidney High School; 34 fourth grade students and teachers from Tecumseh; 31 students and teachers from Beatrice; 20 students and teacher from St. Francis School, Humphrey; 55 fourth grade students and teachers from Alcott Elementary School, Hastings; Senator Kristensen's parents, Don and Mary Lou, from Minden, and Senator Kristensen's uncle, Eugene

Kristensen, from New Mexico; 10 fourth grade students and teacher from St. Joseph's School, York; 25 fourth grade students and teacher from Shelby Elementary School; and Scott and Spencer Lautenbaugh from Omaha.

**ADJOURNMENT**

At 1:01 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Monday, April 30, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**SEVENTY-THIRD DAY - APRIL 30, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 30, 2001

**PRAYER**

The prayer was offered by Pastor Mary Hansen, Countryside Community 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 McDonald and Vrtiska who were excused; and Senators Byars, Janssen, Kristensen, Landis, D. Pederson, Tyson, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-second day was approved.

**STANDING COMMITTEE REPORTS****Health and Human Services**

**LEGISLATIVE BILL 13.** Indefinitely postponed.

**LEGISLATIVE BILL 285.** Indefinitely postponed.

**LEGISLATIVE BILL 511.** Indefinitely postponed.

**LEGISLATIVE BILL 652.** Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

**Education**

**LEGISLATIVE BILL 315.** Placed on General File as amended.  
Standing Committee amendment to LB 315:

## AM1676

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 79-1008.01, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 79-1008.01. (1) Except as provided in subsection (2) of
- 5 this section and sections 79-1008.02 to 79-1010, each local system
- 6 shall receive equalization aid in the amount that the total formula
- 7 need of each local system, as determined pursuant to sections
- 8 79-1007.01 and 79-1007.02, exceeds its total formula resources as
- 9 determined pursuant to sections 79-1015.01 to 79-1017.01 and
- 10 79-1018.01.
- 11 (2) Except as provided in section 79-1008.02, a local
- 12 system shall not receive state aid for any school fiscal year which
- 13 is less than an amount equal to the difference of eighty-five
- 14 percent of the amount of aid certified in the preceding school
- 15 fiscal year minus an amount equal to any increase in the adjusted
- 16 valuation between the adjusted valuation used for the certification
- 17 of aid in the preceding school fiscal year and the adjusted
- 18 valuation used for the aid being calculated multiplied by the
- 19 maximum levy pursuant to subdivision (2)(a) of section 77-3442
- 20 without a vote pursuant to section 77-3444.
- 21 (3) Except as provided in subsection (2) of this section,
- 22 no local system may receive equalization aid such that, when total
- 23 aid is added to a levy of one dollar for state aid to be
- 24 distributed in school fiscal years 1998-99 and 1999-00 or of ninety
- 1 cents for state aid to be distributed in school fiscal year 2000-01
- 2 and each school fiscal year thereafter, multiplied by the local
- 3 system's adjusted valuation divided by one hundred, would result in
- 4 total local system revenue from state aid plus property tax
- 5 receipts which exceeds the total of:
- 6 (a) State aid plus property tax receipts received by the
- 7 local system during the preceding school fiscal year multiplied by
- 8 the total of (i) 1.01 plus (ii) the applicable allowable growth
- 9 rate for the local system calculated pursuant to section 79-1026 as
- 10 determined for the school fiscal year immediately preceding the
- 11 school fiscal year when aid is to be distributed plus (iii) the
- 12 percentage growth in formula students from the certification of
- 13 state aid for the immediately preceding school fiscal year to the
- 14 formula students for the certification of state aid for the current
- 15 school fiscal year, except that the percentage growth shall not be
- 16 less than zero;
- 17 (b) Unused budget authority authorized pursuant to
- 18 section 79-1030;
- 19 (c) The difference between the other actual receipts
- 20 included in local system formula resources for the certification of
- 21 state aid in the preceding school fiscal year and other actual
- 22 receipts included in local system formula resources for the
- 23 certification of state aid for the current school fiscal year,
- 24 except that such difference shall not be less than zero; and

25 (d) The absolute value of any negative prior year  
26 adjustment pursuant to section 79-1065.

27 For local systems that have reorganized, state aid,

1 property tax receipts, and number of formula students shall be  
2 attributed based on valuation. The revenue from property tax  
3 receipts shall be calculated by multiplying the reported general  
4 fund common levy by the assessed valuation subject to the levy  
5 divided by one hundred.

6 (4) Beginning with state aid to be paid in school fiscal  
7 year 2002-03, the limitations contained in subsection (3) of this  
8 section shall not apply to local systems that receive less than  
9 twenty percent of their general fund operating expenditures from  
10 property taxes. Local systems that are exempt from the limitations  
11 of subsection (3) of this section are subject to all other  
12 limitations on state aid.

13 (5) The aid that is not distributed through equalization  
14 based on subsection (3) of this section shall be distributed  
15 through this subsection. Local systems qualify for distribution  
16 under this subsection if they have nine hundred or less formula  
17 students and adjusted general fund operating expenditures per  
18 formula student less than the average for all local systems with  
19 nine hundred or less formula students. The aid shall be  
20 distributed proportionally to qualifying districts based on the  
21 dollar amount each local system's calculated state aid plus the  
22 product of a levy of one dollar and ten cents for school fiscal  
23 years 1998-99 and 1999-00 and of one dollar for school fiscal year  
24 2000-01 and each school fiscal year thereafter multiplied by the  
25 assessed valuation divided by one hundred is below ninety percent  
26 of state aid plus property tax receipts received by the local  
27 system during the preceding school fiscal year. No system shall  
1 receive aid pursuant to this subsection such that the calculated  
2 state aid plus the product of a levy of one dollar and ten cents  
3 for school fiscal years 1998-99 and 1999-00 and of one dollar for  
4 school fiscal year 2000-01 and each school fiscal year thereafter  
5 multiplied by the assessed valuation divided by one hundred is  
6 ninety percent or more of state aid plus property tax receipts  
7 received by the local system during the preceding school fiscal  
8 year. Any aid available for distribution pursuant to this  
9 subsection that is not distributed pursuant to this subsection  
10 shall be distributed as equalization aid."

11 2. On page 2, line 28, strike "section 79-1001" and  
12 insert "sections 79-1001 and 79-1008.01".

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

14 4. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 460.** Placed on General File as amended.  
Standing Committee amendment to LB 460:  
AM1697

1 1. Strike the original sections and insert the following

2 new sections:

3 "Section 1. Section 79-1027, Revised Statutes

4 Supplement, 2000, is amended to read:

5 79-1027. No district shall adopt a budget, which

6 includes total requirements of contingency funds, total

7 requirements of depreciation funds, necessary employee benefit fund

8 cash reserves, and necessary general fund cash reserves, exceeding

9 the applicable allowable reserve percentages of total general fund

10 budget of expenditures as specified in the schedule set forth in

11 this section.

Average daily membership of district	Allowable reserve percentage
0 - 471	45
471.01 - 3,044	35
3,044.01 - 10,000	25
10,000.01 and over	20

18 On or before April 1, 1999, and on or before February 1

20 for each year thereafter, the department shall determine and

21 certify each district's applicable allowable reserve percentage.

22 Each district with combined necessary general fund cash

23 reserves, total requirements of depreciation funds, necessary

24 employee benefit fund cash reserves, and total requirements of

1 contingency funds less than the applicable allowable reserve

2 percentage specified in this section may, notwithstanding the

3 district's applicable allowable growth percentage, increase its

4 necessary general fund cash reserves by an amount which will

5 ~~increase its combined necessary general fund cash reserves, total~~

6 ~~requirements of depreciation funds, necessary employee benefit fund~~

7 ~~cash reserves, and total requirements of contingency funds by two~~

8 ~~percent of its total general fund budget of expenditures, except~~

9 ~~that (1) a district shall not increase such necessary general fund~~

10 ~~cash reserves when such increase will result in such that the total~~

11 ~~necessary general fund cash reserves, total requirements of~~

12 ~~depreciation funds, necessary employee benefit fund cash reserves,~~

13 ~~and total requirements of contingency funds which exceed the do not~~

14 ~~exceed such applicable allowable reserve percentage, and (2) a~~

15 ~~district may increase such necessary general fund cash reserves in~~

16 ~~excess of such two percent limitation due to projected increases in~~

17 ~~federal funds.~~

18 Sec. 2. Original section 79-1027, Revised Statutes

19 Supplement, 2000, is repealed."

(Signed) Ron Raikes, Chairperson

## REPORTS

The following reports were received by the Legislature:

**Investment Finance Authority, Nebraska**

2001 Series A, B & C Single Family Housing Revenue Bonds

2001 Series G.O.-12 General Obligation Bonds

**Labor, Department of**

Strategic Five-Year Plan for Title I of the Workforce Investment Act and the Wagner-Peyser Act.

**Roads, Department of**

Board of Public Roads Classifications and Standards Minutes of March 23, 2001

State Highway Commission Quarterly Report

**SELECT FILE**

**LEGISLATIVE BILL 538.** E & R amendment, AM7111, found on page 1667, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 539.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 540.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 541.** E & R amendment, AM7112, found on page 1670, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 541A.** Advanced to E & R for engrossment.

**ANNOUNCEMENT**

The Chair announced today is Senator Bruning's birthday.

**SELECT FILE**

**LEGISLATIVE BILL 543.** E & R amendment, AM7117, found on page 1697, was adopted.

Senator Chambers renewed his pending amendment, AM1663, found on page 1680.

Senator Chambers withdrew his amendment.

Pending.

**SELECT COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 536.** Placed on Select File as amended.

(E & R amendment, AM7118, may be found in the Bill Books. The

amendment has been printed separately and is on file in the Bill Room - Room 1102.)

### **Correctly Reengrossed**

The following bills were correctly reengrossed: LBs 152, 152A, and 516.

### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 335A and 667.

### **Enrollment and Review Change to LB 152**

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

ER9063

1. In the Jensen amendment, AM1469:
  - a. Section 19 has been renumbered 18; and
  - b. On page 3, line 3, "19" has been struck and "18" inserted.

### **Enrollment and Review Change to LB 152A (Final Reading copy)**

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

ER9067

1. On page 2, line 6, "The" has been struck and "Of the" inserted and ", \$95,000 for FY2001-02 and \$95,000 for FY2002-03" has been inserted after "section".

### **Enrollment and Review Change to LB 516 (Final Reading copy)**

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

ER9064

1. On page 1, line 1, "housing" has been struck and "real property" inserted.

### **Enrollment and Review Change to LB 667**

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

ER9061

1. In the Baker amendment, AM1499:
  - a. On page 14, line 8, an underscored comma has been inserted after "Act";
  - b. On page 14, lines 8 and 17; page 27, line 18; page 32, lines 6 and 7; page 40, line 22; page 45, lines 6 and 19; page 47, line 27; page 50, lines 14

and 15; page 52, lines 2 and 3; page 55, line 19; and page 57, lines 17 and 22, "effective date of this act" has been struck and "operative date of this section" inserted;

c. On page 27, lines 17 and 18, "93rd Congress," has been struck and the old matter shown as stricken;

d. On page 34, line 6, ", as amended," has been struck and shown as stricken;

e. On page 35, line 10, ", as amended," has been struck and shown as stricken;

f. On page 49, line 2, the comma has been struck and shown as stricken;

g. On page 57, lines 16 and 22, "the act" has been struck and "such section" inserted; and

h. Sections 4 and 5 to 26 have been renumbered as sections 10 and 28 to 49 respectively.

2. In the Stuhr amendment, AM1637:

a. Sections 9 and 15 have been struck and the following new sections inserted:

"Sec. 11. Section 46-1202, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 133, Ninety-seventh Legislature, First Session, 2001, is amended to read:

46-1202. The purposes of the Water Well Standards and Contractors' Licensing Act are to: (1) Provide for the protection of ground water through the licensing and regulation of water well contractors and pump installation contractors and the certification of water well drilling supervisors, pump installation supervisors, water well monitoring technicians, and natural resources ground water technicians in the State of Nebraska; (2) protect the health and general welfare of the citizens of the state; (3) protect ground water resources from potential pollution by providing for proper siting and construction of water wells and proper decommissioning of ~~illegal~~ water wells; and (4) provide data on potential water supplies through well logs which will promote the economic and efficient utilization and management of the water resources of the state.

Sec. 17. Section 46-1214.01, Reissue Revised Statutes of Nebraska, as amended by section 6, Legislative Bill 133, Ninety-seventh Legislature, First Session, 2001, is amended to read:

46-1214.01. Water well monitoring technician means any individual engaged solely in the measuring of ground water levels, the collection of ground water samples from existing water wells, or the inspection of installed water well equipment or pumping systems. Water well monitoring technician does not include: (1) An individual who constructs or decommissions a water well or installs or repairs pumps or pumping equipment or a water well; (2) a natural resources ground water technician; or (3) an individual who carries out the measurement, sampling, or inspection of a water well which is on land owned by him or her and used by him or her for farming, ranching, or agricultural purposes or as his or her place of abode.";

b. Amendment 2 has been struck;

c. On page 1, lines 19 and 23; page 4, lines 16 and 20; and page 26, line 22, "25" has been struck and "27" inserted;

d. On page 2, line 6; and page 5, line 21, "effective date of this act" has been struck and "operative date of this section" inserted;

e. On page 4, lines 16 and 17, "subsection (6) of section 46-602" has been struck and "section 46-230" inserted; and the matter beginning with "and" in line 19 through "46-602" in line 20 has been struck and "section 46-230, and section 27 of this act" inserted;

f. On page 13, line 15, an underscored comma has been inserted after "well" and an underscored comma has been inserted after "well";

g. On page 14, lines 2, 15, and 27, an underscored comma has been inserted after "well"; in lines 3 and 16 an underscored comma has been inserted after "well"; and the matter beginning with "contractor" in line 24 through "wells" in line 25 has been struck, the old matter shown as stricken, and "water well contractor" inserted;

h. On page 15, line 1, an underscored comma has been inserted after "well";

i. On page 16, line 4, "funds" has been struck and "fund" inserted;

j. On page 20, line 3, "pump" has been struck, shown as stricken, and "pumps" inserted;

k. On page 21, line 18, the new matter has been struck;

l. On page 26, line 22, "and" has been struck and shown as stricken and an underscored comma has been inserted after "61-209";

m. On page 28, line 21, "6 to 8, 26, 28, and 29" has been struck and "1, 7 to 10, 28 to 50, 52, and 53" inserted; in line 24 "46-1202," has been struck; in line 25 "46-1214.01," has been struck; and in line 27 "and" has been struck;

n. On page 29, line 1, ", and sections 46-1202 and 46-1214.01, Reissue Revised Statutes of Nebraska, as amended by sections 2 and 6, respectively, Legislative Bill 133, Ninety-seventh Legislature, First Session, 2001" has been inserted after "2000"; and

o. The remaining amendment has been renumbered.

3. In the E & R amendments, AM7099:

a. Section 4 has been struck and the following new section inserted:

"Sec. 52. Original sections 46-636, 71-5301.01, 71-5304, 71-5304.02, 71-5307, 71-5309, 71-5310, and 81-1505, Reissue Revised Statutes of Nebraska, and sections 2-3254, 46-637, 46-656.25, 46-1011, 71-5301, 71-5302, 71-5303, 71-5304.01, 71-5305, 71-5305.02, 71-5306, 71-5308, 71-5311, 71-5311.01, 71-5315, 71-5316, 71-5318, 71-5322, and 71-5324, Revised Statutes Supplement, 2000, are repealed."; and

b. On page 5, lines 8 and 9 and 9 and 10, "effective date of this act" has been struck and "operative date of this section" inserted.

4. On page 1, the matter beginning with "irrigation" in line 1 through line 4 and all amendments thereto have been struck and "water; to amend sections 46-602.01, 46-636, 46-1209, 46-1210, 46-1213, 46-1214, 46-1229, 46-1233, 46-1235, 46-1238, 46-1239, 46-1240, 46-1241, 71-5301.01, 71-5304, 71-5304.02, 71-5307, 71-5309, 71-5310, and 81-1505, Reissue Revised Statutes of Nebraska, sections 2-3254, 46-230, 46-602, 46-604, 46-606, 46-637, 46-656.25, 46-1011, 46-1204.01, 46-1224, 61-210, 71-5301, 71-5302, 71-5303, 71-5304.01, 71-5305, 71-5305.02, 71-5306, 71-5308, 71-5311, 71-5311.01, 71-5315, 71-5316, 71-5318, 71-5322, and 71-5324,



Revised Statutes Supplement, 2000, and sections 46-1202 and 46-1214.01, Reissue Revised Statutes of Nebraska, as amended by sections 2 and 6, respectively, Legislative Bill 133, Ninety-seventh Legislature, First Session, 2001; to redefine a term and change provisions relating to public water systems; to redefine terms, change provisions, and change penalties relating to water well registration; to change provisions relating to pumping for irrigation purposes; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Philip Erdman, Chairperson

### AMENDMENT - Print in Journal

Senator Foley filed the following amendment to LB 242:  
AM1711

(Amendments to E & R amendments, AM7109)

- 1 1. Insert the following new section:
- 2 "Sec. 2. (1) Any person who makes an expenditure
- 3 reportable under the Nebraska Political Accountability and
- 4 Disclosure Act to disseminate by any means of telecommunication a
- 5 prerecorded message or a recorded message relating to a candidate
- 6 or ballot question shall include in the message the name of the
- 7 person, including committees, making the expenditure.
- 8 (2) Any person who makes an expenditure reportable under
- 9 the act to disseminate by any means of telecommunication a message
- 10 relating to a candidate or ballot question which is not a recorded
- 11 message or a pre-recorded message shall, immediately upon the
- 12 request of the recipient of the message, disclose the name of the
- 13 person, including committees, making the expenditure. If the
- 14 message is disseminated through an employee or agent of the person
- 15 making the expenditure, the employee or agent shall, immediately
- 16 upon the request of the recipient of the message, disclose the name
- 17 of the person, including committees, making the expenditure.
- 18 (3) Any person who makes an expenditure reportable under
- 19 the act to disseminate by any electronic means, including the
- 20 Internet or email, a message relating to a candidate or ballot
- 21 question shall include in the message the name of the person,
- 22 including committees, making the expenditure."
- 23 2. Renumber the remaining sections and correct internal  
1 references accordingly.

### SELECT FILE

**LEGISLATIVE BILL 543.** Senator Chambers renewed his pending amendment, AM1665, found on page 1680.

### SENATOR CUDABACK PRESIDING

Senator Maxwell asked unanimous consent to be excused until he returns.

No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Wehrbein renewed his pending amendment, AM1681, found on page 1702.

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Beutler renewed his pending amendment, AM1682, found on page 1708.

Senator Burling 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 28 ayes, 0 nays, and 21 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Aguilar	Baker	Beutler	Brashear	Bromm
Brown	Bruning	Cunningham	Engel	Foley
Hartnett	Hudkins	Jensen	Jones	Kremer
Landis	Pederson, D.	Quandahl	Redfield	Robak
Smith	Stuhr	Tyson	Wehrbein	

Voting in the negative, 15:

Bourne	Byars	Chambers	Connealy	Coordsen
Hilgert	Maxwell	Pedersen, Dw.	Preister	Price
Raikes	Schimek	Schrock	Suttle	Thompson

Present and not voting, 5:

Cudaback	Dierks	Erdman	Kristensen	Kruse
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Excused and not voting, 5:

Burling	Janssen	McDonald	Vrtiska	Wickersham
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The Beutler amendment lost with 24 ayes, 15 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA216

On page 16, strike line 24, and insert "CASH FUND 7,536,968 7,546,244; and strike line 27 and insert "PROGRAM TOTAL 989,215,908 1,019,716,695".

On page 17, lines 3 and 7, strike "\$7,014,926" and insert "\$6,472,926".

On page 19, lines 14 and 15, strike "\$2,700,000" and insert "\$2,158,000".

On page 158 in line 25 strike "\$2,700,000" and insert "\$2,158,000".

On page 161 in line 18 strike "\$2,700,000" and insert "\$2,158,000".

Senators Landis, Brashear, Aguilar, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

### VISITORS

Visitors to the Chamber were students and teacher from Lincoln High School; 30 fourth grade students and teacher from Anderson Grove Elementary School, Papillion; 48 fourth grade students and teachers from Abraham Lincoln Elementary School, Hastings; 40 fourth grade students and teacher from Washington Elementary School, Norfolk; and 80 statewide tenth grade students and sponsors with the Nebraska Federation of Women's Clubs.

### RECESS

At 11:59 a.m., on a motion by Senator Chambers, 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 McDonald and Vrtiska who were excused; and Senators Landis and Wickersham who were excused until they arrive.

### UNANIMOUS CONSENT - Member Excused

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

### SELECT FILE

**LEGISLATIVE BILL 543.** The Chambers pending amendment, FA216, found in this day's Journal, 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 lost with 1 aye, 28 nays, 15 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.

Senator Chambers moved to reconsider the vote on his amendment, FA216.

Senators Smith, Bruning, and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to reconsider failed with 4 ayes, 14 nays, 24 present and not voting, and 7 excused and not voting.

Senator Maxwell offered the following amendment:

AM1721

(Amendments to Standing Committee amendments, AM1049)

- 1 1. On page 16, line 23, strike "811,437,932
- 2 840,150,645" and insert "811,683,482 840,684,145"; in line 27
- 3 strike "989,757,908 1,020,258,695" and insert "990,003,458
- 4 1,020,792,195".
- 5 2. On page 17, line 3, strike "\$801,539,447" and insert
- 6 "\$801,784,997"; in line 6 strike "\$830,017,821" and insert
- 7 "\$830,551,321"; and after line 8 insert:
- 8 "There is included in the amount shown for this program
- 9 \$245,550 General Funds provided as state aid for the Master Teacher
- 10 Program for FY2001-02 and \$533,500 General Funds provided as state
- 11 aid for the Master Teacher Program for FY2002-03".

## **PRESIDENT MAURSTAD PRESIDING**

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Maxwell moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Landis requested a roll call vote, in reverse order, on the Maxwell amendment.

Voting in the affirmative, 20:

Aguiar	Bourne	Bromm	Brown	Burling
Coordsen	Cunningham	Dierks	Engel	Foley

Hartnett	Hilgert	Jensen	Kremer	Maxwell
Pedersen, Dw.	Quandahl	Redfield	Suttle	Thompson

Voting in the negative, 24:

Baker	Bruning	Byars	Chambers	Connealy
Cudaback	Erdman	Hudkins	Janssen	Jones
Kristensen	Kruse	Landis	Pederson, D.	Price
Raikes	Robak	Schimek	Schrock	Smith
Stuhr	Tyson	Wehrbein	Wickersham	

Present and not voting, 1:

Preister

Excused and not voting, 4:

Beutler	Brashear	McDonald	Vrtiska
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The Maxwell amendment lost with 20 ayes, 24 nays, 1 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

## STANDING COMMITTEE REPORTS

### Revenue

**LEGISLATIVE BILL 207.** Placed on General File as amended.

Standing Committee amendment to LB 207:

AM1720

1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 "Section 1. Section 77-2716.01, Revised Statutes  
 4 Supplement, 2000, is amended to read:  
 5 77-2716.01. (1) Every individual shall be allowed to  
 6 subtract from his or her income tax liability an amount for  
 7 personal exemptions. The amount allowed to be subtracted shall be  
 8 the credit amount for the year as provided in this section  
 9 multiplied by the number of exemptions allowed on the federal  
 10 return. For tax year 1993, the credit amount shall be sixty-five  
 11 dollars; for tax year 1994, the credit amount shall be sixty-nine  
 12 dollars; for tax year 1995, the credit amount shall be sixty-nine  
 13 dollars; for tax year 1996, the credit amount shall be seventy-two  
 14 dollars; for tax year 1997, the credit amount shall be eighty-six  
 15 dollars; for tax year 1998, the credit amount shall be eighty-eight  
 16 dollars; for tax year 1999, and each year thereafter, the credit  
 17 amount shall be adjusted for inflation by the method provided in

18 section 151 of the Internal Revenue Code of 1986, as amended. The  
19 eighty-eight-dollar credit amount shall be adjusted for cumulative  
20 inflation since 1998. If any credit amount is not an even dollar  
21 amount, the amount shall be rounded to the nearest dollar. The  
22 amount allowed for each personal exemption shall be reduced, but  
23 not below zero, by five dollars for each five thousand dollars, or  
24 portion thereof, that federal adjusted gross income exceeds ninety  
1 thousand dollars for married filing joint returns, fifty-four  
2 thousand dollars for single returns, seventy-five thousand dollars  
3 for head-of-household returns, and for married filing separate  
4 returns, one-half the amount stated in this subsection for married  
5 filing joint returns. For nonresident individuals and partial-year  
6 resident individuals, the personal exemption credit shall be  
7 subtracted as specified in subsection (3) of section 77-2715. For  
8 tax year 1994 and each tax year thereafter, the income levels  
9 stated in this subsection shall be adjusted for inflation by the  
10 method provided in section 151 of the Internal Revenue Code of  
11 1986, as amended. If any income level in this subsection is not a  
12 multiple of one thousand dollars, the amount shall be rounded to  
13 the next highest multiple of one thousand dollars.

14 (2)(a) For taxable years beginning or deemed to begin  
15 before January 1, 2001, every Every individual who did not itemize  
16 deductions on his or her federal return shall be allowed to  
17 subtract from federal adjusted gross income a standard deduction  
18 equal to the federal standard deduction for the filing status used  
19 on the federal return except as the amount is adjusted under  
20 section 77-2716.03.

21 (b) For taxable years beginning or deemed to begin on or  
22 after January 1, 2001, and before January 1, 2002, every individual  
23 who did not itemize deductions on his or her federal return shall  
24 be allowed to subtract from federal adjusted gross income a  
25 standard deduction of seven thousand six hundred dollars for  
26 taxpayers filing married filing joint returns, three thousand eight  
27 hundred dollars for married filing separate returns, six thousand  
1 six hundred fifty dollars for head-of-household returns, and four  
2 thousand five hundred fifty dollars for single returns.

3 (c) For taxable years beginning or deemed to begin on or  
4 after January 1, 2002, for married filing joint returns,  
5 head-of-household returns, and single returns, the standard  
6 deduction shall be the amounts provided in subdivision (2)(b) of  
7 this section for the respective filing status adjusted for  
8 inflation by the method provided in section 151 of the Internal  
9 Revenue Code of 1986, as amended. If any exemption amount adjusted  
10 in this subdivision is not a multiple of fifty dollars, the amount  
11 shall be rounded to the next lowest multiple of fifty dollars. For  
12 married filing separate returns, the standard deduction shall be  
13 one-half the amount calculated under this subdivision for married  
14 filing joint returns.

15 (3) Every individual who itemized deductions on his or

16 her federal return shall be allowed to subtract from federal  
 17 adjusted gross income the greater of either the standard deduction  
 18 allowed in subsection (2) of this section or the amount before the  
 19 federal disallowance of his or her federal itemized deductions,  
 20 except for the amount deducted on the federal return for state or  
 21 local income taxes paid and the amount of any adjustment required  
 22 under section 77-2716.03.

23 Sec. 2. (1) The Governor or his or her designated  
 24 representative may negotiate an agreement with the governing body  
 25 of any federally recognized Indian Tribe within the State of  
 26 Nebraska concerning the collection and dissemination of any motor  
 27 fuel tax on sales of motor fuel made on a federally recognized  
 1 Indian Reservation. The agreement shall specify:

- 2 (a) Its duration;
  - 3 (b) Its purpose;
  - 4 (c) Provisions for administering, collecting, and  
 5 enforcing the agreement;
  - 6 (d) Remittance of taxes collected;
  - 7 (e) The division of the proceeds of the tax between the  
 8 parties;
  - 9 (f) The method to be employed in accomplishing the  
 10 partial or complete termination of the agreement; and
  - 11 (g) Any other necessary and proper matters.
  - 12 (2) The agreement shall require that the state motor fuel  
 13 tax and any tribal motor fuel tax be identical in rate and base of  
 14 transactions.
  - 15 (3) An Indian Tribe accepting an agreement under this  
 16 section shall agree not to license or otherwise authorize an  
 17 individual tribal member or other person or entity to sell motor  
 18 fuel in violation of the terms of the agreement.
- 19 Sec. 3. Original section 77-2716.01, Revised Statutes  
 20 Supplement, 2000, is repealed."

**LEGISLATIVE RESOLUTION 57.** Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

#### SELECT FILE

**LEGISLATIVE BILL 543.** Senator Erdman offered the following amendment:

AM1723

- 1 1. In the Standing Committee amendments, AM1049, on page  
 2 89, strike lines 15 and 16 and insert:  
 3 "GENERAL FUND                    404,553,436        431,131,213  
 4 PROGRAM TOTAL                404,553,436        431,131,213".
- 5 2. In AM1567, on page 1, line 2, strike "20,915,113"  
 6 21,975,873" and insert "31,415,113    32,475,873".

Senators Landis, Aguilar, and Kristensen asked unanimous consent to be

excused until they return. No objections. So ordered.

The Erdman amendment lost with 6 ayes, 19 nays, 17 present and not voting, and 7 excused and not voting.

Senator Schimek offered the following amendment:

AM1719

(Amendments to Standing Committee amendments, AM1049)

1 PURPOSE: Restore operating reductions made at the regional centers,

2 Beatrice State Developmental Center, and the veterans homes'

3 pursuant to recommendations by the Governor.

4 AMENDMENT:

5 1. On page 40, strike line 15 and insert "GENERAL FUND

6 50,216,725 53,030,943"; strike line 18 and insert "PROGRAM TOTAL

7 60,241,333 63,579,961"; strike line 24 and insert "GENERAL FUND

8 17,549,991 18,709,535"; strike line 26 and insert "FEDERAL FUND

9 est. 18,113,245 18,878,373"; and strike line 27 and insert

10 "PROGRAM TOTAL 38,671,615 40,649,700".

11 2. On page 41, strike line 6 and insert "GENERAL FUND

12 13,977,790 16,191,301"; and strike line 9 and all amendments

13 thereto and insert "PROGRAM TOTAL 37,717,838 40,884,409".

#### SENATOR CUDABACK PRESIDING

Senators Dierks, Burling, Maxwell, Brown, Schrock, and Raikes 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 18 ayes, 0 nays, and 31 not voting.

Senator Schimek requested a roll call vote on her amendment.

Senator Foley requested the roll call vote be taken in reverse order.

Voting in the affirmative, 14:

Bourne	Chambers	Connealy	Hartnett	Janssen
Pedersen, Dw.	Preister	Price	Quandahl	Robak
Schimek	Smith	Suttle	Wickersham	

Voting in the negative, 25:

Baker	Beutler	Brashear	Bromm	Bruning
Byars	Coordsen	Cudaback	Cunningham	Engel
Erdman	Foley	Hilgert	Hudkins	Jensen
Jones	Kremer	Kruse	Landis	Pederson, D.
Redfield	Stuhr	Thompson	Tyson	Wehrbein



Present and not voting, 1:

Aguilar

Excused and not voting, 9:

Brown	Burling	Dierks	Kristensen	Maxwell
McDonald	Raikes	Schrock	Vrtiska	

The Schimek amendment lost with 14 ayes, 25 nays, 1 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Wickersham offered the following amendment:

AM1668

(Amendments to Standing Committee amendments, AM1049)

- 1 1. On page 62, line 14, before the period insert ",
- 2 except no funds shall be allocated to the Antelope Valley project";
- 3 and in line 19 before the period insert ", except no funds shall be
- 4 allocated to the Antelope Valley project".

Senators Landis and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Wickersham withdrew his amendment.

Senator Chambers reoffered his amendment, AM1663, found on page 1680 and considered on page 1715.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment lost with 7 ayes, 16 nays, 20 present and not voting, and 6 excused and not voting.

Senator Chambers reoffered his amendment, AM1665, found on page 1680 and considered on page 1719.

## **SPEAKER KRISTENSEN PRESIDING**

Pending.

## **RESOLUTIONS**

**LEGISLATIVE RESOLUTION 69.** Introduced by Bruning, 3.

**PURPOSE:** This interim study will examine what impact environmental issues or hazards may have on the health and welfare of the children and the

employees of state-licensed child care facilities when such facilities are located near an environmental hazard.

If the study reveals a need to do so, appropriate preventive statutory language will be prepared for introduction during the next legislative session to address any injurious consequences and will include a provision granting the Department of Health and Human Services the authority to deny a child care license based on environmental factors.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall consist of representatives from the Department of Environmental Quality, the Health and Human Services system, and the Department of Agriculture.

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 70.** Introduced by Aguilar, 35.

**PURPOSE:** The purpose of this interim study is to study reimbursement options for counties relating to medical expenses for arrestees, detainees, and inmates in county correctional facilities. The study shall include:

(1) The effect and operation of sections 47-701 to 47-705, enacted by the Ninety-sixth Legislature, First Session (1999), including, but not limited to, the operation of section 47-703 relating to reimbursement for a county holding a detainee or an inmate on behalf of another county;

(2) Issues relating to reimbursement by insurers, health maintenance organizations, preferred provider organizations, and other similar sources pursuant to a policy, subscription, or agreement to which the arrestee or the detainee or inmate in a county correctional facility is a party, including, but not limited to, exclusions of coverage for medical expenses incurred by the arrestee, detainee, or inmate;

(3) The policies of the various counties relating to medical expenses of arrestees or detainees or inmates in county correctional facilities;

(4) How to define what medical treatment is reasonable and necessary and what medical treatment is elective, not immediately required, and thus not the responsibility of the counties to provide;

(5) The availability of reimbursement from assets owned by arrestees or of detainees or inmates in county correctional facilities if such persons have incurred medical expenses which have been paid and remain unreimbursed by a county;

(6) Clarification of the responsibility of an arresting county and a county issuing an arrest warrant relating to medical expenses that are not relating to injuries or wounds suffered during the course of apprehension or arrest;

(7) Consideration of recommendations to federal officials for changes in medicaid or other possible federal sources of reimbursement; and

(8) Other possible sources of reimbursement for counties which have paid for medical expenses incurred by such arrestees, detainees, or inmates.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### MESSAGE FROM THE GOVERNOR

April 30, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 358e, 362, 398e, 398Ae, 664, 668e, 668Ae, and 678e were received in my office on April 26, 2001.

These bills were signed by me on April 30, 2001 and delivered to the Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

### AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendment to LB 542:  
FA215  
Amend AM1048  
Strike section 12, pages 6 and 7

Senator Connealy filed the following amendment to LB 849:  
AM1712

(Amendments to E & R amendments, AM7114)

- 1 1. On page 6, line 19, strike "Joan Marr" and insert
- 2 "Nebraska Urban Indian Health Coalition, Inc., c/o Joan Marr".

Senator Chambers filed the following amendment to LB 543:  
FA218  
Amend AM1049

On page 86, in lines 13 and 14, strike "3,184,050 3,184,050" and insert "2,434,050 2,434,050"

Purpose: Reduce General Fund appropriation for Postsecondary Education Award Program by \$750,000 for each of FY2001-02 and FY2002-03.

Senator Chambers filed the following amendment to LB 543 :

FA219

Amend AM1049

On page 85, in line 9, strike "1,566,023 1,566,023" and insert "816,023 816,023"; in line 11 strike "1,646,399 1,646,399" and insert "896,399 896,399"; in lines 21 and 22, strike "2,369,988 2,369,988" and insert "1,619,988 1,619,988"; and on page 86, in lines 13 and 14, strike "3,184,050 3,184,050" and insert "2,434,050 2,434,050".

Purpose: Reduce General Fund appropriations for State Scholarship Award Program, Scholarship Assistance Program, and Postsecondary Education Award Program by \$750,000 for each of FY2001-02 and FY2002-03.

### **UNANIMOUS CONSENT - Member Excused**

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

### **GENERAL FILE**

**LEGISLATIVE BILL 435.** Title read. Considered.

The Standing Committee amendment, AM0524, found on page 737, was considered.

Senator Dierks renewed his pending amendment, AM1174, found on page 1225, to the Standing Committee amendment.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dierks amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senator Coordsen renewed his pending amendment, AM1434, found on page 1453, to the Standing Committee amendment.

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

The Standing Committee amendment, as amended, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 366.** Title read. Considered.

The Standing Committee amendment, AM0253, found on page 555, was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Senator Raikes withdrew his pending amendment, AM1465, found on page 1530.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

#### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 420, 468, 538, 539, 540, 541, 541A, and 641.

#### **Enrollment and Review Change to LB 420**

The following changes, required to be reported for publication in the Journal, have been made:  
ER9066

1. In the Kristensen amendment, AM1664, on page 11, line 20, "with" has been inserted before "sections".

2. On page 1, the matter beginning with "public" in line 1 through line 5 has been struck and "public projects; to amend sections 2-117, 10-106, 10-107, 10-110, 10-117, 10-119, 10-128, 10-132, 10-140, 10-410, 10-707, 10-716.01, 13-1103, 14-1717, 17-968, 18-1805, 23-389, 23-3561, 23-3563, 23-35,116, 31-342, 31-531, 31-759, 39-841, 39-1632, 39-2207, 46-1,106, 52-118, 52-118.01, 73-106, and 85-1522, Reissue Revised Statutes of Nebraska, and sections 10-126, 14-1806, 46-270, and 77-2387, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to registration of bonds and powers and duties of the Auditor of Public Accounts; to change provisions relating to payment bonds; to change provisions relating to bids; to harmonize provisions; to repeal the original sections; to outright repeal sections 10-108, 10-109, 10-118, 10-118.01, 10-121, 10-122, 10-201 to 10-202, 18-2132, 23-3562, 23-3564, 31-341, and 31-446, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

#### **Enrollment and Review Change to LB 541**

The following changes, required to be reported for publication in the

Journal, have been made:  
ER9068

1. In the E & R amendments, AM7112, on page 1, line 19, "to change powers;" has been inserted after the first semicolon.

### Enrollment and Review Change to LB 641

The following changes, required to be reported for publication in the Journal, have been made:  
ER9065

1. In the Beutler amendment, AM1607, on page 1, line 3, "of" has been inserted after "total".

2. In the Chambers amendment, AM1556, on page 1, line 5, the underscored comma has been stricken.

(Signed) Philip Erdman, Chairperson

### AMENDMENTS - Print in Journal

Senator Thompson filed the following amendment to LB 598:  
(Amendment, AM1742, 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 389:  
AM1698

(Amendments to Standing Committee amendments, AM0325)

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 86-1403, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 86-1403. For purposes of the Nebraska Telecommunications
- 5 Universal Service Fund Act:
- 6 (1) Commission means the Public Service Commission;
- 7 (2) Fund means the Nebraska Telecommunications Universal
- 8 Service Fund;
- 9 (3) Telecommunications Act of 1996 means the federal
- 10 telecommunications legislation enacted as Public Law 104-104; and
- 11 (4) Telecommunications company ~~means any person, firm,~~
- 12 ~~partnership, limited liability company, corporation, or association~~
- 13 ~~offering telecommunications services to the public for hire in~~
- 14 ~~Nebraska intrastate commerce~~ has the same meaning as in section
- 15 86-802."
- 16 2. On page 2, line 26, strike "section 86-808" and
- 17 insert "sections 86-808 and 86-1403".
- 18 3. Renumber the remaining sections accordingly.

### VISITORS

Visitors to the Chamber were 33 fifth and sixth grade students from Kenesaw Public School; and Yolanda Nuncio and children from Walnut

Middle School, Grand Island.

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

**ADJOURNMENT**

At 6:46 p.m., on a motion by Senator Quandahl, the Legislature adjourned until 9:00 a.m., Tuesday, May 1, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**SEVENTY-FOURTH DAY - MAY 1, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 1, 2001

**PRAYER**

The prayer was offered by Reverend Edgar Schambach, Holy Trinity Lutheran Church, Sidney, 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 McDonald and Vrtiska who were excused; and Senators Beutler, Bromm, Brown, Byars, Hartnett, Kristensen, Landis, D. Pederson, Schimek, Schrock, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1723, line 14, strike "was adopted" and insert "lost".  
The Journal for the seventy-third day was approved as corrected.

**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 1683: Nebraska Healthcare Council - David Corbin, Joel Gajardo, and Dan Worthing.

Voting in the affirmative, 28:

Aguilar	Baker	Bourne	Brashear	Burling
Chambers	Cudaback	Cunningham	Engel	Erdman
Foley	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kruse	Maxwell	Price
Quandahl	Redfield	Robak	Smith	Stuhr
Suttle	Tyson	Wehrbein		

Voting in the negative, 0.

Present and not voting, 8:

Bruning	Connealy	Coordsen	Dierks	Pedersen, Dw.
Preister	Raikes	Thompson		

Excused and not voting, 13:

Beutler	Bromm	Brown	Byars	Hartnett
Kristensen	Landis	McDonald	Pederson, D.	Schimek
Schrock	Vrtiska	Wickersham		

The appointments were confirmed with 28 ayes, 0 nays, 8 present and not voting, and 13 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 1684: Juvenile Services Administrator/Protection & Safety Co Admin - Dawn Swanson.

Voting in the affirmative, 30:

Aguilar	Baker	Bourne	Brashear	Bruning
Burling	Byars	Chambers	Cudaback	Engel
Erdman	Foley	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kruse	Maxwell
Pedersen, Dw.	Price	Quandahl	Raikes	Redfield
Smith	Stuhr	Suttle	Tyson	Wehrbein

Voting in the negative, 0.

Present and not voting, 7:

Connealy	Coordsen	Cunningham	Dierks	Preister
Robak	Thompson			

Excused and not voting, 12:

Beutler	Bromm	Brown	Hartnett	Kristensen
Landis	McDonald	Pederson, D.	Schimek	Schrock
Vrtiska	Wickersham			

The appointment was confirmed with 30 ayes, 0 nays, 7 present and not voting, and 12 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 1684: Health and Human Services System Partnership Council - Elnora Carr and

David Long.

Voting in the affirmative, 29:

Aguilar	Baker	Bourne	Brashear	Bruning
Burling	Byars	Chambers	Cudaback	Cunningham
Engel	Erdman	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kruse	Maxwell
Pedersen, Dw.	Price	Quandahl	Redfield	Robak
Stuhr	Suttle	Tyson	Wehrbein	

Voting in the negative, 0.

Present and not voting, 8:

Connealy	Coordsen	Dierks	Foley	Preister
Raikes	Smith	Thompson		

Excused and not voting, 12:

Beutler	Bromm	Brown	Hartnett	Kristensen
Landis	McDonald	Pederson, D.	Schimek	Schrock
Vrtiska	Wickersham			

The appointments were confirmed with 29 ayes, 0 nays, 8 present and not voting, and 12 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 1684: Commission for the Deaf and Hard of Hearing - Kathleen Hesser.

Voting in the affirmative, 28:

Aguilar	Baker	Bourne	Brashear	Bruning
Burling	Byars	Chambers	Cunningham	Erdman
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kruse	Maxwell	Pedersen, Dw.	Price
Quandahl	Redfield	Robak	Smith	Stuhr
Suttle	Tyson	Wehrbein		

Voting in the negative, 0.

Present and not voting, 9:

Connealy	Coordsen	Cudaback	Dierks	Engel
Foley	Preister	Raikes	Thompson	

Excused and not voting, 12:

Beutler	Bromm	Brown	Hartnett	Kristensen
Landis	McDonald	Pederson, D.	Schimek	Schrock
Vrtiska	Wickersham			

The appointment was confirmed with 28 ayes, 0 nays, 9 present and not voting, and 12 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 1684: Board of Emergency Medical Services - Michael Buscher.

Voting in the affirmative, 27:

Aguilar	Baker	Bourne	Brashear	Bruning
Burling	Byars	Cunningham	Engel	Erdman
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kruse	Maxwell	Pedersen, Dw.	Price
Quandahl	Redfield	Smith	Stuhr	Suttle
Tyson	Wehrbein			

Voting in the negative, 0.

Present and not voting, 10:

Chambers	Connealy	Coordsen	Cudaback	Dierks
Foley	Preister	Raikes	Robak	Thompson

Excused and not voting, 12:

Beutler	Bromm	Brown	Hartnett	Kristensen
Landis	McDonald	Pederson, D.	Schimek	Schrock
Vrtiska	Wickersham			

The appointment was confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 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 1684: Child Abuse Prevention Fund Board - Christine Huber and A. Jane Storey.

Voting in the affirmative, 30:

Aguilar	Baker	Bourne	Brashear	Bruning
Byars	Chambers	Cunningham	Engel	Erdman
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kruse	Maxwell	Pedersen, Dw.
Pederson, D.	Preister	Price	Quandahl	Redfield
Smith	Stuhr	Suttle	Tyson	Wehrbein

Voting in the negative, 0.

Present and not voting, 9:

Burling	Connealy	Coordsen	Cudaback	Dierks
Foley	Raikes	Robak	Thompson	

Excused and not voting, 10:

Beutler	Bromm	Brown	Kristensen	Landis
McDonald	Schimek	Schrock	Vrtiska	Wickersham

The appointments were confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 468A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 543.** The Chambers pending reoffered amendment, AM1665, found on page 1680 and considered on pages 1719 and 1727, was renewed.

Senators Dw. Pedersen and Brashear 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 23 ayes, 0 nays, and 26 not voting.

The Chambers amendment lost with 4 ayes, 29 nays, 9 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved to reconsider the vote on his amendment, AM1665.

Senator Bruning asked unanimous consent to be excused until he 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 amendment, FA218, found on page 1729.

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

Senators Cudaback and D. Pederson 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 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Chambers	Hudkins	Kremer	Price	Raikes
Robak	Schimek			

Voting in the negative, 26:

Aguilar	Baker	Bourne	Bromm	Burling
Connealy	Coordsen	Cunningham	Engel	Erdman
Hilgert	Jensen	Jones	Kristensen	Kruse
Landis	Maxwell	Quandahl	Redfield	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Wehrbein				

Present and not voting, 6:

Beutler	Brown	Byars	Dierks	Janssen
Preister				

Excused and not voting, 10:

Brashear	Bruning	Cudaback	Foley	Hartnett
McDonald	Pedersen, Dw.	Pederson, D.	Vrtiska	Wickersham

The Chambers amendment lost with 7 ayes, 26 nays, 6 present and not voting, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 536A.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to transfer funds to aid in

carrying out the provisions of Legislative Bill 536, Ninety-seventh Legislature, First Session, 2001.

## RESOLUTIONS

### **LEGISLATIVE RESOLUTION 71.** Introduced by Suttle, 10.

**PURPOSE:** The purpose of this study is to review the laws and regulations governing assisted-living facilities, including Alzheimer's special care units. The committee conducting this study shall consider: How residents are cared for; what happens when a resident requires medical attention, especially when the medical attention is unexpected; and what happens when the residents are no longer able to direct their own care. The committee shall investigate: Staffing requirements; entrance requirements for residents; and eligibility requirements for residents to remain. The committee may review what other states have done to address these issues.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **LEGISLATIVE RESOLUTION 72.** Introduced by Suttle, 10.

**PURPOSE:** The purpose of this study is to determine how to fund the development and maintenance of an off-the-highway vehicle trail in eastern Nebraska for use by all-terrain vehicles (ATVs) or dirtbikes. The study shall determine what federal funds may be available, how such funds might be accessed, and what state or local agency may be used to assist in obtaining the funds or developing and maintaining a trail.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **LEGISLATIVE RESOLUTION 73.** Introduced by Suttle, 10.

**PURPOSE:** The purpose of this study is to evaluate child care services available to Nebraska parents and to determine what may be done to improve the quality of child care for all children, whether such child care is

subsidized or not. The study shall investigate:

- (1) Public safety or health hazards that exist in present child care; and
- (2) The adequacy of state laws and regulations to protect children and provide them with a healthy, stimulating environment in child care at all levels throughout the state.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 74.** Introduced by Suttle, 10.

**PURPOSE:** The purpose of this study is to join efforts with public and private agencies who are studying the need to develop a statewide immunization registry. This study shall assist these agencies in determining the need for such a registry, how to develop an effective and complete registry, and the public benefits that will accrue with the development of a registry.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 75.** Introduced by Suttle, 10.

**PURPOSE:** The purpose of this study is to determine how to establish a statewide program of self-directed care for disabled persons who receive benefits under the federal medicaid program or the medical assistance program. The study shall investigate how such a system might foster competitive wages and benefits for care aides and how that issue is related to maintaining high-quality care, maximum dignity, and maximum quality of life for beneficiaries. The study may consider the experience of other states in implementing such a program.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.



Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 76.** Introduced by Suttle, 10.

**PURPOSE:** The purpose of this study is to examine LB 396 (2001) which would enact the Advanced Practice Registered Nurse Act and the issues surrounding the scope of practice, licensing, and regulation of nurse practitioners, clinical nurse practitioners, certified registered nurse anesthetists, and certified nurse midwives. This study shall work with all the parties having an interest in LB 396, proponents and opponents, to determine if a workable plan can be developed.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 77.** Introduced by Suttle, 10.

**PURPOSE:** The purpose of this study is to review the work completed by the Nebraska Center for Nursing and to examine any recommendations the center may develop to address the shortage of nurses in Nebraska. This study shall develop recommendations for legislative initiatives to help address the shortage.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**SELECT FILE**

**LEGISLATIVE BILL 543.** Senator Chambers renewed his pending amendment, FA219, found on page 1730.

Senators Beutler and Brashear 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 20 ayes, 0 nays, and 29 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 6:

Chambers	Hudkins	Price	Raikes	Robak
Schimek				

Voting in the negative, 25:

Aguilar	Baker	Bourne	Bromm	Connealy
Coordsen	Engel	Erdman	Hilgert	Jensen
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Quandahl	Redfield	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein

Present and not voting, 8:

Brown	Burling	Byars	Cunningham	Dierks
Janssen	Jones	Preister		

Excused and not voting, 10:

Beutler	Brashear	Bruning	Cudaback	Foley
Hartnett	McDonald	Pederson, D.	Vrtiska	Wickersham

The Chambers amendment lost with 6 ayes, 25 nays, 8 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Aguilar	Baker	Bourne	Bromm	Burling
Byars	Connealy	Coordsen	Cunningham	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Wehrbein			

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Brown Schimek

Excused and not voting, 9:

Beutler Brashear Bruning Cudaback Hartnett  
McDonald Pederson, D. Vrtiska Wickersham

Advanced to E & R for engrossment with 37 ayes, 1 nay, 2 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 542.** E & R amendment, AM7116, found on page 1698, was adopted.

Senator Coordsen renewed his pending amendment, FA215, found on page 1729.

Senators Aguilar, Foley, Cunningham, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Coordsen offered the following amendment to his pending amendment:

FA220

Amend AM1048

Pg. 6 strike lines 23, 24, 25, 26

Pg. 7 strike line 9

Senators Robak, Hilgert, and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Coordsen withdrew his amendments, FA220 and FA215.

Pending.

### VISITORS

Visitors to the Chamber were 30 fourth grade students and teacher from Dodge Elementary School, Grand Island; 40 fourth grade students and teacher from Brownell Talbot Elementary School, Omaha; 30 fourth grade students and teachers from Dodge Elementary School, Grand Island; Senator Robak's granddaughter, Alyson Robak, from Columbus; and 28 fourth grade students and teacher from St. John the Baptist School, Plattsmouth.

### RECESS

At 11:57 a.m., on a motion by Senator Coordsen, 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 McDonald and D. Pederson who were excused; and Senators Hilgert, Landis, Schrock, Tyson, and Wickersham who were excused until they arrive.

**AMENDMENTS - Print in Journal**

Senator Dierks filed the following amendment to LB 541:  
AM1717

(Amendments to Final Reading copy)

- 1 1. Strike original section 9.
- 2 2. On page 3, strike lines 5 through 10.
- 3 3. On page 19, line 25, after the second comma insert
- 4 "and" and strike "and"; and in line 26 strike "89-1,100,".
- 5 4. Renumber the remaining sections accordingly.
- 6 5. On page 1, line 2, after the first comma insert "and"
- 7 and strike "and 89-1,100,".

Senator Schimek filed the following amendment to LB 142:  
AM1726

(Amendments to E & R amendments, AM7100)

- 1 1. Insert the following new sections:
- 2 "Sec. 25. Section 13-804, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 13-804. (1) Any power or powers, privileges, or
- 5 authority exercised or capable of exercise by a public agency of
- 6 this state may be exercised and enjoyed jointly with any other
- 7 public agency of this state and jointly with any public agency of
- 8 any other state or of the United States to the extent that laws of
- 9 such other state or of the United States permit such joint exercise
- 10 or enjoyment. Any agency of state government when acting jointly
- 11 with any public agency may exercise and enjoy all of the powers,
- 12 privileges, and authority conferred by the Interlocal Cooperation
- 13 Act upon a public agency.
- 14 (2) Any two or more public agencies may enter into
- 15 agreements with one another for joint or cooperative action
- 16 pursuant to the Interlocal Cooperation Act. Appropriate action by
- 17 ordinance, resolution, or otherwise pursuant to law of the
- 18 governing bodies of the participating public agencies shall be
- 19 necessary before any such agreement may enter into force.
- 20 (3) Any such agreement shall specify the following:
- 21 (a) Its duration;
- 22 (b) The general organization, composition, and nature of
- 23 any separate legal or administrative entity created by the

- 1 agreement together with the powers delegated to the entity;  
2 (c) Its purpose or purposes;  
3 (d) The manner of financing the joint or cooperative  
4 undertaking and of establishing and maintaining a budget;  
5 (e) The permissible method or methods to be employed in  
6 accomplishing the partial or complete termination of the agreement  
7 and for disposing of property upon such partial or complete  
8 termination;  
9 (f) The manner of levying, collecting, and accounting for  
10 any tax authorized under sections 13-318 to 13-326 beginning July  
11 1, 1998 or sections 12 to 15 of this act; and  
12 (g) Any other necessary and proper matters.
- 13 (4) In the event that the agreement does not establish a  
14 separate legal entity to conduct the joint or cooperative  
15 undertaking, the agreement shall, in addition to items enumerated  
16 in subsection (3) of this section, contain the following:  
17 (a) Provision for an administrator or a joint board  
18 responsible for administering the joint or cooperative undertaking.  
19 In the case of a joint board, the public agencies party to the  
20 agreement shall be represented; and  
21 (b) The manner of acquiring, holding, and disposing of  
22 real and personal property used in the joint or cooperative  
23 undertaking.
- 24 (5) No agreement made pursuant to the Interlocal  
25 Cooperation Act shall relieve any public agency of any obligation  
26 or responsibility imposed upon it by law except to the extent of  
27 actual and timely performance by a joint board or other legal or  
1 administrative entity created by an agreement made pursuant to the  
2 act, which performance may be offered in satisfaction of the  
3 obligation or responsibility.
- 4 (6) In the event that an agreement made pursuant to this  
5 section creates a joint entity, such joint entity shall be subject  
6 to control by its members in accordance with the terms of the  
7 agreement; shall constitute a separate public body corporate and  
8 politic of this state, exercising public powers and acting on  
9 behalf of the public agencies which are parties to such agreement;  
10 and shall have power (a) to sue and be sued, (b) to have a seal and  
11 alter the same at pleasure or to dispense with its necessity, (c)  
12 to make and execute contracts and other instruments necessary or  
13 convenient to the exercise of its powers, and (d) from time to  
14 time, to make, amend, and repeal bylaws, rules, and regulations,  
15 not inconsistent with the Interlocal Cooperation Act and the  
16 agreement providing for its creation, to carry out and effectuate  
17 its powers and purposes.
- 18 (7) No entity created by local public agencies pursuant  
19 to the Interlocal Cooperation Act shall be considered a state  
20 agency, and no employee of such an entity shall be considered a  
21 state employee.
- 22 Sec. 28. Section 13-2504, Revised Statutes Supplement,

23 2000, is amended to read:

24 13-2504. (1) Any two or more public agencies may enter  
 25 into agreements with one another for joint or cooperative action  
 26 pursuant to the Joint Public Agency Act. Appropriate action by  
 27 ordinance, resolution, or otherwise pursuant to law of the  
 1 governing bodies of the participating public agencies shall be  
 2 necessary before any such agreement may enter into force.  
 3 (2) Any such agreement shall specify the following:  
 4 (a) Its duration;  
 5 (b) The general organization, composition, and nature of  
 6 any joint public agency created by the agreement together with the  
 7 powers delegated to the entity;  
 8 (c) Its purpose or purposes;  
 9 (d) The manner of financing the joint undertaking and of  
 10 establishing and maintaining a budget;  
 11 (e) The permissible method or methods to be employed in  
 12 amending the agreement or accomplishing the partial or complete  
 13 termination of the agreement and for disposing of property upon  
 14 such partial or complete termination consistent with section  
 15 13-2518;  
 16 (f) The manner of levying, collecting, and accounting for  
 17 any tax authorized under sections 13-318 to 13-326 or sections 12  
 18 to 15 of this act and any allocation of tax authority under section  
 19 13-2507; and

20 (g) Any other necessary and proper matters.

21 (3) No agreement made pursuant to the Joint Public Agency  
 22 Act shall relieve any public agency of any obligation or  
 23 responsibility imposed upon it by law except to the extent of  
 24 actual and timely performance by a joint public agency created by  
 25 an agreement made pursuant to the act, which performance may be  
 26 offered in satisfaction of the obligation or responsibility.

27 (4) Participating public agencies may transfer property,  
 1 other assets, and employees to a joint public agency as provided in  
 2 the agreement. Notwithstanding other provisions of law, if  
 3 employees are transferred any vested employment rights shall be  
 4 transferred with the employee and the employee shall be vested with  
 5 the joint public agency at the time of transfer."

6 2. On page 3, line 16, after the first comma insert  
 7 "and"; and strike beginning with the comma in line 17 through  
 8 "county" in line 21.

9 3. On page 15, strike lines 14 through 16 and insert  
 10 "shall have no less than nine members and no more than twenty-one  
 11 members representing the proposed counties and proposed  
 12 municipalities to be reestablished as determined by the council in  
 13 order to achieve proportionate representation. The council shall  
 14 select the members. Representation on the commission shall be  
 15 prorated based upon population of the proposed counties and  
 16 proposed municipalities involved, except that (a) each proposed  
 17 county and each proposed municipality involved shall have at least

- 18 one representative selected by the council and (b) not more than  
19 forty percent of the total membership shall be public officials.  
20 Meetings of the commission shall be subject to sections 84-1408 to  
21 84-1414."
- 22 4. On page 16, line 2, after the first comma insert  
23 "and"; strike beginning with the second comma in line 3 through  
24 "county" in line 7; in line 8 after the comma insert "the  
25 commission and"; and in line 9 after "hearing" insert "in each  
26 county and municipality proposed to be reestablished".
- 27 5. On page 17, line 7, strike "or" and insert "and"; and  
1 in line 25 strike "qualified electors" and insert "registered  
2 voters".
- 3 6. On page 20, line 26, strike the second "the" and  
4 insert "a".
- 5 7. On page 21, line 5, after "county" insert an  
6 underscored comma; in line 9 strike "never" and insert "not"; and  
7 in line 23 strike "ratio" and insert "ratios".
- 8 8. On page 24, line 1, after "districts" insert "that  
9 are within the boundaries of the municipal county"; in line 3 after  
10 the second "and" insert "unconsolidated"; and strike beginning with  
11 the period in line 8 through line 11 and insert ", except that the  
12 amount paid shall not exceed the total taxable valuation of the  
13 unconsolidated sanitary and improvement district times forty-five  
14 hundredths of one percent. Any disputes arising under this  
15 subsection shall be heard in the district court of such municipal  
16 county.".
- 17 9. On page 52, line 6; and page 53, line 3, after  
18 "county" insert "or municipal county".
- 19 10. On page 58, line 9, after "or" insert "urbanized  
20 area of each".
- 21 11. On page 60, line 18, after "or" insert "successor";  
22 and in line 25 after "village" insert "or successor municipal  
23 county".
- 24 12. On page 61, lines 17, 19, 22, 23, and 26; and page  
25 62, lines 2, 3, 4, 5, 8, 9, 13, 14, and 16 strike the new matter.
- 26 13. On page 62, lines 1 and 2, reinstate the stricken  
27 matter.
- 1 14. On page 68, line 17, strike "and", show as stricken,  
2 and insert an underscored comma and after "villages" insert ", and  
3 municipal counties".
- 4 15. On page 77, line 25, after "city" insert "or  
5 municipal county".
- 6 16. On page 78, line 16, strike "or", show as stricken,  
7 and insert an underscored comma and after "village" insert ", or  
8 municipal county".
- 9 17. On page 79, line 8, after "municipality" insert "or  
10 municipal county".
- 11 18. On page 86, line 10, after the last comma insert  
12 "13-804,"; and in line 14 after the last comma insert "13-2504,".

13 19. Renumber the remaining sections accordingly.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 78.** Introduced by Smith, 48.

**PURPOSE:** Many school districts are financially burdened by the cost of transportation to Lincoln for student academic events and personnel training. The purpose of this study is to review adjustments to school state aid calculations to include these special costs that certain school districts must bear.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 79.** Introduced by Smith, 48.

**PURPOSE:** The purpose of this study is to examine ways to grant incentives to businesses that have very few employees who receive unemployment benefits after terminating employment.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### SELECT FILE

**LEGISLATIVE BILL 542.** Senator Coordsen offered the following amendment:

FA222

Amend AM1048

On page 6 in lines 9, 10 and 13 strike "7,857,650" and insert "5,945,800", in lines 9, 10 and 14 strike "4,376,163" and insert "3,815,628"; and strike lines 23 through 26; and on page 7 strike line 9.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.



The Coordsen amendment was adopted with 31 ayes, 2 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 666.** E & R amendment, AM7113, found on page 1698, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 666A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 849.** E & R amendment, AM7114, printed separately and referred to on page 1698, was adopted.

Senator Connealy renewed his pending amendment, AM1712, found on page 1729.

The Connealy amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

#### AMENDMENT - Print in Journal

Senator Robak filed the following amendment to LB 536:  
AM1743

(Amendments to E & R amendments, AM7118)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 60-601, Revised Statutes Supplement,
- 3 2000, 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 in any motor
- 8 vehicle operated on any highway in this state."
- 9 2. On page 15, line 7, after "sections" insert "60-601,"
- 10 and after "66-1345.02" insert a comma.
- 11 3. Correct internal references and renumber the
- 12 remaining sections accordingly.

#### RESOLUTIONS

**LEGISLATIVE RESOLUTION 80.** Introduced by Dierks, 40.

PURPOSE: During the 2001 session of the Legislature, nearly two million dollars of perceived excess cash fund balances within the Department of Agriculture were reappropriated to other areas of state government. This effectively results in fees and other costs imposed upon specific segments of

the economy to support specific regulatory programs being redirected to support activities unrelated to the purposes for which the fees were originally collected. The purpose of this study is to examine the various cash funds administered by the Department of Agriculture to determine whether revenue streams supporting regulatory activities assigned to the department are appropriate and match expenditures and anticipated levels of regulatory activity.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 81.** Introduced by Dierks, 40.

**PURPOSE:** The purpose of this study is to examine the feasibility and desirability to maintain a contingency fund within or in conjunction with the Pesticide Administrative Cash Fund for purposes of extraordinary water monitoring or detection activities beyond baseline environmental pesticide monitoring. The study shall specifically focus on the following issues: (1) The statutory creation of a fund for problem area and response monitoring expenses, either as a separate cash fund or as a subaccount of the Pesticide Administrative Cash Fund, (2) clarification in law as to which agency or agencies would actually determine when and how extraordinary monitoring efforts would be carried out, (3) the creation of a process in law to clearly enable the expenditure of the monitoring reserve funds, and (4) policy decisions regarding the appropriate size of the fund.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **NOTICE OF COMMITTEE HEARING** **Appropriations**

Wednesday, May 23, 2001

12:30 PM

Capital Construction of parking structure at UNMC - Pursuant to §85-404, RRS, Neb. 1943

(Signed) Roger R. Wehrbein, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 659A.** 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 659, Ninety-seventh Legislature, First Session, 2001.

**GENERAL FILE**

**LEGISLATIVE BILL 305.** Title read. Considered.

Senators Burling and Connealy asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, AM1406, printed separately and referred to on page 1453, was considered.

Senator Chambers renewed his pending amendment, FA192, found on page 1514, to the Standing Committee amendment.

**SENATOR CUDABACK PRESIDING**

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

The Chambers amendment lost with 1 aye, 37 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA193, found on page 1514, to the Standing Committee amendment.

**PRESIDENT MAURSTAD PRESIDING**

Senators Preister, Burling, Kremer, and Erdman asked unanimous consent to be excused. No objections. So ordered.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers withdrew his amendment.

Pending.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 667A.** Introduced by Schrock, 38; Baker, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 667, Ninety-seventh Legislature, First Session, 2001.

**NOTICE OF COMMITTEE HEARING**  
**Business and Labor**

Wednesday, May 9, 2001  
Commission on Industrial Relations  
Brenda Council

12:00 PM

(Signed) Matt Connealy, Chairperson

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendment to LB 659:  
AM1713

(Amendments to E & R amendments, AM7105)

- 1 1. Insert the following new sections:
- 2 "Sec. 13. Section 29-3921, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 29-3921. The County Revenue Assistance Fund is created.
- 5 The fund shall be used for the operations of the commission. The
- 6 fund shall consist of money appropriated from the General Fund and
- 7 money remitted pursuant to section 29-3931. Any money in the fund
- 8 available for investment shall be invested by the state investment
- 9 officer pursuant to the Nebraska Capital Expansion Act and the
- 10 Nebraska State Funds Investment Act.
- 11 Sec. 14. Section 29-3922, Reissue Revised Statutes of
- 12 Nebraska, is amended to read:
- 13 29-3922. For purposes of the County Revenue Assistance
- 14 Act:
- 15 (1) Chief counsel means an attorney appointed to be the
- 16 primary administrative officer of the commission pursuant to
- 17 section 29-3928;
- 18 (2) Commission means the Commission on Public Advocacy;
- 19 (3) Commission staff means attorneys, investigators, and
- 20 support staff who are performing work for the capital litigation
- 21 division, appellate division, DNA testing division, and major case
- 22 resource center;
- 23 (4) Contracting attorney means an attorney contracting to
- 1 act as a public defender pursuant to sections 23-3404 to 23-3408;
- 2 (4) (5) Court-appointed attorney means an attorney other
- 3 than a contracting attorney or a public defender appointed by the
- 4 court to represent an indigent person;
- 5 (5) (6) Indigent defense services means legal services

- 6 provided to indigent persons by an indigent defense system;  
7 ~~(6)~~ (7) Indigent defense system means a system of  
8 providing services, including any services necessary for litigating  
9 a case, by a contracting attorney, court-appointed attorney, or  
10 public defender;
- 11 ~~(7)~~ (8) Indigent person means a person who is indigent  
12 and unable to obtain legal counsel as determined pursuant to rules  
13 of the Supreme Court; and
- 14 ~~(8)~~ (9) Public defender means an attorney appointed or  
15 elected pursuant to sections 23-3401 to 23-3403.
- 16 Sec. 15. Section 29-3929, Reissue Revised Statutes of  
17 Nebraska, is amended to read:
- 18 29-3929. The primary duties of the chief counsel shall  
19 be to provide direct legal services to indigent defendants, and the  
20 chief counsel shall:
- 21 (1) Supervise the operations of the appellate division,  
22 the capital litigation division, the DNA testing division, and the  
23 major case resource center;
- 24 (2) Prepare a budget and disburse funds for the  
25 operations of the commission;
- 26 (3) Present to the commission an annual report on the  
27 operations of the commission, including an accounting of all funds  
1 received and disbursed, an evaluation of the cost effectiveness of  
2 the commission, and recommendations for improvement;
- 3 (4) Convene or contract for conferences and training  
4 seminars related to criminal defense;
- 5 (5) Perform other duties as directed by the commission;
- 6 (6) Establish and administer projects and programs for  
7 the operation of the commission;
- 8 (7) Appoint and remove employees of the commission and  
9 delegate appropriate powers and duties to them;
- 10 (8) Adopt and promulgate rules and regulations for the  
11 management and administration of policies of the commission and the  
12 conduct of employees of the commission;
- 13 (9) Transmit monthly to the commission a report of the  
14 operations of the commission for the preceding calendar month;
- 15 (10) Execute and carry out all contracts, leases, and  
16 agreements authorized by the commission with agencies of federal,  
17 state, or local government, corporations, or persons; and
- 18 (11) Exercise all powers and perform all duties necessary  
19 and proper in carrying out his or her responsibilities.
- 20 Sec. 16. Section 29-3930, Reissue Revised Statutes of  
21 Nebraska, is amended to read:
- 22 29-3930. The following divisions are established within  
23 the commission:
- 24 (1) The capital litigation division shall be available to  
25 assist in the defense of capital cases in Nebraska, subject to  
26 caseload standards of the commission;
- 27 (2) The appellate division shall be available to

1 prosecute appeals to the Court of Appeals and the Supreme Court,  
2 subject to caseload standards of the commission; and  
3 (3) The DNA testing division shall be available to assist  
4 in representing persons who are indigent who have filed a motion  
5 pursuant to the DNA Testing Act, subject to caseload standards; and

6 (4) The major case resource center shall be available to  
7 assist public defenders, contracting attorneys, or court-appointed  
8 attorneys with the defense of a felony offense, subject to caseload  
9 standards of the commission.

10 Sec. 17. Section 29-3931, Revised Statutes Supplement,  
11 2000, is amended to read:

12 29-3931. (1) In cases in which the capital litigation  
13 division, appellate division, or major case resource center has  
14 been appointed, the chief counsel shall make a showing to the  
15 county or district court for the county in which the prosecution  
16 arose regarding the commission's cost of defense. The chief  
17 counsel shall consider the complexity of the case, the amount of  
18 expenses involved, and the ability of the county to pay the costs,  
19 in determining how often to make a showing to the court. A showing  
20 shall be made no more than once a month and shall be made once  
21 after the case is completed. The cost shall be based upon ~~(4)~~ (a)  
22 the actual time spent by commission staff attorneys and their  
23 hourly rates of pay, including benefits, ~~(2)~~ (b) a reasonable  
24 amount for administrative and support staff time, ~~(3)~~ (c) the  
25 actual expenditures for litigation support, such as expert  
26 witnesses, depositions, photocopying, printing, and travel and  
27 lodging expenses, and ~~(4)~~ (d) a reasonable amount for office  
1 overhead, including rent, telephone, and utilities. The cost of  
2 defense shall not include any expense incurred by the commission's  
3 staff for travel time or mileage between the commission's office  
4 and the place where the particular case's venue is had or for  
5 lodging and meals when the staff must be away from the office for  
6 more than one day. After a hearing, the county or district court  
7 shall order the county to pay one-third of the commission's cost of  
8 defense. The county shall pay the costs to the commission which  
9 shall remit the amount to the State Treasurer for credit to the  
10 County Revenue Assistance Fund. In cases in which commission staff  
11 is using money to represent indigent clients and that money is  
12 associated with any federal grant money or state match money, the  
13 chief counsel shall only bill counties for actual expenditures for  
14 litigation support, such as expert witnesses, depositions,  
15 photocopying, printing, and travel and lodging expenses.  
16 (2) In cases under the DNA Testing Act, costs shall be  
17 paid as provided in such act."

18 2. On page 4, line 24, after "state" insert "in the  
19 following manner:

20 (1) If the Commission on Public Advocacy has been  
21 appointed to represent the person filing the motion, as determined  
22 under section 6 of this act, the costs of testing shall be paid by

- 23 the commission from the County Revenue Assistance Fund; and  
 24 (2) If the Commission on Public Advocacy has not been  
 25 appointed to represent the person filing the motion, the court  
 26 shall hold a hearing to determine the costs for DNA testing. The  
 27 court shall order the commission to pay such costs. The order  
 1 shall be forwarded by the clerk of the court to the commission,  
 2 along with copies of all invoices for such DNA testing. Upon  
 3 receipt, the commission shall pay such costs from the County  
 4 Revenue Assistance Fund"; and in line 27 after "person" insert "as  
 5 follows:
- 6 (1) The court shall first contact the chief counsel for  
 7 the Commission on Public Advocacy to inquire if the commission is  
 8 able to accept the appointment. If the chief counsel determines  
 9 that the commission can accept the appointment, then the court  
 10 shall appoint the commission pursuant to the County Revenue  
 11 Assistance Act; and
- 12 (2) If the chief counsel declines the appointment because  
 13 of a conflict of interest or the case would exceed the caseload  
 14 standards set by the commission, then the court shall appoint an  
 15 attorney licensed to practice law in this state with at least five  
 16 years experience in felony litigation to represent the indigent  
 17 person at all stages of the proceedings. Counsel appointed under  
 18 this subdivision, other than the public defender, shall obtain  
 19 leave of court before proceeding beyond an initial direct appeal to  
 20 either the Court of Appeals or the Supreme Court to any further  
 21 direct, collateral, or postconviction appeals to state or federal  
 22 courts. Counsel appointed under this subdivision shall file an  
 23 application for fees and expenses in the district court which  
 24 appointed him or her for all fees and expenses reasonable necessary  
 25 to permit him or her to effectively and competently represent the  
 26 client. The court, upon hearing the application, shall fix  
 27 reasonable attorney's fees and expenses. The court's order shall  
 1 require that such fees and expenses be paid by the Commission on  
 2 Public Advocacy from the County Revenue Assistance Fund. Upon  
 3 receipt of the order, the commission shall pay such fees and  
 4 expenses in the full amount determined by the court".
- 5 3. On page 9, line 19, after the comma insert "29-3922,  
 6 29-3929, and 29-3930,"; and in line 20 after the comma insert "and  
 7 sections 29-3921 and 29-3931, Revised Statutes Supplement, 2000,".  
 8 4. Renumber the remaining section accordingly.

Senator Dierks filed the following amendment to LB 620:  
 AM1695

(Amendments to E & R amendments, AM7106)

- 1 1. On page 5, line 10, after the period insert  
 2 "Qualified business does not include any business engaged in the  
 3 production of ethanol that is eligible to receive production  
 4 incentive credits under the Ethanol Development Act.".

**RESOLUTIONS****LEGISLATIVE RESOLUTION 82.** Introduced by Quandahl, 31.

**PURPOSE:** To look into current Nebraska statutes regarding exemptions. Due to recent and pending changes that have been made to federal bankruptcy statutes, the Legislature should determine if Nebraska is current with federal statutes and the states that surround Nebraska. The Legislature finds that Nebraska statutes regarding exemptions were first enacted in 1867 and have been amended several times since then. In light of changes in economic conditions, the nature of Nebraska's economy, and changes in federal consumer protection and federal bankruptcy statutes, the Legislature should study its current exemption laws to determine if updating or revisions are necessary. The review may consist of, but need not be limited to, the review of:

1. A study of the evolution and rationale behind Nebraska's exemptions statutes; and
2. Effect of changes in federal laws, including federal bankruptcy laws, and their impact on Nebraska's exemption statutes.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 83.** Introduced by Quandahl, 31.

**PURPOSE:** LB 114 (2001) added consumption of alcoholic beverages by an underage person to the activities prohibited by Nebraska minor-in-possession statutes. The Legislature finds that the underage consumption of alcohol is on the rise and that the age that minors start to consume alcohol is younger than in previous years. The Legislature should conduct an interim study on determining which penalties most effectively deter underage consumption of alcoholic beverages. The study may consist of, but not be limited to, the review of:

1. What penalties or treatments would be most effective in deterring underage consumption of alcohol;
2. The impact of underage drinking on the State of Nebraska;
3. What penalties, treatments, and strategies are utilized by other states to deter underage consumption; and
4. What the Legislature's responsibility is in deterring underage consumption.

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

1. That a committee of the Legislature shall be designated to conduct an



interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### GENERAL FILE

**LEGISLATIVE BILL 305.** Senator Chambers renewed his pending amendment, FA194, found on page 1514, to the Standing Committee amendment.

Pending.

### AMENDMENT - Print in Journal

Senators Jensen, Quandahl, and Preister filed the following amendment to LB 305:  
AM1739

(Amendments to Standing Committee amendments, AM1406)

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 77-3442, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 77-3442. (1) Property tax levies for the support of
- 5 local governments ~~for fiscal years beginning on or after July 1,~~
- 6 ~~1998,~~ shall be limited to the amounts set forth in this section
- 7 except as provided in section 77-3444.
- 8 (2)(a) Except as provided in subdivision (2)(b) of this
- 9 section, school districts and multiple-district school systems may
- 10 levy a maximum levy of (i) one dollar and ten cents per one hundred
- 11 dollars of taxable valuation of property subject to the levy until
- 12 fiscal year 2001-02 and (ii) one dollar per one hundred dollars of
- 13 taxable valuation of property subject to the levy for fiscal year
- 14 2001-02 and all subsequent fiscal years. Excluded from this
- 15 limitation are amounts levied to pay for sums agreed to be paid by
- 16 a school district to certificated employees in exchange for a
- 17 voluntary termination of employment and amounts levied to pay for
- 18 special building funds and sinking funds established for projects
- 19 commenced prior to April 1, 1996, for construction, expansion, or
- 20 alteration of school district buildings. For purposes of this
- 21 subsection, commenced means any action taken by the school board on
- 22 the record which commits the board to expend district funds in
- 23 planning, constructing, or carrying out the project.
- 1 (b) Federal aid school districts may exceed the maximum
- 2 levy prescribed by subdivision (2)(a) of this section only to the
- 3 extent necessary to qualify to receive federal aid pursuant to
- 4 Title VIII of Public Law 103-382. For purposes of this
- 5 subdivision, federal aid school district means any school district

6 which receives ten percent or more of the revenue for its general  
7 fund budget from federal government sources pursuant to Title VIII  
8 of Public Law 103-382.

9 (3) Community colleges may levy a maximum levy on each  
10 one hundred dollars of taxable property subject to the levy of (a)  
11 eight cents for fiscal year 1998-99 and fiscal year 1999-2000 and  
12 (b) seven cents for fiscal year 2000-01 and each fiscal year  
13 thereafter.

14 (4) Natural resources districts may levy a maximum levy  
15 of four and one-half cents per one hundred dollars of taxable  
16 valuation of property subject to the levy.

17 (5) Educational service units may levy a maximum levy of  
18 one and one-half cents per one hundred dollars of taxable valuation  
19 of property subject to the levy.

20 (6) Incorporated cities and villages may levy a maximum  
21 levy of forty-five cents per one hundred dollars of taxable  
22 valuation of property subject to the levy plus an additional five  
23 cents per one hundred dollars of taxable valuation to provide  
24 financing for the municipality's share of revenue required under an  
25 agreement or agreements executed pursuant to the Interlocal  
26 Cooperation Act or the Joint Public Agency Act. The maximum levy  
27 shall include amounts levied to pay for sums to support a library  
1 pursuant to section 51-201, museum pursuant to section 51-501,  
2 visiting community nurse, home health nurse, or home health agency  
3 pursuant to section 71-1637, or statue, memorial, or monument  
4 pursuant to section 80-202.

5 (7) Sanitary and improvement districts which have been in  
6 existence for more than five years may levy a maximum levy of forty  
7 cents per one hundred dollars of taxable valuation of property  
8 subject to the levy, and sanitary and improvement districts which  
9 have been in existence for five years or less shall not have a  
10 maximum levy.

11 (8) Counties may levy or authorize a maximum levy of  
12 fifty cents per one hundred dollars of taxable valuation of  
13 property subject to the levy, except that five cents per one  
14 hundred dollars of taxable valuation of property subject to the  
15 levy may only be levied to provide financing for the county's share  
16 of revenue required under an agreement or agreements executed  
17 pursuant to the Interlocal Cooperation Act or the Joint Public  
18 Agency Act. The maximum levy shall include amounts levied to pay  
19 for sums to support a library pursuant to section 51-201 or museum  
20 pursuant to section 51-501. The county may allocate up to fifteen  
21 cents of its authority to other political subdivisions subject to  
22 allocation of property tax authority under subsection (1) of  
23 section 77-3443 and not specifically covered in this section to  
24 levy taxes as authorized by law which do not collectively exceed  
25 fifteen cents per one hundred dollars of taxable valuation on any  
26 parcel or item of taxable property. The county may allocate to one  
27 or more other political subdivisions subject to allocation of

1 property tax authority by the county under subsection (1) of  
2 section 77-3443 some or all of the county's five cents per one  
3 hundred dollars of valuation authorized for support of an agreement  
4 or agreements to be levied by the political subdivision for the  
5 purpose of supporting that political subdivision's share of revenue  
6 required under an agreement or agreements executed pursuant to the  
7 Interlocal Cooperation Act or the Joint Public Agency Act. If an  
8 allocation by a county would cause another county to exceed its  
9 levy authority under this section, the second county may exceed the  
10 levy authority in order to levy the amount allocated.

11 (9) Property tax levies for judgments obtained against a  
12 political subdivision which require or obligate a political  
13 subdivision to pay such judgment, to the extent such judgment is  
14 not paid by liability insurance coverage of a political  
15 subdivision, for preexisting lease-purchase contracts approved  
16 prior to July 1, 1998, for bonded indebtedness approved according  
17 to law and secured by a levy on property, and for payments by a  
18 public airport to retire interest-free loans from the Department of  
19 Aeronautics in lieu of bonded indebtedness at a lower cost to the  
20 public airport are not included in the levy limits established by  
21 this section.

22 (10) Property tax levies established to provide financing  
23 for exceptions to the allowable growth rate as permitted under  
24 section 79-1028 are not included in the levy limits established by  
25 this section.

26 (11) The limitations on tax levies provided in this  
27 section are to include all other general or special levies provided  
1 by law. Notwithstanding other provisions of law, the only  
2 exceptions to the limits in this section are those provided by or  
3 authorized by sections 77-3442 to 77-3444.

4 ~~(11)~~ (12) Tax levies in excess of the limitations in this  
5 section shall be considered unauthorized levies under section  
6 77-1606 unless approved under section 77-3444.

7 ~~(12)~~ (13) For purposes of sections 77-3442 to 77-3444,  
8 political subdivision means a political subdivision of this state  
9 and a county agricultural society."

10 2. On page 26, line 18, strike "or" and show as  
11 stricken; and in line 21 after "1997-98" insert ", or (f)  
12 expenditures to pay for the percentage increase in energy costs  
13 over the energy costs paid by the local system for school fiscal  
14 year 1999-00 in excess of the basic allowable growth rate. For  
15 purposes of this subsection, energy costs includes, but is not  
16 limited to, electricity, natural gas, oil, gasoline, diesel fuel,  
17 or related energy costs".

18 3. On page 41, line 2, after the second comma insert  
19 "77-3442,".

20 4. Renumber the remaining sections and correct internal  
21 references accordingly.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 489.** With Emergency.

A BILL FOR AN ACT relating to law; to amend sections 25-224, 25-1332, 25-1558, 25-1701, 25-1702, 25-1705, 29-2248, 30-2402, and 39-1345.01, Reissue Revised Statutes of Nebraska; to provide for certain discovery subpoenas; to change provisions relating to summary judgment motions, the statute of repose, garnishment of wages, responsibility of highway contractors, the Nebraska District Court Judges Association, and the Nebraska Probate Code; to change and eliminate provisions relating to security for costs; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 25-1703 and 25-1704, 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	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Wehrbein				

Voting in the negative, 0.

Excused and not voting, 8:

Burling	Erdman	Kremer	McDonald	Pederson, D.
Preister	Vrtiska	Wickersham		

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

**MOTIONS - Return LB 711 to Select File**

Senator Coordsen moved to return LB 711 to Select File for the following Coordsen-Kristensen-Chambers specific amendment:  
(Amendment on file in the Clerk's Office - Room 2018 - AM1758.)

Senator Bruning raised a point of order on whether the Coordsen et al. amendment requires a separate actuarial study consistent with the provisions of Rule 5, Sec. 14.

Senator Coordsen withdrew his motion to return.

Senator Kristensen moved to return LB 711 to Select File for the following specific amendment:

FA223

Strike the enacting clause.

Senator Kristensen withdrew his motion to return.

Senator Bruning moved to return LB 711 to Select File for the following specific amendment:

FA224

Strike the enacting clause.

Senator Bruning withdrew his motion to return.

Senator Chambers moved to return LB 711 to Select File for the following specific amendment:

FA225

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

### **UNANIMOUS CONSENT - Member Excused**

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

### **BILLS ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 711 with 37 ayes, 1 nay, 3 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 711. With Emergency.**

A BILL FOR AN ACT relating to retirement; to amend sections 79-982, 79-990, 79-9,101, 79-9,106, 79-1075, and 81-2027.03, Reissue Revised Statutes of Nebraska, and sections 24-710.07, 79-934, 79-947.01, 79-956, 79-980, 79-981, 79-984, 79-987, 79-992, 79-998, 79-9,103, 79-9,105, and 79-1082, Revised Statutes Supplement, 2000; to change provisions relating

to creditable service, retirement annuities, death benefits, cost-of-living adjustments, and investment reports; to authorize medical cost-of-living adjustments and purchase of service credit for leaves of absence for maternity purposes as prescribed; to eliminate a tax relating to prior service annuities; to provide and change powers and duties; to harmonize provisions; to repeal the original sections; to outright repeal section 79-9,112, 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, 39:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kruse	Landis	Maxwell
Pedersen, Dw.	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Wehrbein	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 9:

Burling	Erdman	Kremer	Kristensen	McDonald
Pederson, D.	Preister	Vrtiska	Wickersham	

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

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 797 with 36 ayes, 2 nays, 2 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 797.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 79-237,

79-313, 79-4,101, 79-563, 79-573, 79-583, 79-817, 79-1092, 85-1641, 85-1642, and 85-1657, Reissue Revised Statutes of Nebraska, sections 9-812, 13-511, 77-1601.02, 79-214, 79-215, 79-238, 79-442, 79-458, 79-4,108, 79-528, 79-1003, 79-1007.01, 79-1008.01, 79-1008.02, 79-1009, 79-1010, 79-1015.01, 79-1018.01, 79-1024, 79-1026, 79-1027, 79-1028, 79-1032, 79-1035, 79-1036, 79-1044, 79-1047, 79-1051, 79-1072.01, 79-1072.02, 79-1072.03, 79-1083.03, 79-1089, 79-1125, 79-1132, 79-1142, 79-1155, 79-1162, 79-1202, 79-1217, and 79-1241.02, Revised Statutes Supplement, 2000, and section 79-10,110, Revised Statutes Supplement, 2000, as amended by section 1, Legislative Bill 240, Ninety-seventh Legislature, First Session, 2001; to change provisions relating to duties of the Excellence in Education Council, budget revisions, tax request hearings, entrance requirements, the State Board of Education, the enrollment option program, reorganization of school districts, unified systems, reports, meetings, warrants, contract forms, state aid, budget statements, budget restrictions, the School Finance Review Committee, apportionment and distribution of federal school funds, temporary mitigation funds, the Hardship Fund, budgets of Class I districts, audits, money payable from certain cities, qualified zone academy undertakings, special education, educational service units, and the Tuition Recovery Cash Fund; to redefine terms; to eliminate provisions relating to Reserve Teachers, certification of aid for 1998, and a nonresident tuition fund; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-8,102 to 79-8,105, Reissue Revised Statutes of Nebraska, and sections 79-1022.01 and 79-1076, Revised Statutes Supplement, 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	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Wehrbein				

Voting in the negative, 0.

Excused and not voting, 8:

Burling	Erdman	Kremer	McDonald	Pederson, D.
Preister	Vrtiska	Wickersham		

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

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 489, 711, and 797.

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 435.** Placed on Select File as amended.  
E & R amendment to LB 435:  
AM7119

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 Agricultural Suppliers Lease Protection  
5 Act.  
6 Sec. 2. The Legislature finds that agricultural  
7 production in this state is highly dependent upon businesses  
8 providing inputs for agricultural producers and markets for  
9 agricultural commodities which have historically located on lands  
10 owned and served by railroads. It is vital to the continued  
11 prosperity of agriculture that such businesses maintain reasonable  
12 access to rail service and maintain reasonable terms of tenancy  
13 upon land owned by railroads or their successors in interest. The  
14 Legislature also finds that agribusiness leaseholders' substantial  
15 investments in structures and improvements unique to their rail  
16 location, as well as dependency on rail access, place them at a  
17 disadvantage in negotiating lease renewals. The Legislature  
18 further finds that given the substantial investment in structures  
19 and improvements made by agribusiness leaseholders, it is equitable  
20 that such agribusiness leaseholders have a right of first refusal  
21 to purchase the land they lease, should it be offered for sale.  
22 The purpose of the Agricultural Suppliers Lease Protection Act is  
23 to establish a system for fair resolution of lease disputes that  
24 may arise between railroad property owners or their successors and  
1 agribusiness tenants and to guard against unreasonable lease  
2 renewal terms or unjust lease termination.  
3 Sec. 3. For purposes of the Agricultural Suppliers Lease  
4 Protection Act:  
5 (1) Agricultural tenant means any public warehouse  
6 licensee as defined in section 88-526, any livestock auction market  
7 as defined in section 54-1158, or any other persons primarily  
8 engaged in the sale or distribution of fertilizer or agricultural  
9 chemicals or farm implements, machinery, or equipment occupying  
10 railroad land owned or controlled by a railroad or its grantee or  
11 successor in interest;



- 12 (2) Good faith means honesty in fact in the conduct of  
13 the transaction concerned;
- 14 (3) Lease means any agreement between a railroad and a  
15 tenant under the terms of which a tenant occupies the surface of  
16 railroad land;
- 17 (4) Railroad land means any land acquired by a railroad  
18 in strips for right-of-way and any parcel or tract acquired by a  
19 railroad adjacent to its right-of-way to aid in the construction,  
20 maintenance, and accommodation of its railway and which is occupied  
21 pursuant to a lease by a tenant who owns substantial improvements  
22 thereon;
- 23 (5) Substantial improvements means buildings or other  
24 structures or fixtures to structures that are permanent in nature  
25 and includes equipment that is affixed to real property or  
26 structures; and
- 27 (6) Successor in interest includes any agent, successor,  
1 assignee, trustee, receiver, or other person acquiring interests or  
2 rights in railroad land, including, but not limited to, the owner  
3 or holder of any servient estate or right of reversion relating to  
4 railroad land.
- 5 Sec. 4. (1) At the expiration of an existing lease, the  
6 agricultural tenant shall be given the opportunity to renew the  
7 lease at fair market value.
- 8 (2) All controversies regarding application and  
9 reasonableness of lease terms and conditions or fair market value  
10 arising between a railroad or its successor in interest and an  
11 agricultural tenant who is the owner, lessee, or licensee of a  
12 substantial improvement situated on railroad land owned or  
13 controlled by the railroad or its successor in interest shall be  
14 resolved by negotiation or by Department of Agriculture action.
- 15 (3) The parties shall first negotiate in good faith to  
16 resolve any controversy. If any such controversy is not resolved  
17 within sixty days after notification is given to an agricultural  
18 tenant by a railroad or its successor in interest that it wishes to  
19 (a) renew a lease upon new terms, (b) terminate a lease, (c) not  
20 renew a lease upon the expiration of a current lease, or (d) change  
21 the terms of an existing lease, then either party may file a  
22 complaint with the department setting forth facts upon which such  
23 complaint is based.
- 24 (4) The department, after reasonable notice to the  
25 parties, shall hear and determine all matters in controversy and  
26 make such order as the facts of the controversy warrant. With  
27 respect to hearing and determination of the matters in controversy,  
1 the department shall have those powers granted to it under sections  
2 84-913 to 84-915.01. Any party shall have the right to appeal from  
3 such order in accordance with sections 84-917 to 84-919.
- 4 Sec. 5. (1) If a railroad or its successor in interest  
5 wishes to sell or offer to sell property leased to an agricultural  
6 tenant upon which substantial improvements owned by the

7 agricultural tenant are located, then, except where the sale or  
8 offer to sell is made to a purchaser which will use the property  
9 for railroad operating purposes or for interim trail use under the  
10 National Trails System Act, 16 U.S.C. 1243, as such act existed on  
11 the effective date of this act, the railroad or its successor in  
12 interest shall first extend to the agricultural tenant a written  
13 offer to sell the railroad land to the agricultural tenant at fair  
14 market value.

15 (2) The agricultural tenant shall have thirty days after  
16 the written offer to give written notice of either (a) acceptance  
17 of the offer to sell and of the offerer's determination of fair  
18 market value or (b) acceptance of the offer to sell and rejection  
19 of the offerer's determination of fair market value in which case  
20 the parties shall negotiate the fair market value and, if the  
21 parties cannot agree, the agricultural tenant shall have sixty days  
22 after the agricultural tenant gives notice of rejection to file a  
23 complaint with the Department of Agriculture seeking determination  
24 of fair market value.

25 (3) The Department of Agriculture, after reasonable  
26 notice to the parties, shall hear and determine the fair market  
27 value of the land offered for sale and make such order as the facts  
1 of the controversy warrant. In conducting its hearing, the  
2 department shall have those powers granted it under the  
3 Administrative Procedure Act. Any person shall have the right to  
4 appeal from such order in accordance with the act.

5 (4) If the agricultural tenant fails to give timely  
6 notice or to file a timely complaint under subsection (2) of this  
7 section or fails to complete the purchase of the property within  
8 sixty days after the fair market value has been accepted by the  
9 agricultural tenant or determined by the department, unless the  
10 delay in completing the purchase is attributable to the railroad or  
11 its successor in interest, the railroad or its successor in  
12 interest may sell or offer to sell the property to any purchaser  
13 and such purchaser shall not be bound by this section. If the  
14 property is sold to a purchaser which will use the property for  
15 railroad operating purposes or for interim trail use under the  
16 National Trails System Act, 16 U.S.C. 1243, as such act existed on  
17 the effective date of this act, then the purchaser shall be bound  
18 by all of the provisions of the Agricultural Suppliers Lease  
19 Protection Act.

20 Sec. 6. (1) The Department of Agriculture, in  
21 consultation with the parties, may employ the services of a  
22 certified general real estate appraiser when determination of fair  
23 market value is a matter in controversy or relevant to the hearing  
24 and determination of the matter in controversy.

25 (2) All costs incurred by the department hearing and  
26 determining all matters in controversy pursuant to the Agricultural  
27 Suppliers Lease Protection Act shall be paid equally by the  
1 parties.

- 2 Sec. 7. 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 Sec. 8. The Agricultural Suppliers Lease Protection Cash  
10 Fund is created. All funds collected by the Department of  
11 Agriculture under the Agricultural Suppliers Lease Protection Act  
12 shall be remitted to the State Treasurer for credit to the fund.  
13 The fund shall be used by the department to aid in defraying the  
14 expenses of administering the act. Any money in the 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. 9. Section 75-109, Revised Statutes Supplement,  
19 2000, is amended to read:
- 20 75-109. (1) Except as provided in the Agricultural  
21 Suppliers Lease Protection Act and sections 19-4603, 86-803, and  
22 86-808, the commission shall regulate and exercise general control  
23 as provided by law over all common and contract carriers engaged in  
24 the transportation of freight or passengers for hire or furnishing  
25 telecommunications services for hire in Nebraska intrastate  
26 commerce.
- 27 (2) The commission is authorized to do all things  
1 reasonably necessary and appropriate to implement the federal  
2 Telecommunications Act of 1996, Public Law 104-104, including  
3 section 252 of the act which establishes specific procedures for  
4 negotiation and arbitration of interconnection agreements between  
5 telecommunications companies. Interconnection agreements approved  
6 by the commission pursuant to section 252 of the act may contain  
7 such enforcement mechanisms and procedures that the commission  
8 determines to be consistent with the establishment of fair  
9 competition in Nebraska telecommunications markets. In addition,  
10 the commission may administratively fine pursuant to section 75-156.  
11 any person who violates any enforcement mechanism or procedure  
12 established pursuant to this subsection. The authority granted to  
13 the commission pursuant to this subsection shall be broadly  
14 construed in a manner consistent with the federal  
15 Telecommunications Act of 1996.
- 16 Sec. 10. Original section 75-109, Revised Statutes  
17 Supplement, 2000, is repealed."

**LEGISLATIVE BILL 366.** Placed on Select File as amended.

E & R amendment to LB 366:

AM7120

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

3 "Section 1. Section 23-114.03, Revised Statutes  
4 Supplement, 2000, is amended to read:  
5 23-114.03. Zoning regulations shall be adopted or  
6 amended by the county board only after the adoption of the county  
7 comprehensive development plan by the county board and the receipt  
8 of the planning commission's specific recommendations or by  
9 adopting temporary zoning as provided in sections 23-115 to  
10 23-115.02. Such zoning regulations shall be consistent with an  
11 adopted comprehensive development plan and designed for the purpose  
12 of promoting the health, safety, morals, convenience, order,  
13 prosperity, and welfare of the present and future inhabitants of  
14 Nebraska, including, among others, such specific purposes as:  
15 (1) Developing both urban and nonurban areas;  
16 (2) Lessening congestion in the streets or roads;  
17 (3) Reducing the waste of excessive amounts of roads;  
18 (4) Securing safety from fire and other dangers;  
19 (5) Lessening or avoiding the hazards to persons and  
20 damage to property resulting from the accumulation or runoff of  
21 storm or flood waters;  
22 (6) Providing adequate light and air;  
23 (7) Preventing excessive concentration of population and  
24 excessive and wasteful scattering of population or settlement;  
25 (8) Promoting such distribution of population, such  
26 classification of land uses, and such distribution of land  
27 development as will assure adequate provisions for transportation,  
28 water flowage, water supply, drainage, sanitation, recreation, soil  
29 fertility, food supply, and other public requirements;  
30 (9) Protecting the tax base;  
31 (10) Protecting property against blight and depreciation;  
32 (11) Securing economy in governmental expenditures;  
33 (12) Fostering the state's agriculture, recreation, and  
34 other industries;  
35 (13) Encouraging the most appropriate use of land in the  
36 county; and  
37 (14) Preserving, protecting, and enhancing historic  
38 buildings, places, and districts.  
39 Within the area of jurisdiction and powers established by  
40 section 23-114, the county board may divide the county into  
41 districts of such number, shape, and area as may be best suited to  
42 carry out the purposes of this section and regulate, restrict, or  
43 prohibit the erection, construction, reconstruction, alteration, or  
44 use of nonfarm buildings or structures and the use, conditions of  
45 use, or occupancy of land. All such regulations shall be uniform  
46 for each class or kind of land or buildings throughout each  
47 district, but the regulations in one district may differ from those  
48 in other districts. An official map or maps indicating the  
49 districts and regulations shall be adopted, and within fifteen days  
50 after adoption of such regulations or maps, they shall be published  
51 in book or pamphlet form or once in a legal newspaper published in

1 and of general circulation in the county or, if none is published  
2 in the county, in a legal newspaper of general circulation in the  
3 county. Such regulations shall also be spread in the minutes of  
4 the proceedings of the county board and such map or maps filed with  
5 the county clerk.

6 For purposes of this section, nonfarm Nonfarm buildings  
7 are all buildings except those buildings utilized for agricultural  
8 purposes on a farmstead of twenty acres or more which produces one  
9 thousand dollars or more of farm products each year. In counties  
10 having a population of more than one hundred thousand inhabitants,  
11 a building used as a residence shall be considered a nonfarm  
12 building even if the building is located on a farmstead.  
13 Sec. 2. Section 23-114.04, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 23-114.04. (1) The county board shall provide for  
16 enforcement of the zoning regulations within its county by  
17 requiring the issuance of permits prior to the erection,  
18 construction, reconstruction, alteration, repair, or conversion of  
19 any nonfarm building or structure within a zoned area, and the  
20 county board may provide for the withholding of any permit if the  
21 purpose for which it is sought would conflict with zoning  
22 regulations adopted for the particular district in which the  
23 building or structure is situated or in which it is proposed to be  
24 erected. All plats for subdivisions in the area outside the  
25 corporate limits of cities and villages and outside of an  
26 unincorporated area ~~wherein~~ in which a city or village has been  
27 granted subdivision jurisdiction and is exercising such  
1 jurisdiction must be approved by the county planning commission.

2 For purposes of this section, nonfarm buildings are all  
3 buildings except those buildings utilized for agricultural purposes  
4 on a farmstead of twenty acres or more which produces one thousand  
5 dollars or more of farm products each year. In counties having a  
6 population of more than one hundred thousand inhabitants, a  
7 building used as a residence shall be considered a nonfarm building  
8 even if the building is located on a farmstead.

9 (2) The county board may establish and appoint a county  
10 zoning administrator, who may also serve as a building inspector,  
11 and may fix his or her compensation or may authorize any  
12 administrative official of the county to assume the functions of  
13 such position in addition to his or her regular duties. The county  
14 board may also fix a reasonable schedule of fees for the issuance  
15 of permits under the provisions of subsection (1) of this section.  
16 The permits shall not be issued unless the plans of and for the  
17 proposed erection, construction, reconstruction, alteration, use,  
18 or change of use, including sanitation, plumbing, and sewage  
19 disposal, are filed in writing in the building inspector's office  
20 and such plans fully conform to all zoning regulations then in  
21 effect.

22 Sec. 3. Original section 23-114.04, Reissue Revised

23 Statutes of Nebraska, and section 23-114.03, Revised Statutes  
24 Supplement, 2000, are repealed."

25 2. On page 1, line 1, after "amend" insert "section  
26 23-114.04, Reissue Revised Statutes of Nebraska, and"; in line 3  
27 after the semicolon insert "to harmonize provisions;"; and in line  
1 4 strike "section" and insert "sections".

### **Correctly Engrossed**

The following bill was correctly engrossed: LB 468A.

(Signed) Philip Erdman, Chairperson

### **VISITORS**

Visitors to the Chamber were 75 fourth grade students and teachers from  
Arbor Park Middle School, Blair.

### **ADJOURNMENT**

At 7:12 p.m., on a motion by Speaker Kristensen, the Legislature adjourned  
until 9:00 a.m., Wednesday, May 2, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTY-FIFTH DAY - MAY 2, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 2, 2001

**PRAYER**

The prayer was offered by Senator Kruse.

**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 McDonald, D. Pederson, and Vrtiska who were excused; and Senators Brashear, Brown, Coordsen, Cunningham, Kristensen, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fourth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 1, 2001, at 7:15 p.m., were the following:  
LBs 489e, 711e, and 797e.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**MESSAGE FROM THE GOVERNOR**

May 1, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 711e was received in my office on May 1, 2001.

The bill was signed by me on May 1, 2001, and delivered to the Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

### **REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 2, 2001, 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

Johnson, Michael L.

Fonner Park Exposition and Events Center, Inc.  
Hall County Livestock Improvement Association

Peters, William E.

Saint Joseph Regional Health Care System, L.L.C.

### **GENERAL FILE**

**LEGISLATIVE BILL 305.** The Chambers pending amendment, FA194, found on page 1514 and considered on page 1759, to the Standing Committee amendment, was renewed.

Senators Bruning, Erdman, and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Coordsen renewed his pending amendment, AM1570, found on page 1531, to the Standing Committee amendment.

### **SENATOR CUDABACK PRESIDING**

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

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



Senator Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Burling	Connealy	Coordsen	Cudaback	Dierks
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jones	Kremer	Kruse	Pedersen, Dw.	Preister
Stuhr	Thompson			

Voting in the negative, 25:

Aguilar	Baker	Brashear	Bromm	Brown
Bruning	Byars	Cunningham	Engel	Foley
Jensen	Kristensen	Landis	Maxwell	Price
Quandahl	Raikes	Redfield	Schimek	Schrock
Smith	Suttle	Tyson	Wehrbein	Wickersham

Present and not voting, 4:

Beutler	Bourne	Chambers	Robak
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Excused and not voting, 3:

McDonald	Pederson, D.	Vrtiska
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The Coordsen amendment lost with 17 ayes, 25 nays, 4 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

## RESOLUTION

**LEGISLATIVE RESOLUTION 84.** Introduced by Janssen, 15.

**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 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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this

resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 461:  
AM1691

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 66-1516, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 66-1516. Except as provided in section 12 of this act,
- 5 no ~~No~~ responsible person may avoid responsibility under state law
- 6 for a release or third-party claim by means of a conveyance of any
- 7 right, title, or interest in real property or by any
- 8 indemnification, hold-harmless, or similar agreement. This section
- 9 shall not be construed to:
- 10 (1) Prohibit a responsible person from entering into an
- 11 agreement by which the person is insured or is a member of a risk
- 12 retention group and is thereby indemnified for part or all of the
- 13 liability;
- 14 (2) Prohibit the enforcement of an insurance,
- 15 hold-harmless, or indemnification agreement; or
- 16 (3) Bar a cause of action brought by a responsible person
- 17 or by an insurer or guarantor, whether by right of subrogation or
- 18 otherwise.
- 19 Sec. 9. Section 81-15,117, Revised Statutes Supplement,
- 20 2000, is amended to read:
- 21 81-15,117. Sections 81-15,117 to 81-15,127 and sections
- 22 12 to 14 of this act shall be known and may be cited as the
- 23 Petroleum Products and Hazardous Substances Storage and Handling
- 1 Act.
- 2 Sec. 10. Section 81-15,119, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 81-15,119. For purposes of the Petroleum Products and
- 5 Hazardous Substances Storage and Handling Act, unless the context
- 6 otherwise requires:
- 7 (1) Operator shall mean any person in control of, or
- 8 having responsibility for, the daily operation of a tank but shall
- 9 not include a person described in subdivision (2)(b) of this
- 10 section;
- 11 (2)(a) Owner shall mean:
- 12 (i) In the case of a tank in use on July 17, 1986, or
- 13 brought into use after such date, any person who owns a tank used
- 14 for the storage or dispensing of regulated substances; and

- 15 (ii) In the case of any tank in use before July 17, 1986,  
16 but no longer in use on such date, any person who owned such tank  
17 immediately before the discontinuation of its use.
- 18 (b) Owner shall not include a person who, without  
19 participating in the management of a tank and otherwise not engaged  
20 in petroleum production, refining, and marketing:
- 21 (i) Holds indicia of ownership primarily to protect his  
22 or her security interest in a tank or a lienhold interest in the  
23 property on or within which a tank is or was located; or
- 24 (ii) Acquires ownership of a tank or the property on or  
25 within which a tank is or was located:
- 26 (A) Pursuant to a foreclosure of a security interest in  
27 the tank or of a lienhold interest in the property; or
- 1 (B) If the tank or the property was security for an  
2 extension of credit previously contracted, pursuant to a sale under  
3 judgment or decree, pursuant to a conveyance under a power of sale  
4 contained within a trust deed or from a trustee, or pursuant to an  
5 assignment or deed in lieu of foreclosure.
- 6 (c) Ownership of a tank or the property on or within  
7 which a tank is or was located shall not be acquired by a  
8 fraudulent transfer, as provided in the Uniform Fraudulent Transfer  
9 Act;
- 10 (3) Permanent abandonment shall mean that a tank has been  
11 taken permanently out of service as a storage vessel for any reason  
12 or has not been used for active storage for more than one year;
- 13 (4) Person shall mean any individual, firm, joint  
14 venture, partnership, limited liability company, corporation,  
15 association, political subdivision, cooperative association, or  
16 joint-stock association and includes any trustee, receiver,  
17 assignee, or personal representative thereof owning or operating a  
18 tank;
- 19 (5) Petroleum product shall mean any petroleum product,  
20 including, but not limited to, petroleum-based motor or vehicle  
21 fuels, gasoline, kerosene, and other products used for the purposes  
22 of generating power, lubrication, illumination, heating, or  
23 cleaning, but shall not include propane or liquefied natural gas;
- 24 ~~(5)~~ (6) Regulated substance shall mean:
- 25 (a) Any any petroleum product and any substance defined  
26 in section 101(14) of the Comprehensive, Environmental Response,  
27 Compensation, and Liability Act of 1980, as such act existed on the  
1 effective date of this act, but not including any substance  
2 regulated as a hazardous waste under subtitle C of such act; and
- 3 (b) Any petroleum product, including, but not limited to,  
4 petroleum-based motor or vehicle fuels, gasoline, kerosene, and  
5 other products used for the purposes of generating power,  
6 lubrication, illumination, heating, or cleaning, but shall not  
7 include propane or liquefied natural gas;
- 8 ~~(6)~~ (7) Release shall mean any spilling, leaking,  
9 emitting, discharging, escaping, leaching, or disposing from a tank

10 or any overflowing of a tank into ground water, surface water, or  
11 subsurface soils;

12 ~~(7)~~ (8) Remedial action shall mean any immediate or  
13 long-term response to a release or suspected release in accordance  
14 with rules and regulations adopted and promulgated by the  
15 department or the State Fire Marshal, including tank testing only  
16 in conjunction with a release or suspected release, site  
17 investigation, site assessment, cleanup, restoration, mitigation,  
18 and any other action which is reasonable and necessary;

19 ~~(8)~~ (9) Risk-based corrective action shall mean an  
20 approach to petroleum release corrective actions in which exposure  
21 and risk assessment practices, including appropriate consideration  
22 of natural attenuation, are integrated with traditional corrective  
23 actions to ensure that appropriate and cost-effective remedies are  
24 selected that are protective of human health and the environment;

25 ~~(9)~~ (10) Tank shall mean any tank or combination of  
26 tanks, including underground pipes connected to such tank or tanks,  
27 which is used to contain an accumulation of regulated substances  
1 and the volume of which is ten percent or more beneath the surface  
2 of the ground. Tank shall not include any:

3 (a) Farm or residential tank of one thousand one hundred  
4 gallons or less capacity used for storing motor fuel for  
5 consumptive use on the premises where stored, subject to a one-time  
6 fee;

7 (b) Tank with a storage capacity of one thousand one  
8 hundred gallons or less used for storing heating oil for  
9 consumptive use on the premises where stored, subject to a one-time  
10 fee;

11 (c) Septic tank;

12 (d) Tank situated in an underground area such as a  
13 basement, cellar, mineworking, drift, shaft, or tunnel if the tank  
14 is situated on or above the surface of the floor;

15 (e) Pipeline facility, including gathering lines;

16 (i) Regulated Defined under the Natural Gas Pipeline  
17 Safety Act of 1979, 49 U.S.C. app. 1671 60101, as such section  
18 existed on the effective date of this act; or

19 (ii) Regulated under the Hazardous Liquid Pipeline Safety  
20 Act of 1979, 49 U.S.C. app. 2001; or

21 ~~(iii)~~ Which is an intrastate pipeline regulated under  
22 state law comparable to the laws law prescribed in subdivisions  
23 subdivision (e)(i) and ~~(e)(ii)~~ of this subdivision;

24 (f) Surface impoundment, pit, pond, or lagoon;

25 (g) Flow-through process tank;

26 (h) Liquid trap or associated gathering lines directly  
27 related to oil or gas production and gathering operations; or

1 (i) Storm water or wastewater collection system; and

2 ~~(10)~~ (11) Temporary abandonment shall mean that a tank  
3 will be or has been out of service for at least one hundred eighty  
4 days but not more than one year.

5 Sec. 11. Section 81-15,120, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 81-15,120. Any farm or residential tank or tank used for  
8 storing heating oil as defined in subdivisions ~~(9)(a)~~ (10)(a) and  
9 (b) of section 81-15,119 shall be registered with the State Fire  
10 Marshal. The registration shall be accompanied by a one-time fee  
11 of five dollars and shall be valid until the State Fire Marshal is  
12 notified that a tank so registered has been permanently closed.  
13 Such registration shall specify the ownership of, location of, and  
14 substance stored in the tank to be registered. The State Fire  
15 Marshal shall remit the fee to the State Treasurer for credit to  
16 the Petroleum Products and Hazardous Substances Storage and  
17 Handling Fund which is hereby created as a cash fund. The fund  
18 shall also consist of any money appropriated to the fund by the  
19 state. The fund shall be administered by the Department of  
20 Environmental Quality to carry out the purposes of the Petroleum  
21 Products and Hazardous Substances Storage and Handling Act,  
22 including the provision of matching funds required by Public Law  
23 99-499 for actions otherwise authorized by the act. Any money in  
24 such fund available for investment shall be invested by the state  
25 investment officer pursuant to the Nebraska Capital Expansion Act  
26 and the Nebraska State Funds Investment Act.

27 Sec. 12. (1) If a remedial action plan submitted by a  
1 responsible person as defined in section 66-1514 is approved or  
2 deemed to be approved by the Department of Environmental Quality  
3 pursuant to subdivision (2) of section 81-15,124 and has been  
4 carried out, the department may issue to the responsible person a  
5 certificate of completion stating that no further remedial action  
6 needs to be taken at the site relating to any contamination for  
7 which remedial action has already been taken in accordance with the  
8 approved remedial action plan. The department shall condition the  
9 certificate of completion upon compliance with any monitoring,  
10 institutional, or technological controls that may be necessary and  
11 which were relied upon by the responsible person to demonstrate  
12 compliance with the remedial action plan. Any certificate of  
13 completion issued pursuant to this section shall be in a form which  
14 can be filed for record in the real estate records of the county in  
15 which the remedial action took place. The responsible person shall  
16 file the certificate of completion and notify the department within  
17 ten days after issuance as to the date and location of the real  
18 estate filing. If the department issues a certificate of  
19 completion to a responsible person under this section, a covenant  
20 not to sue shall arise by operation of law subject to subsection  
21 (2) of this section. The covenant not to sue releases the  
22 responsible person from liability to the state and from liability  
23 to perform additional environmental assessment, remedial activity,  
24 or response action with regard to the release of a petroleum  
25 product for which the responsible person has complied with the  
26 requirements of this subsection. The covenant not to sue shall be

27 voided if the responsible person fails to conduct additional  
1 remedial action as required under subsection (2) of this section,  
2 if a certificate of completion is revoked by the department under  
3 subsection (3) of this section, or if the responsible person fails  
4 to comply with the monitoring, institutional, or technological  
5 controls, if any, upon which the certificate of completion is  
6 conditioned.  
7 (2) A certificate of completion issued by the department  
8 under subsection (1) of this section shall require the responsible  
9 person to conduct additional remedial action in the event that any  
10 monitoring conducted at or near the real property or other  
11 circumstances indicate that (a) contamination is reoccurring, (b)  
12 additional contamination is present for which remedial action was  
13 not taken according to the remedial action plan, or (c)  
14 contamination from the site presents a threat to human health or  
15 the environment and was not addressed in the remedial action plan.  
16 (3) A certificate of completion shall be revoked if the  
17 department demonstrates by a preponderance of the evidence that  
18 any approval provided under this section was obtained by fraud or  
19 material misrepresentation, knowing failure to disclose material  
20 information, or false certification to the department. The  
21 department shall file a copy of the notice of revocation of any  
22 certificate of completion in the real estate records of the county  
23 in which the remedial action took place within ten days after such  
24 revocation.  
25 (4) If a responsible person transfers property to an  
26 affiliate in order for that affiliate to obtain a benefit to which  
27 the transferor would not otherwise be eligible under this section  
1 or to avoid an obligation under this section, the affiliate shall  
2 be subject to the same obligations and obtain the same level of  
3 benefits as those available to the transferor under this section.  
4 (5)(a) A covenant not to sue arising under subsection (1)  
5 of this section, unless voided pursuant to such subsection, shall  
6 bar suit against any person who acquires title to property to which  
7 a certificate of completion applies for all claims of the state or  
8 any other person in connection with petroleum products which were  
9 the subject of an approved remedial action plan and (b) a person  
10 who purchased a site before the effective date of this act is  
11 released, upon the issuance of a certificate of completion under  
12 this section or upon the issuance of a no further action letter on  
13 or after the effective date of this act pursuant to section  
14 81-15,186, from all liability to the state for cleanup of  
15 contamination that was released at the site covered by the  
16 certificate of completion or the no further action letter before  
17 the purchase date, except as provided in subsection (4) of this  
18 section, for releases or consequences that the person contributed  
19 to or caused, for failure by such person to comply with the  
20 monitoring, institutional, or technological controls, if any, upon  
21 which the certificate of completion is conditioned, or in the event

22 the certificate of completion is revoked by the department under  
23 subsection (3) of this section.

24 (6) Any person entitled to the protections of the  
25 covenant not to sue or eligible to be released from liability  
26 pursuant to the issuance of a certificate of completion or a no  
27 further action letter under subsection (5) of this section who is  
1 ordered by the department to take remedial action shall be eligible  
2 for reimbursement as a responsible person pursuant to section  
3 66-1525 and shall not be required to pay the first cost or percent  
4 of the remaining cost as provided in subsection (1) of section  
5 66-1523 unless such person contributed to or caused the release or  
6 failed to comply with the monitoring, institutional, or  
7 technological controls, if any, imposed under subsection (1) of  
8 this section.

9 Sec. 13. Upon issuance of a certificate of completion  
10 under section 12 of this act, except as otherwise provided in such  
11 section, the responsible person shall no longer have liability to  
12 the state as to the release of petroleum products for which  
13 compliance with the remedial action plan is demonstrated by the  
14 responsible person.

15 Sec. 14. (1) Participating in a remedial action plan  
16 does not constitute an admission of liability under the laws of  
17 this state, the rules and regulations adopted pursuant to law, or  
18 the ordinances and resolutions of any political subdivision or an  
19 admission of civil liability under statutory or common law of this  
20 state.

21 (2) The fact that a responsible person has participated  
22 in a remedial action plan is not admissible in any civil, criminal,  
23 or administrative proceeding initiated or brought under any law of  
24 this state other than to enforce sections 12 to 14 of this act.

25 (3) Participating in a remedial action plan shall not be  
26 construed to be an acknowledgment that the conditions of the  
27 affected area identified and addressed by the remedial action plan  
1 constitute a threat or danger to the public health or safety or the  
2 environment."

3 2. On page 1, line 2, strike "81-1505.04" and insert  
4 "66-1516, 81-1505.04, 81-15,119, 81-15,120,"; in line 4 strike  
5 "and" and after "81-1532," insert "and 81-15,117,"; and in line 11  
6 after the first semicolon insert "to change provisions relating to  
7 the Petroleum Products and Hazardous Substances Storage and  
8 Handling Act; to define and redefine terms; to provide for a  
9 covenant not to sue;".

10 3. On page 20, line 25, strike "81-1505.04" and insert  
11 "66-1516, 81-1505.04, 81-15,119, 81-15,120,"; and in line 27 strike  
12 "and" and after the last comma insert "and 81-15,117,".

Senator Schimek filed the following amendment to LB 97:  
AM1768

(Amendments to Final Reading copy)

- 1 1. On page 3, lines 19 and 20, strike "on appropriate  
2 tribal lands".

### GENERAL FILE

**LEGISLATIVE BILL 305.** Senator Chambers moved to reconsider the vote on the Coordsen amendment, AM1570, found on page 1531 and considered in this day's Journal.

### SPEAKER KRISTENSEN PRESIDING

Senator Landis 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.

Senator Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 21:

Beutler	Burling	Chambers	Connealy	Coordsen
Cudaback	Dierks	Erdman	Hartnett	Hilgert
Hudkins	Janssen	Jones	Kruse	Pedersen, Dw.
Preister	Robak	Schimek	Stuhr	Suttle
Thompson				

Voting in the negative, 25:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Cunningham	Engel
Foley	Jensen	Kremer	Kristensen	Landis
Maxwell	Price	Quandahl	Raikes	Redfield
Schrock	Smith	Tyson	Wehrbein	Wickersham

Excused and not voting, 3:

McDonald    Pederson, D.    Vrtiska

The Chambers motion to reconsider failed with 21 ayes, 25 nays, and 3 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 542, 543, 666, 666A, and 849.

**Enrollment and Review Change to LB 542**

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

ER9070

1. In the E & R amendments, AM7116, on page 1, line 3, "semicolon" has been struck and "colon" inserted.

**Enrollment and Review Change to LB 543**

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

ER9069

1. In the Standing Committee amendments, AM1049:

a. On page 83, line 3, "Educational" has been inserted after "Nebraska";

b. On page 88, lines 5 through 17 have been struck;

c. On page 92, line 14, "student" has been inserted after "medicine"; and

d. On page 144, line 22, the semicolon has been struck and a comma inserted.

**Enrollment and Review Change to LB 849**

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

ER9071

1. In the E & R amendments, AM7114:

a. On page 7, line 21, "Department of" has been struck; and

b. On page 8, line 16, "Attorneys" has been struck and "Attorney" inserted.

(Signed) Philip Erdman, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 435A.** 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 435, Ninety-seventh Legislature, First Session, 2001.

**ANNOUNCEMENT**

Senator Wehrbein announced that the Appropriations Committee will conduct its hearing on Wednesday, May 23, 2001 in Room 1507 instead of Room 1003.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 85.** Introduced by Coordsen, 32.

**PURPOSE:** The purpose of this study is to conduct a state employee parking facility feasibility study. The study should examine the feasibility of construction of a parking facility on the location of the state employee parking lot located south of the State Capitol Building. Currently, newly employed state employees must wait several years before state parking becomes available. The study should include:

- (1) Lease, purchase, or construction costs;
- (2) Operational costs;
- (3) Funding mechanisms;
- (4) Logistical concerns, such as state employee parking during construction; and
- (5) Employee costs for use of the new facility.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**GENERAL FILE**

**LEGISLATIVE BILL 305.** Senator Raikes asked unanimous consent to replace his pending amendment, FA199, found on page 1553, with a substitute amendment. No objections. So ordered.

Senator Raikes withdrew his pending amendment, FA199, found on page 1553.

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

AM1571

- 1 Amendments to Standing Committee amendments, AM1406)
- 2 1. Strike section 15.
- 3 2. On page 38, line 16, strike "twelve" and insert
- 4 "eleven"; and in line 17 after "Fund" insert:
- 5 "(19) On or after June 15, 2007, and on or before June

6 30, 2007, the State Treasurer shall transfer one million dollars  
 7 from the Cash Reserve Fund to the General Fund.".

8 3. On page 41, strike beginning with "section" in line 1  
 9 through "and" in line 2.

10 4. Renumber the remaining sections accordingly.

Senator Cunningham asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Raikes moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Raikes amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider the vote on the Raikes amendment, AM1571.

Senators Smith, Erdman, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

### **SPEAKER KRISTENSEN PRESIDING**

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Raikes asked unanimous consent to replace his pending amendment, FA200, found on page 1553, with a substitute amendment. No objections. So ordered.

Senator Raikes withdrew his pending amendment, FA200, found on page 1553.

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

AM1543

(Amendments to Standing Committee amendments, AM1406)

- 1 1. Insert the following new section:
- 2 "Sec. 10. (1) The high school district in each local
- 3 system shall report on the annual financial report how funds are
- 4 spent to enhance the educational opportunities available to
- 5 low-income students. The report shall include descriptions of the
- 6 initiatives for which the funds are being spent, the goals of each
- 7 initiative, the annual evaluation mechanism for determining if
- 8 progress is being made toward the goals, and the most recent
- 9 evaluation data or the base line data if the initiative has been
- 10 implemented for less than a complete school fiscal year.

- 11 (2) If the funds spent to enhance the educational  
 12 opportunities available to low-income students are not equal to or  
 13 greater than the poverty factor multiplied by the average formula  
 14 cost per student in the local system's cost grouping for the school  
 15 fiscal year for which expenditures are being reported, an amount  
 16 shall be subtracted from the next certification of state aid equal  
 17 to the difference of the product of the poverty factor multiplied  
 18 by the average formula cost per student minus the amount spent to  
 19 enhance the educational opportunities available to low-income  
 20 students. The department may require data, other information, or  
 21 affidavits to carry out this section. The department may require  
 22 audits of the information on a regular basis, a random basis, or  
 23 upon notice from any source that the information provided by the  
 1 district is not accurate."  
 2 2. On page 4, lines 17 and 18, strike "and 9" and insert  
 3 "to 10".  
 4 3. Renumber the remaining sections accordingly.

Senator Raikes moved to invoke cloture on LB 305, pursuant to Rule 7, Section 10.

Senator Raikes moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a record vote on the Raikes motion to invoke cloture.

Voting in the affirmative, 33:

Aguilar	Beutler	Bourne	Brashear	Bromm
Bruning	Byars	Connealy	Coordsen	Cudaback
Cunningham	Engel	Foley	Hartnett	Hilgert
Hudkins	Janssen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Raikes	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Wehrbein	Wickersham		

Voting in the negative, 11:

Baker	Burling	Chambers	Erdman	Jensen
Jones	Kremer	Kristensen	Quandahl	Redfield
Tyson				

Present and not voting, 1:

Brown

Excused and not voting, 4:

Dierks	McDonald	Pederson, D.	Vrtiska
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The Raikes motion to invoke cloture prevailed with 33 ayes, 11 nays, 1 present and not voting, and 4 excused and not voting.

The Raikes amendment, AM1543, was adopted with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the Standing Committee amendment, AM1406, as amended.

Voting in the affirmative, 36:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Bruning	Byars	Connealy	Coordsen
Cudaback	Cunningham	Engel	Erdman	Foley
Hartnett	Hilgert	Hudkins	Janssen	Kristensen
Kruse	Landis	Pedersen, Dw.	Preister	Price
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Wehrbein
Wickersham				

Voting in the negative, 3:

Chambers	Maxwell	Tyson
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Present and not voting, 6:

Brown	Burling	Jensen	Jones	Kremer
Quandahl				

Excused and not voting, 4:

Dierks	McDonald	Pederson, D.	Vrtiska
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The Standing Committee amendment, as amended, was adopted with 36 ayes, 3 nays, 6 present and not voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Senator Bromm requested the roll call vote be taken in reverse order.

Voting in the affirmative, 31:

Aguilar	Beutler	Bourne	Brashear	Bromm
Bruning	Burling	Byars	Connealy	Coordsen
Cudaback	Foley	Hartnett	Hilgert	Hudkins
Janssen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Raikes	Robak	Schimek
Schrock	Stuhr	Suttle	Thompson	Wehrbein
Wickersham				

Voting in the negative, 8:

Chambers	Erdman	Jensen	Jones	Kristensen
Redfield	Smith	Tyson		

Present and not voting, 6:

Baker	Brown	Cunningham	Engel	Kremer
Quandahl				

Excused and not voting, 4:

Dierks	McDonald	Pederson, D.	Vrtiska
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Advanced to E & R for review with 31 ayes, 8 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

### AMENDMENTS - Print in Journal

Senator Tyson filed the following amendment to LB 305:

FA226

Amend AM1406

Strike Section 3

Senator Jones filed the following amendment to LB 305:

AM1693

(Amendments to Standing Committee amendments, AM1406)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 48-233, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-233. (1) In addition to the penalties provided in the
- 5 Uniform Controlled Substances Act, any employee of a state agency,
- 6 political subdivision, or institution who possesses, dispenses,
- 7 delivers, administers, uses, or knowingly allows a subordinate
- 8 employee or a student attending such employee's employing
- 9 institution to possess, dispense, deliver, administer, or use an
- 10 anabolic steroid unless such substance is needed for a valid
- 11 medical purpose:
- 12 (a) For the first conviction, shall be dismissed from
- 13 employment and shall not be an employee of the dismissing entity or
- 14 any other state agency, political subdivision, or institution for a
- 15 period of one year after his or her dismissal; and
- 16 (b) For a second or any subsequent conviction, shall be
- 17 dismissed from employment and shall not thereafter be an employee
- 18 of the dismissing entity or any other state agency, political
- 19 subdivision, or institution.
- 20 (2) Any sanction imposed pursuant to this section shall

21 be subject to the Administrative Procedure Act except for those  
22 employees governed by sections 79-824 to 79-842 certificated staff  
23 of any public elementary or secondary educational institution in  
1 Nebraska.

2 (3) The use of an anabolic steroid for the purpose of  
3 hormonal manipulation that is intended to increase muscle mass,  
4 strength, or weight without a medical necessity to do so or for the  
5 intended purpose of improving physical appearance or performance in  
6 any form of exercise, sport, or game shall not be a valid medical  
7 purpose or in the course of professional practice.

8 Sec. 5. Section 79-4,108, Revised Statutes Supplement,  
9 2000, is amended to read:

10 79-4,108. (1)(a) Unified system means two or more Class  
11 II or III school districts participating in an interlocal agreement  
12 under the Interlocal Cooperation Act with approval from the State  
13 Committee for the Reorganization of School Districts. The  
14 interlocal agreement may include Class I districts if the entire  
15 valuation is included in the unified system. The interlocal  
16 agreement shall provide for a minimum term of three school years.  
17 The agreement shall provide that all property tax and state aid  
18 resources shall be shared by the unified system and that a board  
19 composed of school board members, with at least one school board  
20 member from each district, shall determine the general fund levy,  
21 within the limitations placed on school districts and  
22 multiple-district school systems pursuant to section 77-3442, to be  
23 applied in all participating districts and shall determine the  
24 distribution of property tax and state aid resources within the  
25 unified system. For purposes of section 77-3442, the  
26 multiple-district school system shall include all of the Class I,  
27 II, and III districts participating in the unified system and the  
1 Class I districts or portions thereof affiliated with any of the  
2 participating Class II and III districts.

3 (b) The interlocal agreement shall also provide that  
4 certificated staff will be employees of the unified system. For  
5 any certificated staff employed by the unified system, ~~tenure and~~  
6 seniority as of the effective date of the interlocal agreement  
7 shall be transferred to the unified system and ~~tenure and~~ seniority  
8 provisions shall continue in the unified system except as provided  
9 in sections 79-850 to 79-858. If a district withdraws from the  
10 unified system or if the interlocal agreement expires and is not  
11 renewed, certificated staff employed by a participating district  
12 immediately prior to the unification shall be reemployed by the  
13 original district and ~~tenure and~~ seniority as of the effective date  
14 of the withdrawal or expiration shall be transferred to the  
15 original district. The certificated staff hired by the unified  
16 system but not employed by a participating district immediately  
17 prior to the unification shall be subject to the reduction-in-force  
18 policy of the unified system. The interlocal agreement shall also  
19 require participating districts to pay obligations of the unified

20 system pursuant to sections 79-850 to 79-858 on a pro rata basis  
21 based on the adjusted valuations if a district withdraws from the  
22 unified system or if the interlocal agreement expires and is not  
23 renewed. Additional provisions in the interlocal agreement shall  
24 be determined by the participating districts and shall encourage  
25 cooperation within the unified system.

26 (2) Application for unification shall be made to the  
27 state committee. The application shall contain a copy of the  
1 interlocal agreement signed by the president of each participating  
2 school board. The state committee shall approve or disapprove  
3 applications for unification within thirty days after receipt of  
4 the application. If the interlocal agreement complies with  
5 subsection (1) of this section and all school boards of the  
6 participating districts have approved the interlocal agreement, the  
7 state committee shall approve the application. Unification  
8 agreements shall be effective on June 1 following approval from the  
9 state committee for status as a unified system or on the date  
10 specified in the interlocal agreement, except that the date shall  
11 be on or after June 1 and on or before September 1 for a specified  
12 year. The board established in the interlocal agreement may begin  
13 meeting any time after the application has been approved by the  
14 state committee.

15 (3) Upon granting the application for unification, the  
16 State Department of Education shall recognize the unified system as  
17 a single Class II or III district for state aid, budgeting,  
18 accreditation, enrollment of students, state programs, and  
19 reporting. The unified system shall submit a single report  
20 document for each of the reports required of school districts  
21 pursuant to Chapter 79 and shall submit a single budget document  
22 pursuant to the Nebraska Budget Act and sections 13-518 to 13-522.  
23 The class of district shall be the same as the majority of  
24 participating districts, excluding Class I districts. If there are  
25 an equal number of Class II and Class III districts in the unified  
26 system, the unified system shall be recognized by the department as  
27 a Class III district.

1 (4) The school districts participating in a unified  
2 system shall retain their separate identities for all purposes  
3 except those specified in this section, and participation in a  
4 unified system shall not be considered a reorganization.  
5 Sec. 6. Section 79-846, Reissue Revised Statutes of  
6 Nebraska, is amended to read:  
7 79-846. ~~Prior to January 1, 1979, every~~ Every school  
8 board, ~~board of education,~~ or governing board of any public  
9 elementary or secondary educational institution in Nebraska ~~covered~~  
10 ~~by the provisions of sections 79-824 to 79-842 shall adopt a~~  
11 ~~reduction-in-force policy covering employees subject to such~~  
12 ~~statutory provisions to carry out the intent of sections 79-846 to~~  
13 ~~79-849. No such policy shall allow the reduction of a permanent or~~  
14 ~~tenured an employee while a probationary an employee with fewer~~



15 years of teaching experience in the school or educational  
 16 institution employee is retained to render a service which ~~such~~  
 17 ~~permanent employee~~ the employee with more years of teaching  
 18 experience in the school or educational institution is qualified by  
 19 reason of certification and endorsement to perform or, in cases in  
 20 which certification is not applicable, by reason of college credits  
 21 in the teaching area. If employee evaluation is to be included as  
 22 a criterion to be used for reduction in force, specific criteria  
 23 such as frequency of evaluation, evaluation forms, and number and  
 24 length of classroom observations shall be included as part of the  
 25 reduction-in-force policy.

26 Sec. 7. Section 79-847, Reissue Revised Statutes of  
 27 Nebraska, is amended to read:

1 79-847. Before a reduction in force occurs, the school  
 2 board ~~or board of education~~ and the school district administration  
 3 shall present competent evidence demonstrating that a change in  
 4 circumstances has occurred necessitating a reduction in force. Any  
 5 alleged change in circumstances must be specifically related to the  
 6 teacher or teachers to be reduced in force, and the board, ~~based~~  
 7 ~~upon evidence produced at the hearing required by sections 79-824~~  
 8 ~~to 79-842~~, shall be required to specifically find that there are no  
 9 other vacancies on the staff for which the employee to be reduced  
 10 is qualified by endorsement or professional training to perform.

11 Sec. 8. Section 79-851, Revised Statutes Supplement,  
 12 2000, is amended to read:

13 79-851. The unified system or reorganized school  
 14 district or districts may terminate, ~~in accordance with sections~~  
 15 ~~79-824 to 79-842~~, the contracts of employment of teachers whose  
 16 employer's school district was or is to be closed, merged, or  
 17 otherwise altered as provided for unified systems or reorganized  
 18 school districts in section 79-850, except that such teachers shall  
 19 for the purpose of reduction in force be considered teachers of the  
 20 unified system or reorganized school district or districts and the  
 21 teachers shall be given full credit for the years of teaching  
 22 experience they had acquired as well as the same ~~tenure or~~  
 23 ~~permanent seniority~~ status rights they had in the school district  
 24 or districts affected by the unification or reorganization.

25 Sec. 22. The following sections are outright repealed:

26 Sections 79-824 to 79-842, Reissue Revised Statutes of Nebraska."

27 2. On page 4, lines 17 and 18, strike "8 and 9" and  
 1 insert "13 and 14".

2 3. On page 19, line 23, strike "9" and insert "14".

3 4. On page 41, line 1, strike "section" and insert

4 "sections 48-233, 79-846, 79-847, and"; and in line 2 after the  
 5 second comma insert "79-4,108, 79-851,".

6 5. Renumber the remaining sections accordingly.

Senator Robak filed the following amendment to LB 305:  
 AM1773

(Amendments to Standing Committee amendments, AM1406)

1 1. Insert the following new sections:

2 "Sec. 4. 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.

16 (2) The program shall not apply to (a) any student who  
17 resides in a Class I district which has not affiliated and which  
18 contracts or has contracted in either or both of the two prior  
19 school years with another district or districts in such student's  
20 grade level pursuant to section 79-598, or (b) any student who  
21 resides in a district which has entered into an annexation  
22 agreement pursuant to section 79-473, except that such student may  
23 transfer to another district which accepts option students.

1 Sec. 5. Section 79-473, Revised Statutes Supplement,  
2 2000, is amended to read:

3 79-473. (1) If the territory annexed by a change of  
4 boundaries of a city or village which lies within a Class III or IV  
5 school district as provided in section 79-407 or 79-408 has been  
6 part of a different Class IV or Class V school district prior to  
7 such annexation, a merger of the annexed territory with the Class  
8 III or IV school district shall become effective only if the merger  
9 is approved by a majority of the members of the each school board  
10 of the Class IV or V school district and a majority of the members  
11 of the school board of the Class III school district within ninety  
12 days after the effective date of the annexation ordinance.

13 (2) ~~Notwithstanding subsection (1) of this section, when~~  
14 ~~territory which lies within a Class III school district, Class VI~~  
15 ~~school district, or Class I school district which is attached to a~~  
16 ~~Class VI school district or which does not lie within a Class IV or~~  
17 ~~V school district is annexed by a city or village pursuant to~~  
18 ~~section 79-407, the affected school board of the city or village~~  
19 ~~school district and the affected school board or boards serving the~~  
20 ~~territory subject to the annexation ordinance shall meet within~~  
21 ~~thirty days after the effective date of the annexation ordinance~~  
22 ~~and negotiate in good faith as to which school district shall serve~~  
23 ~~the annexed territory and the effective date of any transfer.~~  
24 ~~During the process of negotiation, the affected boards shall~~  
25 ~~consider the following criteria:~~

26 (a) The educational needs of the students in the affected  
27 school districts;

1 (b) The economic impact upon the affected school  
2 districts;

3 (c) Any common interests between the annexed or platted  
4 area and the affected school districts and the community which has  
5 zoning jurisdiction over the area; and

6 (d) Community educational planning.

7 If no agreement has been reached within ninety days after  
8 the effective date of the annexation ordinance, the territory shall  
9 transfer to the school district of the annexing city or village ten  
10 days after the expiration of such ninety-day period unless an  
11 affected school district petitions the district court within the  
12 ten-day period and obtains an order enjoining the transfer and  
13 requiring the boards of the affected school districts to continue  
14 negotiation. The court shall issue the order upon a finding that  
15 the affected board or boards have not negotiated in good faith  
16 based on one or more of the criteria listed in this subsection.  
17 The district court shall require no bond or other surety as a  
18 condition for any preliminary injunctive relief. If no agreement  
19 is reached after such order by the district court and additional  
20 negotiations, the annexed territory shall become a part of the  
21 school district of the annexing city or village.

22 (3) If, within the boundaries of the annexed territory,  
23 there exists a Class VI school district, the school building,  
24 facilities, and land owned by the school district shall remain a  
25 part of the Class VI school district. If the Class VI school  
26 district from which territory is being annexed wishes to dispose of  
27 such school building, facilities, or land to any individual or  
1 political subdivision, including a Class I school district, the  
2 question of such disposition shall be placed on the ballot for the  
3 next primary or general election. All legal voters of such Class  
4 VI school district shall then vote on the question at such  
5 election. A simple majority of the votes cast shall resolve the  
6 issue.

7 (4) Whenever an application for approval of a final plat  
8 or replat is filed for territory which lies within the zoning  
9 jurisdiction of a city of the first or second class and does not  
10 lie within the boundaries of a Class IV or V school district, the  
11 affected school board of the school district within the city of the  
12 first or second class or its representative and the affected board  
13 or boards serving the territory subject to the final plat or replat  
14 or their representative shall meet within thirty days after such  
15 application and negotiate in good faith as to which school district  
16 shall serve the platted or replatted territory and the effective  
17 date of any transfer based upon the criteria prescribed in  
18 subsection (2) of this section.

19 If no agreement has been reached prior to the approval of  
20 the final plat or replat, the territory shall transfer to the

21 school district of the city of the first or second class upon the  
 22 filing of the final plat unless an affected school district  
 23 petitions the district court within ten days after approval of the  
 24 final plat or replat and obtains an order enjoining the transfer  
 25 and requiring the affected boards to continue negotiation. The  
 26 court shall issue the order upon a finding that the affected board  
 27 or boards have not negotiated in good faith based on one or more of  
 1 the criteria listed in subsection (2) of this section. The  
 2 district court shall require no bond or other surety as a condition  
 3 for any preliminary injunctive relief. If no agreement is reached  
 4 after such order by the district court and additional negotiations,  
 5 the platted or replatted territory shall become a part of the  
 6 school district of the city of the first or second class.  
 7 For purposes of this subsection, plat and replat apply  
 8 only to (a) vacant land, (b) land under cultivation, or (c) any  
 9 plat or replat of land involving a substantive change in the size  
 10 or configuration of any lot or lots.  
 11 ~~(5) Notwithstanding any other provisions of this section,~~  
 12 ~~all negotiated agreements relative to boundaries or to real or~~  
 13 ~~personal property of school districts reached by the affected~~  
 14 ~~school boards shall be valid and binding."~~  
 15 2. On page 41, line 1, strike "section" and insert  
 16 "sections 79-234 and"; and in line 2 after the second comma insert  
 17 "79-473,".  
 18 3. Renumber the remaining sections and correct internal  
 19 references accordingly.

Senators Robak and Jones filed the following amendment to LB 305:  
 AM1764

(Amendments to Standing Committee amendments, AM1406)

1 1. Insert the following new sections:  
 2 "Sec. 11. Section 79-1015.01, Revised Statutes  
 3 Supplement, 2000, is amended to read:  
 4 79-1015.01. (1) Local system formula resources shall  
 5 include local effort rate yield which shall be computed as  
 6 prescribed in this section.  
 7 (2) For state aid certified pursuant to section 79-1022,  
 8 the local effort rate shall be the maximum levy authorized pursuant  
 9 to section 77-3442 less ten cents. For the final calculation of  
 10 state aid pursuant to section 79-1065, the local effort rate shall  
 11 be the rate which, when multiplied by the total adjusted formula  
 12 valuation of all taxable property in local systems receiving  
 13 equalization aid pursuant to the Tax Equity and Educational  
 14 Opportunities Support Act, will produce the amount needed to  
 15 support the total formula need of such local systems when added to  
 16 state aid appropriated by the Legislature and other actual receipts  
 17 of local systems described in section 79-1018.01. The local effort  
 18 rate yield shall be determined by multiplying each local system's  
 19 total adjusted formula valuation by the local effort rate.

20 Sec. 16. Section 79-1072.01, Revised Statutes  
21 Supplement, 2000, is amended to read:  
22 79-1072.01. (1) Temporary mitigation funds shall be  
23 distributed to local systems which have property tax and state aid  
1 resources for school fiscal year 1998-99 which are less than ninety  
2 percent of their property tax and state aid resources for school  
3 fiscal year 1997-98. The local system shall receive a lump-sum  
4 payment in an amount equal to ninety percent of the school fiscal  
5 year 1997-98 property tax and state aid resources minus the school  
6 fiscal year 1998-99 property tax and state aid resources if the  
7 following criteria are met:  
8 (a) The local system's school fiscal year 1997-98 general  
9 fund budget of expenditures minus the special education budget of  
10 expenditures did not exceed the school fiscal year 1995-96 general  
11 fund budget of expenditures minus the special education budget of  
12 expenditures by more than two percent plus the two-year percentage  
13 growth in students for the local system; and  
14 (b)(i) The local system has shown an intent to merge,  
15 consolidate, or unify with at least one specified high school  
16 district by June 1, 1999, through a public affirmative vote by the  
17 school board of the high school district in the local system with a  
18 majority of the members of the school board signing an affidavit  
19 acknowledging that the intent of the signing board member is to  
20 proceed with a merger, consolidation, or unification involving the  
21 district on the board of which they are serving. Affidavits shall  
22 be filed with the State Department of Education on or before August  
23 1, 1998. The temporary mitigation funds provided in this section  
24 shall be returned if the receiving district does not merge,  
25 consolidate, or unify prior to June 30, 2000. The temporary  
26 mitigation funds need not be returned if, prior to June 30, 2000,  
27 the receiving district is unable as determined by the State  
1 Committee for the Reorganization of School Districts to merge,  
2 consolidate, or unify despite good faith efforts because all  
3 districts with which the receiving district could reasonably be  
4 expected to merge, consolidate, or unify declined such merger,  
5 consolidation, or unification;  
6 (ii) The local system is within the sparse cost grouping  
7 or the very sparse cost grouping pursuant to section 79-1007.02;  
8 (iii) The local system contains more than one hundred  
9 seventy-five square miles; or  
10 (iv) The local system is subject to loss of state aid due  
11 to clerical error as defined in subsection (4) of section 79-1016.  
12 (2) If the payments due to local systems under this  
13 section exceed the amount of funds appropriated by the Legislature,  
14 the funds shall be distributed on a pro rata basis to such local  
15 systems. Payments shall be made on or before September 15, 1998.  
16 Payments to local systems that include Class I districts shall be  
17 divided proportionally among the districts in the local system  
18 based on the weighted formula students attributed to each district

19 in the local system for the certification of state aid to be paid  
 20 in school fiscal year 1998-99. The department shall identify local  
 21 systems which qualify for payments under this section and shall  
 22 distribute the funds to the districts in qualifying local systems.  
 23 (3) The department shall adjust payments of state aid as  
 24 defined in ~~subdivision (35)~~ of section 79-1003 to those school  
 25 districts which received temporary mitigation funds and did not  
 26 merge after a final determination by the State Committee for the  
 27 Reorganization of School Districts. If the total adjustment cannot  
 1 be made from the funds to be provided in the ensuing school fiscal  
 2 year, the adjustment shall be prorated, with additional adjustments  
 3 to payments for the future school fiscal years. The department  
 4 shall maintain an accurate account and a record of the reasons the  
 5 adjustments were made and the amount of such adjustments.

6 (4) For purposes of this section:

7 (a) Local system has the definition found in section  
 8 79-1003;

9 (b) Property tax and state aid resources for school  
 10 fiscal year 1997-98 means the sum of state aid distributed pursuant  
 11 to the Tax Equity and Educational Opportunities Support Act for  
 12 school fiscal year 1997-98 plus the product of the general fund  
 13 common levy for school fiscal year 1997-98 multiplied by the local  
 14 system's assessed valuation for 1997;

15 (c) Property tax and state aid resources for school  
 16 fiscal year 1998-99 means the sum of state aid certified pursuant  
 17 to the Tax Equity and Educational Opportunities Support Act for  
 18 school fiscal year 1998-99 plus the product of a levy of one dollar  
 19 and ten cents per one hundred dollars multiplied by the local  
 20 system's adjusted valuation for 1998 as certified by the Property  
 21 Tax Administrator on or before July 1, 1998; and

22 (d) Two-year percentage growth in students means the sum  
 23 of the growth in students for school fiscal year 1996-97 and school  
 24 fiscal year 1997-98 to be calculated by applying the methodology in  
 25 section 79-1025 as it existed on January 1, 1998, except that  
 26 growth in students is calculated for local systems rather than  
 27 districts and may be negative for each school fiscal year for the  
 1 purpose of adding the growth in students together from each school  
 2 fiscal year but the two-year percentage growth rate shall be zero  
 3 if the sum is negative."

4 2. On page 7, line 18, after "(18)" insert "Formula  
 5 valuation means a local system's adjusted valuation multiplied by  
 6 the local system income factor;

7 (19)"; in line 23 strike "(19)" and insert "(20)"; and in  
 8 line 26 strike "(20)" and insert "(21)".

9 3. On page 8, line 10, strike "(21)" and insert "(22)";  
 10 in line 12 strike "(22)" and insert "(23)"; in line 20 strike  
 11 "(23)" and insert "(24)"; in line 24 strike "(24)" and insert  
 12 "(25)"; and in line 27 strike "(25)" and insert "(26)".

13 4. On page 9, line 2, strike "(26)" and insert "(27)";

14 in line 6 strike "(27)" and insert "(28)"; in line 14 strike "(28)"  
 15 and insert "(29) Local system adjusted gross income per return  
 16 means the total Nebraska individual adjusted gross income reported  
 17 on Nebraska income tax returns by residents of a local system  
 18 divided by the total number of Nebraska income tax returns filed by  
 19 residents of the local system, as reported by the Department of  
 20 Revenue for the second preceding year;  
 21 (30) Local system income factor equals one plus fifty  
 22 percent of the difference of the local system income ratio minus  
 23 one;  
 24 (31) Local system income ratio means the ratio of the  
 25 local system adjusted gross income per return divided by the state  
 26 adjusted gross income per return;  
 27 (32)"; in line 19 strike "(29)" and insert "(33)"; and in  
 1 line 25 strike "(30)" and insert "(34)".  
 2 5. On page 10, line 1, strike "(31)" and insert "(35)";  
 3 in line 4 strike "(32)" and insert "(36)"; in line 8 strike "(33)"  
 4 and insert "(37)"; in line 10 strike "(34)" and insert "(38)"; in  
 5 line 13 strike "(35)" and insert "(39)"; in line 21 strike "(36)"  
 6 and insert "(40)"; and in line 26 strike "(37)" and insert "(41)"  
 7 State adjusted gross income per return means the total Nebraska  
 8 individual adjusted gross income divided by the total number of  
 9 Nebraska individual income tax returns, of those returns  
 10 designating school districts, as reported by the Department of  
 11 Revenue for the second preceding year;  
 12 (42)".  
 13 6. On page 11, line 2, strike "(38)" and insert "(43)";  
 14 in line 3 strike "(39)" and insert "(44)"; in line 6 strike "(40)"  
 15 and insert "(45)"; and in line 8 strike "(41)" and insert "(46)".  
 16 7. On page 12, line 4, strike "(42)" and insert "(47)".  
 17 8. On page 41, line 3, before "79-1028" insert  
 18 "79-1015.01," and before "79-1083.03" insert "79-1072.01".  
 19 9. Renumber the remaining sections accordingly.

Senator Robak filed the following amendment to LB 305:  
 AM1774

(Amendments to Standing Committee amendments, AM1406)

- 1 1. Insert the following new sections:
- 2 "Sec. 16. (1) The Legislature finds that:
- 3 (a) The recent occurrences of violence and an increase in  
 4 disruptive student behavior has affected school safety and that it  
 5 is necessary to provide school boards assistance in developing  
 6 school safety plans;
- 7 (b) The aim of education is for academic excellence;
- 8 (c) It is imperative that there is a climate of respect  
 9 in every school and that every school is free of disruption, drugs,  
 10 violence, and weapons; and
- 11 (d) All schools should have safety plans.
- 12 (2) It is the intent of the Legislature that all schools

13 should be safe, secure, and orderly and that all students should be  
14 safe and secure while attending a public or private school in  
15 Nebraska.

16 Sec. 17. For purposes of sections 16 to 20 of this act:

17 (1) Department means the State Department of Education;  
18 and

19 (2) School district has the definition found in section  
20 79-101.

21 Sec. 18. Each school district and each nonpublic school  
22 in Nebraska shall develop and approve for each school under its  
23 jurisdiction a school safety plan. The plan shall be completed and  
1 submitted to the department for approval not later than December  
2 31, 2001. The department shall approve the plan if it meets the  
3 following requirements:

4 (1) Each school maintains safe, healthful, and sanitary  
5 conditions within the building and on the grounds and meets fire,  
6 health, and safety codes;

7 (2) Each school has a safety and security plan approved  
8 by the school board which addresses the safety and security of  
9 students, staff, and visitors;

10 (3) Each school district or nonpublic school has a school  
11 safety and security committee which (a) includes representatives of  
12 faculty, parents, and the community and (b) meets at least annually  
13 to prepare and review safety and security plans and procedures,  
14 including emergency plans and procedures; and

15 (4) The safety and security plan is reviewed annually by  
16 one or more persons not on the school safety and security committee  
17 and not an employee of the school district or nonpublic school,  
18 which review shall include, but not be limited to, a visit to each  
19 school building to analyze plans, policies, procedures, and  
20 practices and provide recommendations. Recommendations made as a  
21 result of the review shall be forwarded to the building  
22 administrator and to the school safety and security committee to be  
23 considered in making revisions to the safety and security plan.

24 Sec. 19. (1) The School Safety Plan Grant Fund is  
25 created. It is the intent of the Legislature to appropriate two  
26 million dollars to the fund for each of fiscal years 2001-02,  
27 2002-03, and 2003-04. The State Department of Education shall  
1 administer the fund. Any money in the 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 (2) All schools meeting the accreditation requirements in  
6 the rules and regulations adopted and promulgated by the department  
7 pursuant to subdivision (5)(c) of section 79-318 may apply to the  
8 department for a one-time grant, not to exceed five thousand  
9 dollars, to assist in (a) the development, implementation, and  
10 review of school safety plans, materials, policies, and procedures,  
11 (b) staff training in violence prevention, intervention, and



- 12 emergency response. (c) reviews of physical plant and grounds, and  
13 (d) efforts to include external agencies in policy, procedure,  
14 planning, and training. Grants under this section shall not be  
15 used to pay for salaries or equipment purchases.  
16 Sec. 20. The department shall adopt and promulgate rules  
17 and regulations to carry out sections 16 to 20 of this act."  
18 2. Renumber the remaining sections accordingly.

Senator Maxwell filed the following amendment to LB 305:  
(Amendment, AM1769, 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 LB 620:  
AM1760

(Amendments to E & R amendments, AM7106)

- 1 1. On page 8, line 10, strike "by which" and insert  
2 "of"; in lines 12 and 13 strike "exceeds" through "employees" and  
3 insert "who have been paid compensation for such year by the  
4 company of at least the minimum amount required for such project  
5 under section 34 of this act"; and after line 25 insert  
6 "For purposes of determining the credit percentage for  
7 each respective project year, average compensation means the total  
8 compensation paid during the project year to all employees employed  
9 at the project regardless of their level of compensation divided by  
10 the total number of equivalent employees employed at the project  
11 during the project year regardless of their level of  
12 compensation.".  
13 2. On page 17, line 26, after "individual" insert  
14 "employed by the company"; and in line 27 after "employee" insert  
15 "for purposes of attaining and maintaining the required number of  
16 new employees and shall be considered an employee".

## **PRESIDENT MAURSTAD PRESIDING**

### **SELECT FILE**

**LEGISLATIVE BILL 75.** E & R amendment, AM7098, found on page  
1454, was adopted.

Senator Cunningham renewed his pending amendment, AM0239, found on  
page 1208.

Senator Chambers renewed his pending amendment, FA151, found on page  
1316, to the Cunningham pending amendment.

Senators Coordsen, Hartnett, Schimek, Tyson, Thompson, Beutler, Jones,  
Bruning, Dw. Pedersen, and Maxwell asked unanimous consent to be  
excused until they return. No objections. So ordered.

## **SENATOR CUDABACK PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 28:

Aguilar	Baker	Bourne	Brashear	Brown
Byars	Chambers	Cudaback	Engel	Erdman
Hilgert	Jensen	Kremer	Kristensen	Kruse
Landis	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Smith	Suttle
Thompson	Wehrbein	Wickersham		

Voting in the negative, 6:

Connealy	Cunningham	Dierks	Foley	Janssen
Schrock				

Present and not voting, 4:

Bromm	Burling	Hudkins	Stuhr
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Excused and not voting, 11:

Beutler	Bruning	Coordsen	Hartnett	Jones
Maxwell	McDonald	Pederson, D.	Schimek	Tyson
Vrtiska				

The Chambers amendment was adopted with 28 ayes, 6 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Robak renewed her pending amendment, AM1431, found on page 1453, to the Cunningham pending amendment.

Senator Brashear 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.

Senator Robak moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Robak amendment was adopted with 26 ayes, 6 nays, 6 present and not voting, and 11 excused and not voting.

Pending.

The Chair declared the call raised.

### AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendment to LB 852:  
(Amendment, AM1677, 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 465:  
AM1755

(Amendments to Standing Committee amendments, AM0376)

1 1. Strike section 2 and all amendments thereto and  
2 insert the following new sections:  
3 "Section 1. Section 77-702, Revised Statutes Supplement,  
4 2000, is amended to read:  
5 77-702. (1) Commencing with the expiration of the term  
6 of the Property Tax Administrator holding office on July 1, 1999,  
7 the Governor shall appoint a Property Tax Administrator with the  
8 approval of a majority of the members of the Legislature. The  
9 Property Tax Administrator shall have experience and training in  
10 the fields of taxation and property appraisal and shall meet all  
11 the qualifications required for members of the Tax Equalization and  
12 Review Commission under subsections (1) and (2) and subdivision  
13 (6)(a) of section 77-5004. The administrator shall serve a  
14 six-year term. The Property Tax Administrator may be removed by  
15 the Governor for misfeasance, malfeasance, or willful neglect of  
16 duty or other cause after notice and a public hearing unless notice  
17 and hearing are expressly waived in writing by the Property Tax  
18 Administrator. The Property Tax Administrator shall adopt and  
19 promulgate rules and regulations to carry out his or her duties.  
20 Rules and regulations of the Property Tax Administrator in effect  
21 on July 1, 1999, shall be valid rules and regulations of the  
22 Department of Property Assessment and Taxation beginning on July 1,  
23 1999.

1 (2) In addition to any duties, powers, or  
2 responsibilities otherwise conferred upon the Property Tax  
3 Administrator, he or she shall administer and enforce all laws  
4 related to the state supervision of local property tax  
5 administration and the central assessment of property subject to  
6 property taxation. The Property Tax Administrator shall also  
7 advise county assessors regarding the administration and assessment  
8 of taxable property within the state and measure assessment  
9 performance in order to determine the accuracy and uniformity of  
10 assessments.

11 Sec. 3. Section 77-5004, Revised Statutes Supplement,  
12 2000, as amended by section 19, Legislative Bill 170,  
13 Ninety-seventh Legislature, First Session, 2001, is amended to

14 read:

15 77-5004. (1) Each commissioner shall be a qualified  
16 voter, ~~taxpayer~~, and resident of the state and the district he or  
17 she represents.

18 (2) Each commissioner shall devote his or her full time  
19 and efforts to the discharge of his or her duties and shall not  
20 hold any other office under the laws of this state, any city or  
21 county in this state, or the United States Government while serving  
22 on the commission. Each commissioner shall possess:

23 (a) Appropriate knowledge of terms commonly used in or  
24 related to real property appraisal and of the writing of appraisal  
25 reports;

26 (b) Adequate knowledge of depreciation theories, cost  
27 estimating, methods of capitalization, and real property appraisal  
1 mathematics;

2 (c) An understanding of the principles of land economics,  
3 appraisal processes, and problems encountered in the gathering,  
4 interpreting, and evaluating of data involved in the valuation of  
5 real property, including complex industrial properties and  
6 mass-appraisal techniques;

7 (d) Knowledge of the law relating to taxation, civil and  
8 administrative procedure, due process, and evidence in Nebraska;

9 (e) Any certification or training required to become a  
10 registered real estate appraiser as set forth in section  
11 76-2229.01. If a commissioner has not received such certification  
12 or training prior to his or her appointment, such certification or  
13 training shall be completed within one year after the appointment  
14 At least thirty hours of successfully completed class hours in  
15 courses of study, approved by the Real Estate Appraiser Board,  
16 which relate to appraisal and which include a fifteen-hour course  
17 in the Uniform Standards of Professional Appraisal Practice. If a  
18 commissioner has not received such training prior to his or her  
19 appointment, such training shall be completed within one year after  
20 appointment; and

21 (f) Such other qualifications and skills as reasonably  
22 may be requisite for the effective and reliable performance of the  
23 commission's duties.

24 (3) One commissioner shall possess any certification or  
25 training required to become a licensed real estate appraiser as set  
26 forth in section 76-2230.

27 (4) The chairperson prior to January 1, 2002, and at  
1 least three commissioners on or after such date, shall have been  
2 engaged in the practice of law in the State of Nebraska for at  
3 least five years, which may include prior service as a judge, and  
4 shall be currently admitted to practice before the Nebraska Supreme  
5 Court.

6 (4) (5) No commissioner or employee of the commission  
7 shall hold any position of profit or engage in any occupation or  
8 business interfering with or inconsistent with his or her duties as

9 a commissioner or employee. A person is not eligible for  
10 appointment and may not hold the office of commissioner or be  
11 appointed by the commission to or hold any office or position under  
12 the commission if he or she holds any official office or position.

13 ~~(5)~~ During each year of his or her term, each  
14 commissioner (6)(a) Prior to January 1, 2002, each commissioner who  
15 meets the requirements of subsection (4) of this section on or  
16 after January 1, 2002, and each commissioner under subdivisions  
17 (3)(b)(i) and (3)(b)(ii) of section 77-5003 shall annually attend a  
18 seminar or class of at least two days' duration, sponsored by a  
19 recognized assessment or appraisal organization, in each of these  
20 areas: Utility and railroad appraisal; appraisal of complex  
21 industrial properties; and mass appraisal, residential or  
22 agricultural appraisal, or assessment administration.  
23 (b) Each commissioner not listed in subdivision (a) of  
24 this subsection shall within two years after his or her appointment  
25 attend at least thirty hours of instruction that constitutes  
26 training for judges or administrative law judges.

27 ~~(6)~~ (7) The commissioners shall be considered employees  
1 of the state for purposes of sections 81-1301 to 81-1391 and  
2 84-1601 to 84-1615.

3 ~~(7)~~ (8) The commissioners shall be reimbursed as  
4 prescribed in sections 81-1174 to 81-1177 for their actual and  
5 necessary expenses in the performance of their official duties  
6 pursuant to the Tax Equalization and Review Commission Act.  
7 Mileage expenses incurred while traveling in the line of duty to  
8 and from a commissioner's primary residence to the commission  
9 office as well as living expenses for any commissioner whose  
10 residence is located more than eighty miles from the commission  
11 office shall be reimbursed by the state if:

12 (a) The commission has adopted and promulgated rules and  
13 regulations establishing guidelines for allowable reimbursement of  
14 mileage and living expenses, except that the reimbursement rate for  
15 mileage shall not exceed the rate established by the Department of  
16 Administrative Services pursuant to section 81-1176;

17 (b) The commissioner complies with the request procedures  
18 for reimbursement set forth in such guidelines; and

19 (c) The total amounts authorized for reimbursement of  
20 such mileage and living expenses in any fiscal year shall not cause  
21 the total expenses to exceed the total funds appropriated to the  
22 program established for commissioners' expenses.

23 Sec. 9. Section 77-5019, Revised Statutes Supplement,  
24 2000, is amended to read:

25 77-5019. (1) Any party aggrieved by a final decision in  
26 a case appealed to the commission and any county or other political  
27 subdivision aggrieved by an order of the commission issued pursuant  
1 to section 77-1504.01 or 77-5028 shall be entitled to judicial  
2 review in the Court of Appeals. Upon request of the county, the  
3 Attorney General may appear and represent the county or political

4 subdivision in cases in which the commission is not a party.

5 Nothing in this section shall be deemed to prevent resort to other  
6 means of review, redress, or relief provided by law.

7 (2)(a) Proceedings for review shall be instituted by

8 filing a petition and the appropriate docket fees in the Court of

9 Appeals and delivery of a copy of the petition to the commission  
10 within thirty days after the date on which a final appealable order

11 is entered by the commission. All parties of record shall be made  
12 parties to the proceedings for review. The commission shall only

13 be made a party of record if the action complained of is an order  
14 issued by the commission pursuant to section 77-1504.01 or 77-5023.

15 Summons shall be served on all parties within thirty days after the  
16 filing of the petition in the manner provided for service of a

17 summons in section 25-510.02. If the commission is not a party of  
18 record, the petitioner shall serve a copy of the petition and a

19 request for preparation of the official record upon the commission  
20 within thirty days after the filing of the petition. The court, in

21 its discretion, may permit other interested persons to intervene.

22 No bond or undertaking is required for an appeal to the Court of  
23 Appeals.

24 (b) A petition for review shall set forth: (i) The name

25 and mailing address of the petitioner; (ii) the name and mailing

26 address of the county whose action is at issue or the commission;

27 (iii) identification of the final decision at issue together with a

1 duplicate copy of the final decision; (iv) the identification of

2 the parties in the case that led to the final decision; (v) the

3 facts to demonstrate proper venue; (vi) the petitioner's reasons

4 for believing that relief should be granted; and (vii) a request

5 for relief, specifying the type and extent of the relief requested.

6 (3) The filing of the petition or the service of summons

7 upon the commission shall not stay enforcement of a decision. The

8 commission may order a stay. The court may order a stay after

9 notice of the application for the stay to the commission and to all  
10 parties of record. If the commission has found that its action on

11 an application for stay or other temporary remedies is justified to  
12 protect against a substantial threat to the public health, safety,

13 or welfare, the court may not grant relief unless the court finds

14 that: (a) The applicant is likely to prevail when the court finally

15 disposes of the matter; (b) without relief, the applicant will

16 suffer irreparable injuries; (c) the grant of relief to the

17 applicant will not substantially harm other parties to the

18 proceedings; and (d) the threat to the public health, safety, or

19 welfare relied on by the commission is not sufficiently serious to

20 justify the commission's action in the circumstances. The court

21 may require the party requesting the stay to give bond in such

22 amount and conditioned as the court directs.

23 (4) Within thirty days after service of the petition or

24 within such further time as the court for good cause shown allows,

25 the commission shall prepare and transmit to the court a certified

26 copy of the official record of the proceedings had before the  
27 commission. The official record shall include: (a) Notice of all  
1 proceedings; (b) any pleadings, motions, requests, preliminary or  
2 intermediate rulings and orders, and similar correspondence to or  
3 from the commission pertaining to the case; (c) the transcribed  
4 record of the hearing before the commission, including all exhibits  
5 and evidence introduced during the hearing, a statement of matters  
6 officially noticed by the commission during the proceeding, and all  
7 proffers of proof and objections and rulings thereon; and (d) the  
8 final order appealed from. The commission shall charge the  
9 petitioner with the reasonable direct cost or require the  
10 petitioner to pay the cost for preparing the official record for  
11 transmittal to the court in all cases except when the petitioner is  
12 not required to pay a filing fee. The commission may require  
13 payment or bond prior to the transmittal of the record.  
14 (5) The review shall be conducted by the court for error  
15 on the record of the commission. If the court determines that the  
16 interest of justice would be served by the resolution of any other  
17 issue not raised before the commission, the court may remand the  
18 case to the commission for further proceedings. The court may  
19 affirm, reverse, or modify the decision of the commission or remand  
20 the case for further proceedings.  
21 (6) Appeals under this section shall be given precedence  
22 over all civil cases."  
23 2. On page 2, strike beginning with the colon in line 19  
24 through "(d)" in line 24 and insert ", such terms shall be six  
25 years.  
26 (d) Commissioners under this subsection shall meet the  
27 qualifications set forth in section 77-5004.  
1 (e)".  
2 3. On page 3, line 4, strike "among" and insert "from".  
3 4. On page 11, lines 12 and 15, strike "taxpayer" and  
4 insert "appellant".  
5 5. On page 12, line 15, strike "77-5003, 77-5004" and  
6 insert "77-702, 77-5003"; in line 16 strike "and 77-5018" and  
7 insert "77-5018, and 77-5019"; in line 17 before "are" insert "and  
8 section 77-5004, as amended by section 19, Legislative Bill 170,  
9 Ninety-seventh Legislature, First Session, 2001,".  
10 6. Renumber the remaining sections accordingly.

Senator Thompson filed the following amendment to LB 305:  
FA227  
Strike Section 1.

Senator Beutler filed the following amendment to LB 305:  
FA228  
Strike Section 2.

Senator Chambers filed the following amendment to LB 659:

AM1766

(Amendments to E &amp; R amendments, AM7105)

- 1 1. Insert the following new sections:
- 2 "Sec. 13. Section 29-3921, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 29-3921. The County Revenue Assistance Fund is created.
- 5 The fund shall be used for the operations of the commission. The
- 6 fund shall consist of money appropriated from the General Fund and
- 7 money remitted pursuant to section 29-3931. Any money in the fund
- 8 available for investment shall be invested by the state investment
- 9 officer pursuant to the Nebraska Capital Expansion Act and the
- 10 Nebraska State Funds Investment Act.
- 11 Sec. 14. Section 29-3922, Reissue Revised Statutes of
- 12 Nebraska, is amended to read:
- 13 29-3922. For purposes of the County Revenue Assistance
- 14 Act:
- 15 (1) Chief counsel means an attorney appointed to be the
- 16 primary administrative officer of the commission pursuant to
- 17 section 29-3928;
- 18 (2) Commission means the Commission on Public Advocacy;
- 19 (3) Commission staff means attorneys, investigators, and
- 20 support staff who are performing work for the capital litigation
- 21 division, appellate division, DNA testing division, and major case
- 22 resource center;
- 23 (4) Contracting attorney means an attorney contracting to
- 1 act as a public defender pursuant to sections 23-3404 to 23-3408;
- 2 (4) (5) Court-appointed attorney means an attorney other
- 3 than a contracting attorney or a public defender appointed by the
- 4 court to represent an indigent person;
- 5 (5) (6) Indigent defense services means legal services
- 6 provided to indigent persons by an indigent defense system;
- 7 (6) (7) Indigent defense system means a system of
- 8 providing services, including any services necessary for litigating
- 9 a case, by a contracting attorney, court-appointed attorney, or
- 10 public defender;
- 11 (7) (8) Indigent person means a person who is indigent
- 12 and unable to obtain legal counsel as determined pursuant to rules
- 13 of the Supreme Court; and
- 14 (8) (9) Public defender means an attorney appointed or
- 15 elected pursuant to sections 23-3401 to 23-3403.
- 16 Sec. 15. Section 29-3929, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:
- 18 29-3929. The primary duties of the chief counsel shall
- 19 be to provide direct legal services to indigent defendants, and the
- 20 chief counsel shall:
- 21 (1) Supervise the operations of the appellate division,
- 22 the capital litigation division, the DNA testing division, and the
- 23 major case resource center;
- 24 (2) Prepare a budget and disburse funds for the



25 operations of the commission;

26 (3) Present to the commission an annual report on the  
27 operations of the commission, including an accounting of all funds  
1 received and disbursed, an evaluation of the cost effectiveness of  
2 the commission, and recommendations for improvement;

3 (4) Convene or contract for conferences and training  
4 seminars related to criminal defense;

5 (5) Perform other duties as directed by the commission;

6 (6) Establish and administer projects and programs for  
7 the operation of the commission;

8 (7) Appoint and remove employees of the commission and  
9 delegate appropriate powers and duties to them;

10 (8) Adopt and promulgate rules and regulations for the  
11 management and administration of policies of the commission and the  
12 conduct of employees of the commission;

13 (9) Transmit monthly to the commission a report of the  
14 operations of the commission for the preceding calendar month;

15 (10) Execute and carry out all contracts, leases, and  
16 agreements authorized by the commission with agencies of federal,  
17 state, or local government, corporations, or persons; and

18 (11) Exercise all powers and perform all duties necessary  
19 and proper in carrying out his or her responsibilities.

20 Sec. 16. Section 29-3930, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 29-3930. The following divisions are established within  
23 the commission:

24 (1) The capital litigation division shall be available to  
25 assist in the defense of capital cases in Nebraska, subject to  
26 caseload standards of the commission;

27 (2) The appellate division shall be available to  
1 prosecute appeals to the Court of Appeals and the Supreme Court,  
2 subject to caseload standards of the commission; and

3 (3) The DNA testing division shall be available to assist  
4 in representing persons who are indigent who have filed a motion  
5 pursuant to the DNA Testing Act, subject to caseload standards; and

6 (4) The major case resource center shall be available to  
7 assist public defenders, contracting attorneys, or court-appointed  
8 attorneys with the defense of a felony offense, subject to caseload  
9 standards of the commission.

10 Sec. 17. Section 29-3931, Revised Statutes Supplement,  
11 2000, is amended to read:

12 29-3931. (1) In cases in which the capital litigation  
13 division, or appellate division, or ~~major case resource center~~ has  
14 been appointed, the chief counsel shall make a showing to the  
15 county or district court for the county in which the prosecution  
16 arose regarding the commission's cost of defense. The chief  
17 counsel shall consider the complexity of the case, the amount of  
18 expenses involved, and the ability of the county to pay the costs,  
19 in determining how often to make a showing to the court. A showing

20 shall be made no more than once a month and shall be made once  
21 after the case is completed. The cost shall be based upon ~~(4)~~ (a)  
22 the actual time spent by commission staff attorneys and their  
23 hourly rates of pay, including benefits, ~~(2)~~ (b) a reasonable  
24 amount for administrative and support staff time, ~~(3)~~ (c) the  
25 actual expenditures for litigation support, such as expert  
26 witnesses, depositions, photocopying, printing, and travel and  
27 lodging expenses, and ~~(4)~~ (d) a reasonable amount for office  
1 overhead, including rent, telephone, and utilities. The cost of  
2 defense shall not include any expense incurred by the commission's  
3 staff for travel time or mileage between the commission's office  
4 and the place where the particular case's venue is had or for  
5 lodging and meals when the staff must be away from the office for  
6 more than one day. After a hearing, the county or district court  
7 shall order the county to pay one-third of the commission's cost of  
8 defense. The county shall pay the costs to the commission which  
9 shall remit the amount to the State Treasurer for credit to the  
10 County Revenue Assistance Fund. In cases in which commission staff  
11 is using money to represent indigent clients and that money is  
12 associated with any federal grant money or state match money, the  
13 chief counsel shall only bill counties for actual expenditures for  
14 litigation support, such as expert witnesses, depositions,  
15 photocopying, printing, and travel and lodging expenses.  
16 (2) In cases under the DNA Testing Act, costs shall be  
17 paid as provided in such act.".

18 2. On page 4, line 24, after "state" insert "in the  
19 following manner:

20 (1) If the Commission on Public Advocacy has been  
21 appointed to represent the person filing the motion, as determined  
22 under section 6 of this act, the costs of testing shall be paid by  
23 the commission from the County Revenue Assistance Fund; and  
24

25 (2) If the Commission on Public Advocacy has not been  
26 appointed to represent the person filing the motion, the court  
27 shall hold a hearing to determine the costs for DNA testing. The  
1 court shall order the commission to pay such costs. The order  
2 shall be forwarded by the clerk of the court to the commission,  
3 along with copies of all invoices for such DNA testing. Upon  
4 receipt, the commission shall pay such costs from the County  
5 Revenue Assistance Fund"; and in line 27 after "person" insert "as  
6 follows:

7 (1) The court shall first contact the chief counsel for  
8 the Commission on Public Advocacy to inquire if the commission is  
9 able to accept the appointment. If the chief counsel determines  
10 that the commission can accept the appointment, then the court  
11 shall appoint the commission pursuant to the County Revenue  
12 Assistance Act; and

13 (2) If the chief counsel declines the appointment because  
14 of a conflict of interest or the case would exceed the caseload  
standards set by the commission, then the court shall appoint an

15 attorney licensed to practice law in this state with at least five  
 16 years experience in felony litigation to represent the indigent  
 17 person at all stages of the proceedings. Counsel appointed under  
 18 this subdivision, other than the public defender, shall obtain  
 19 leave of court before proceeding beyond an initial direct appeal to  
 20 either the Court of Appeals or the Supreme Court to any further  
 21 direct, collateral, or postconviction appeals to state or federal  
 22 courts. Counsel appointed under this subdivision shall file an  
 23 application for fees and expenses in the district court which  
 24 appointed him or her for all fees and expenses reasonable necessary  
 25 to permit him or her to effectively and competently represent the  
 26 client. The court, upon hearing the application, shall fix  
 27 reasonable attorney's fees and expenses. The court's order shall  
 1 require that such fees and expenses be paid by the Commission on  
 2 Public Advocacy from the County Revenue Assistance Fund. Upon  
 3 receipt of the order, the commission shall pay such fees and  
 4 expenses in the full amount determined by the court".  
 5 3. On page 9, line 19, after the comma insert "29-3922,  
 6 29-3929, and 29-3930,"; and in line 20 after the comma insert "and  
 7 sections 29-3921 and 29-3931, Revised Statutes Supplement, 2000,".  
 8 4. Renumber the remaining section accordingly.

Senator Chambers filed the following amendment to LB 435:  
 AM1744

(Amendments to Standing Committee amendments, AM0524)

- 1 1. On page 7, line 1, after the second comma insert
- 2 "including 47 U.S.C. 251 et seq., as such sections existed on the
- 3 effective date of this act".

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 86.** Introduced by Janssen, 15.

**PURPOSE:** To study the options available for the training of liquor retailers and their employees concerning preventing sales to minors.

The study shall examine:

1. Training methods available to retailers in the entire state to enable their employees to accurately identify and prevent minors from purchasing alcohol;
2. The methods by which such a training program would be administered;
3. The cost of such a program and who would be responsible for the cost;
4. Materials necessary for a complete education on the issue and the most effective way to distribute such materials;
5. Possible accreditation of clerks, similar to the accreditation of food handlers in current food handling guidelines; and
6. Any other matters appropriate for a complete examination of the issue.

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

1. That the General Affairs Committee of the Legislature shall be

designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 87.** Introduced by Janssen, 15.

**PURPOSE:** To study the options available to increase money distributed to the three designated beneficiaries of funding pursuant to the State Lottery Act.

The study shall examine:

1. The current distribution percentage scheme and whether it is the most efficient way to maximize profits;

2. If there are alternatives available to increase the dollar amount the three beneficiaries receive;

3. Options that other states have examined in order to address the issue of declining lottery revenue; and

4. Any other matters appropriate for complete examination of the issue.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**SELECT FILE**

**LEGISLATIVE BILL 75.** The Cunningham pending amendment, AM0239, found on page 1208 and considered in this day's Journal, as amended, was renewed.

**PRESIDENT MAURSTAD PRESIDING**

The Cunningham amendment, as amended, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Senator Chambers renewed his pending amendment, AM1270, found on page 1313.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

**COMMUNICATION**

May 1, 2001

The Honorable Mike Johanns  
P.O. Box 94848  
Lincoln, Nebraska 68509-4848

Dear Governor Johanns:

You are hereby notified, pursuant to Neb. Rev. Stat. § 32-562 (Reissue 1998), that Daniel G. Urwiller, Commissioner for the Fifth District of the Nebraska Public Service Commission tendered his resignation, effective immediately, to the incumbent elected members of the Commission. The Commissioners accepted his resignation at its May 1, 2001, public meeting. It is our understanding that Neb. Rev. Stat. § 75-103 (Reissue 1996), vests the Governor with the power to fill, by appointment, the vacancy for the remainder of Commissioner's unexpired term.

Please advise us if you have any questions or require any additional information from us.

Respectfully,  
(Signed) Frank E. Landis, Chair  
Anne C. Boyle, Vice-Chair  
Rod Johnson  
Lowell C. Johnson

cc: Kate Witek, Auditor of Public Accounts  
Curt Bromm, Senator 23rd District  
Donald B. Stenberg, Attorney General  
John Gale, Secretary of State

**SELECT FILE**

**LEGISLATIVE BILL 75.** The Chambers pending amendment, AM1270, found on page 1313 and considered in this day's Journal, was renewed.

Senator Connealy asked unanimous consent to bracket LB 75 until May 16, 2001. No objections. So ordered.

**BILLS ON FINAL READING****Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 420 with 30 ayes, 2 nays, 7 present and not voting, and 10 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 420.** With Emergency.

A BILL FOR AN ACT relating to public projects; to amend sections 2-117, 10-106, 10-107, 10-110, 10-117, 10-119, 10-128, 10-132, 10-140, 10-410, 10-707, 10-716.01, 13-1103, 14-1717, 17-968, 18-1805, 23-389, 23-3561, 23-3563, 23-35,116, 31-342, 31-531, 31-759, 39-841, 39-1632, 39-2207, 46-1,106, 52-118, 52-118.01, 73-106, and 85-1522, Reissue Revised Statutes of Nebraska, and sections 10-126, 14-1806, 46-270, and 77-2387, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to registration of bonds and powers and duties of the Auditor of Public Accounts; to change provisions relating to payment bonds; to change provisions relating to bids; to harmonize provisions; to repeal the original sections; to outright repeal sections 10-108, 10-109, 10-118, 10-118.01, 10-121, 10-122, 10-201 to 10-202, 18-2132, 23-3562, 23-3564, 31-341, and 31-446, 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, 39:

Aguilar	Baker	Beutler	Bourne	Bromm
Burling	Byars	Chambers	Connealy	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hilgert	Hudkins	Janssen	Jensen	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 9:

Brashear	Bruning	Coordsen	Hartnett	Jones
McDonald	Pederson, D.	Preister	Vrtiska	

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

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 641 with 35 ayes, 2 nays, 3 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 641.**

A BILL FOR AN ACT relating to the Consumer Rental Purchase Agreement Act; to amend sections 69-2103 to 69-2105, 69-2108 to 69-2110, 69-2112, 69-2113, and 69-2115, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change disclosure requirements; to change lessor liability; to change provisions relating to fees and charges; to authorize certain incidental contract provisions; 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	Bourne	Bromm	Brown
Burling	Byars	Chambers	Connealy	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hilgert	Hudkins	Janssen	Jensen	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 9:

Brashear	Bruning	Coordsen	Hartnett	Jones
McDonald	Pederson, D.	Preister	Vrtiska	

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

**EXPLANATION OF VOTE**

Had I been present, I would have voted "aye" on LB 711.

(Signed) William R. Wickersham

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 420 and 641.

**VISITORS**

Visitors to the Chamber were 46 fourth grade students and teacher from St. Gerald's Elementary School, Ralston; 45 fourth grade students and teachers from Springfield Elementary School; 3 seventh and eighth grade students and teachers from Belmont School, Crawford; 10 students and sponsors from Lake Minatare School; 40 fourth grade students and teacher from Syracuse Elementary School; 47 students and teachers from Oxford and Orleans; 13 third and fourth grade students and teacher from Central Christian School, Omaha; Senator Cunningham's parents, Dean and Elda, from Wausa; 50 fourth grade students and teachers from Arbor Park School, Blair; and 28 fourth grade students and sponsors from Genoa.

The Doctor of the Day was Dr. Robert Rhodes from Lincoln.

**ADJOURNMENT**

At 3:31 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 10:00 a.m., Monday, May 7, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-SIXTH DAY - MAY 7, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 7, 2001

**PRAYER**

The prayer was offered by Pastor Brad Anderson, Zion Presbyterian 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 McDonald and D. Pederson who were excused; and Senators Bromm, Brown, Engel, Erdman, Foley, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-fifth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 2, 2001, at 3:35 p.m., were the following:  
LBs 420e and 641.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**MESSAGE FROM THE GOVERNOR**

May 7, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 489e and 797e were received in my office on May 1, 2001. Engrossed Legislative Bills 420e and 641 were received in my office on May 2, 2001.

These bills were signed by me on May 7, 2001, and delivered to the Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

### RESOLUTION

**LEGISLATIVE RESOLUTION 88.** Introduced by Robak, 22.

**PURPOSE:** This study shall examine the effect of the passage of LB 355 (1999), "the mental health insurance parity bill", on insurance coverage for mental health conditions. The study of insurance coverage for mental health conditions shall include:

(1) For such coverage offered under the state employees group health insurance program, a comparison of the:

(a) Cost of providing such coverage in the fiscal year prior to the implementation of LB 355 to the cost of providing such coverage in the first fiscal year during which LB 355 was implemented;

(b) Utilization of mental health services by state employees in the fiscal year prior to the implementation of LB 355 to the utilization of such services in the first fiscal year during which LB 355 was implemented. In particular, the study shall compare the number of days for which inpatient and outpatient services were provided to state employees in such years; and

(c) Pay-out amount per person paid by the insurance provider for mental health services received by state employees in the fiscal year prior to the implementation of LB 355 to the pay-out amount per person for such services in the first fiscal year during which LB 355 was implemented; and

(2) For such coverage offered by any other insurance provider, a comparison of the pay-out amount per person paid by such providers for mental health services received by insureds in the fiscal year prior to the implementation of LB 355 to the pay-out amount per person for such services in the first fiscal year during which LB 355 was implemented.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**REPORTS**

The following reports were received by the Legislature:

**Investment Finance Authority, Nebraska**

Drinking Water State Revolving Fund Revenue Bonds - Series 2001 A

Drinking Water State Revolving Fund Revenue Bonds - Series 2000 A

Clean Water State Revolving Fund Revenue Bonds - Series 2000 B

Quarterly Report - 1999 Series A-1, A-2, B-1, B-2, C-1, C-2, D-1 and D-2

Community Development Loan Notes

**Law Enforcement and Criminal Justice, Commission on**

Biennial Report 1999/2000

**Policy Research Office, Governor's**

Municipal Natural Gas Regulation Revolving Loan Fund for quarter ending March 31, 2001

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 64, 65, and 66 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 64, 65, and 66.

**GENERAL FILE**

**LEGISLATIVE BILL 536A.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 659A.** 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 667A.** Title read. Considered.

Advanced to E & R for review with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 435A.** Title read. Considered.

Advanced to E & R for review with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 397.** Senator Wehrbein asked unanimous consent to bracket until April 10, 2002.

Senator Preister objected.

Senator Wehrbein moved to bracket LB 397 until April 10, 2002.

Senators Bourne and Connealy asked unanimous consent to be excused until they return. No objections. So ordered.

**SENATOR CUDABACK PRESIDING**

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

Senator Wehrbein moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Wehrbein motion to bracket failed with 18 ayes, 18 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Wehrbein renewed his pending amendment, AM0715, found on page 868.

Senators Byars and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Wehrbein offered the following amendment to his pending amendment:

AM1445

(Amendments to AM0715)

- 1 1. On page 1, line 3, strike the first "and"; and in
- 2 line 4 before the period insert "; and in line 22 after the period
- 3 insert 'Such agreement shall be made in writing within thirty days
- 4 after the initiation of negotiations.' "

The Wehrbein amendment was adopted with 25 ayes, 5 nays, 11 present and not voting, and 8 excused and not voting.

Senator Wehrbein moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Wehrbein requested a roll call vote, in reverse order, on his amendment, AM0715, as amended.

Voting in the affirmative, 22:

Baker	Bromm	Brown	Burling	Chambers
Coordsen	Engel	Erdman	Foley	Hudkins
Jensen	Jones	Kremer	Kruse	Raikes
Redfield	Smith	Stuhr	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 16:

Aguilar	Beutler	Bruning	Cunningham	Hartnett
Hilgert	Janssen	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Schimek	Schrock	Suttle
Thompson				

Present and not voting, 3:

Cudaback	Dierks	Robak
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Excused and not voting, 8:

Bourne	Brashear	Byars	Connealy	Kristensen
McDonald	Pederson, D.	Quandahl		

The Wehrbein amendment, as amended, lost with 22 ayes, 16 nays, 3 present and not voting, and 8 excused and not voting.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 89.** Introduced by Redfield, 12.

**PURPOSE:** The purpose of this resolution is to examine Nebraska's income tax structure. This study shall examine the taxation of Nebraska's retired citizens. The focus of this study shall be tax equity and shall include an examination of programs such as social security, state pensions, federal pensions, railroad pensions, as well as other private pensions.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 90.** Introduced by Redfield, 12.

**PURPOSE:** The purpose of this resolution is to review Nebraska Unicameral rule 5, section 4, item "d" and examine the feasibility of an amendment. The proposed amendment would place a limit on the number of legislative bills a state senator may introduce per session. No limit currently exists. The current rule limits committees to eight legislative bills.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**UNANIMOUS CONSENT - Time Change**

Senator Schrock asked unanimous consent to permit the Natural Resources Committee to begin the hearing scheduled for Tuesday, May 22, 2001 at 8:00 AM rather than 8:30 AM. No objections. So ordered.

**AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendment to LB 242:  
AM1828

(Amendments to AM1640)

- 1 1. On page 2, line 23, after the period insert "The  
2 commission shall make all campaign statements available to the  
3 public on its web site as soon as practicable. A campaign  
4 statement shall be available on the web site for the duration of  
5 the election period for which the statement is filed and for an  
6 additional six months thereafter.".
- 7 2. On page 4, line 9, after the period insert "The  
8 commission shall make all independent expenditure reports available  
9 to the public on its web site as soon as practicable. An  
10 independent expenditure report shall be available on the web site  
11 for the duration of the election period for which the report is  
12 filed and for an additional six months thereafter.".
- 13 3. On page 9, lines 13 through 20, reinstate the  
14 stricken matter.

Senator Wickersham filed the following amendment to LB 172:  
AM1790

- 1 1. Insert the following new section:
- 2 "Sec. 12. (1) The Governor or his or her designated  
3 representative may negotiate an agreement with the governing body  
4 of any federally recognized Indian Tribe within the State of

- 5 Nebraska concerning the collection and dissemination of any motor  
6 fuel tax on sales of motor fuel made on a federally recognized  
7 Indian Reservation. The agreement shall specify:  
8 (a) Its duration;  
9 (b) Its purpose;  
10 (c) Provisions for administering, collecting, and  
11 enforcing the agreement;  
12 (d) Remittance of taxes collected;  
13 (e) The division of the proceeds of the tax between the  
14 parties;  
15 (f) The method to be employed in accomplishing the  
16 partial or complete termination of the agreement; and  
17 (g) Any other necessary and proper matters.  
18 (2) The agreement shall require that the state motor fuel  
19 tax and any tribal motor fuel tax be identical in rate and base of  
20 transactions.  
21 (3) An Indian Tribe accepting an agreement under this  
22 section shall agree not to license or otherwise authorize an  
23 individual tribal member or other person or entity to sell motor  
24 fuel in violation of the terms of the agreement."  
1 2. Renumber the remaining section accordingly.

Senator Wickersham filed the following amendment to LB 207:  
AM1789

(Amendments to Standing Committee amendments, AM1720)

- 1 1. Strike beginning on page 2, line 21, through page 3,  
2 line 14, and insert the following new subdivisions:  
3 "(b) For taxable years beginning or deemed to begin on or  
4 after January 1, 2001, every individual who did not itemize  
5 deductions on his or her federal return shall be allowed to  
6 subtract from federal adjusted gross income a standard deduction of  
7 five thousand dollars for taxpayers filing married filing joint  
8 returns, four thousand four hundred dollars for taxpayers filing  
9 head-of-household returns, and three thousand dollars for taxpayers  
10 filing single returns. The standard deduction shall be the amounts  
11 provided in this subdivision for the respective filing status  
12 adjusted for inflation since 1987 by the method provided in section  
13 151 of the Internal Revenue Code of 1986, as amended. If any  
14 exemption amount adjusted in this subdivision is not a multiple of  
15 fifty dollars, the amount shall be rounded to the next lowest  
16 multiple of fifty dollars. For taxpayers filing married filing  
17 separate returns, the standard deduction shall be one-half the  
18 amount calculated under this subdivision for taxpayers filing  
19 married filing joint returns.  
20 (c) The standard deduction allowed in subdivision (2)(b)  
21 of this section shall be increased by the amount of the additional  
22 standard deduction allowed for the aged or blind.  
23 (d) Any individual who is a dependent of another person  
1 and whose standard deduction is limited under section 63 of the

2 code shall be allowed the amount of their federal standard  
 3 deduction in lieu of any other amount under this subsection.".

Senator Beutler filed the following amendment to LB 329:  
 AM1846

(Amendments to AM1588)

1 1. On page 2, line 6, after the period insert "Matching  
 2 funds in excess of those provided in fiscal year 2000-01 for the  
 3 Natural Resources Enhancement Fund by the natural resources  
 4 district shall be derived from new property taxes levied by the  
 5 district for that purpose.".

Senator Beutler filed the following amendment to LB 329:  
 AM1804

(Amendments to AM1588)

1 1. Insert the following new section:  
 2 "Sec. 13. Section 81-2,162.06, Reissue Revised Statutes  
 3 of Nebraska, is amended to read:  
 4 81-2,162.06. (1) There shall be paid to the director,  
 5 for all commercial fertilizers and soil conditioners distributed in  
 6 this state to the ultimate user, except custom-blended products, an  
 7 inspection fee at the rate fixed by the director but not exceeding  
 8 ~~ten~~ twenty cents per ton. The fee shall be paid by the person  
 9 distributing the product to the ultimate user.  
 10 (2) Payment of the inspection fee shall be evidenced by a  
 11 statement made with documents showing that fees corresponding to  
 12 the tonnage were received by the director.  
 13 (3) Every person who distributes commercial fertilizer or  
 14 soil conditioners to the ultimate user in this state shall file,  
 15 not later than the last day of January and July of each year, a  
 16 semiannual tonnage report on forms provided by the department  
 17 setting forth the number of net tons of commercial fertilizer and  
 18 soil conditioners distributed in this state during the preceding  
 19 six-month period, which report shall cover the periods from July 1  
 20 to December 31 and January 1 to June 30, and such other information  
 21 as the director shall deem necessary. All persons required to be  
 22 licensed pursuant to the Nebraska Commercial Fertilizer and Soil  
 23 Conditioner Act shall file such report regardless of whether any  
 1 inspection fee is due. Upon filing the report, such person shall  
 2 pay the inspection fee at the rate prescribed pursuant to  
 3 subsection (1) of this section. The minimum inspection fee  
 4 required pursuant to this section shall be five dollars, and no  
 5 inspection fee shall be paid more than once for any one product.  
 6 (4) If a person fails to report and pay the fee required  
 7 by subsection (3) of this section by January 31 and July 31, he or  
 8 she may be required by the department to pay a penalty of up to  
 9 twenty-five percent in addition to the fee due if paid during the  
 10 period of February 1 to February 28 or August 1 to August 31 for  
 11 the respective delinquency and an additional twenty-five percent



12 penalty thereafter. Failure to make an accurate statement of  
 13 tonnage or to pay the inspection fee or comply as provided in this  
 14 subsection shall constitute sufficient cause for the cancellation  
 15 of all product registrations, licenses, or both on file for such  
 16 person.

17 (5) No information furnished to the department under this  
 18 section shall be disclosed in such a way as to reveal the operation  
 19 of any person."

20 2. On page 14, line 26, strike "all", show as stricken,  
 21 and insert "Except as provided in this section, the".

22 3. On page 15, line 12, after the period insert  
 23 "One-half of the money received under section 81-2,162.06 shall be  
 24 remitted to the State Treasurer for credit to the Natural Resources  
 25 Water Quality Fund.".

26 4. Renumber the remaining sections and correct the  
 27 repealer accordingly.

Senator Beutler filed the following amendment to LB 329:  
 AM1812

(Amendments to AM1588)

1 1. On page 16, line 8, after "1999-2000" insert "and an  
 2 amount equal to two hundred percent of any amount budgeted to be  
 3 received from the fund in fiscal year 1999-2000 if the additional  
 4 amount is used exclusively to meet the matching fund requirement  
 5 for the Natural Resources Water Quality Fund".

Senator Beutler filed the following amendment to LB 329:  
 AM1805

(Amendments to AM1588)

1 1. On page 15, strike the new matter in lines 4 through  
 2 12 and insert an underscored period.

Senator Beutler filed the following amendment to LB 329:  
 AM1847

(Amendments to AM1588)

1 1. On page 1, line 14, strike the new matter and  
 2 reinstate the stricken matter; and in line 16 before the period  
 3 insert ", and the unexpended and unencumbered balance existing in  
 4 the fund on June 30 each year shall be reappropriated".

### EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 711e.

(Signed) Floyd P. Vrtiska

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 305A.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

**VISITORS**

Visitors to the Chamber were 75 fourth grade students and teachers from Rumsey Station Elementary School, Papillion; 48 fourth grade students and teachers from Fort Calhoun Elementary School; members of the General Federation of Women's Club; and 50 fourth grade students and teacher from Valley Elementary School.

**RECESS**

At 12:02 p.m., on a motion by Senator Coordsen, 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 McDonald and D. Pederson who were excused; and Senators Bourne, Bromm, Brown, Connealy, Coordsen, Jones, Price, Quandahl, and Robak who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senator Wehrbein filed the following amendment to LB 397:  
AM1444

- 1 1. On page 2, line 4, strike "to be chosen" and insert
- 2 "agreed to"; in line 15 strike "chooses" and insert "and the
- 3 employer representative agree"; in line 18 strike "may" and insert
- 4 "and employer representative may jointly"; and in line 22 after the
- 5 period insert "Such agreement shall be made in writing within
- 6 thirty days after the initiation of negotiations.".

**SELECT FILE**

**LEGISLATIVE BILL 620.** E & R amendment, AM7106, printed separately and referred to on page 1594, was adopted.

Senator Kristensen asked unanimous consent to replace his pending amendment, AM1511, found on page 1512, with a substitute amendment. No objections. So ordered.

Senator Kristensen withdrew his pending amendment, AM1511, found on page 1512.

Senator Kristensen offered the following substitute amendment:  
AM1848

(Amendments to E & R amendments, AM7106)

- 1 1. On page 8, line 10, strike "by which" and insert
- 2 "of"; strike beginning with "exceeds" in line 12 through "project"
- 3 in line 17 and insert ", other than base-year employees, who have
- 4 been paid compensation for such year by the company of at least the
- 5 minimum amount required for such project under section 34 of this
- 6 act"; and after line 25 insert
- 7 "For purposes of determining the credit percentage for
- 8 each respective project year, average compensation means the total
- 9 compensation paid during the project year to all employees employed
- 10 at the project regardless of their level of compensation divided by
- 11 the total number of equivalent employees employed at the project
- 12 during the project year regardless of their level of
- 13 compensation.".
- 14 2. On page 17, line 26, after "individual" insert
- 15 "employed by the company"; and in line 27 after "employee" insert
- 16 "for purposes of attaining and maintaining the required number of
- 17 new employees and shall be considered an employee".

Senator Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

#### **SENATOR COORDSEN PRESIDING**

Senators Cudaback, Burling, and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

#### **SENATOR CUDABACK PRESIDING**

The Kristensen amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Kristensen withdrew his pending amendment, AM1540, found on page 1512.

Senator Chambers asked unanimous consent to replace his pending amendment, FA182, found on page 1512, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA182, found on page 1512.

Senator Chambers offered the following substitute amendment:

AM1793

(Amendments to E &amp; R amendments, AM7106)

1 1. On page 1, strike beginning with "make" in line 5  
 2 through line 11 and insert "enact appropriate legislation to  
 3 encourage new businesses to relocate to and existing businesses to  
 4 expand in Nebraska and to provide appropriate inducements to  
 5 encourage new and existing businesses to do so. The goals of the  
 6 policy, to be achieved in a manner that is both fiscally sound and  
 7 effective, are (1) to aid in the economic and population growth of  
 8 the state and (2) to assist in the creation of better jobs for the  
 9 residents of the state.".

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

Pending.

### STANDING COMMITTEE REPORT Education

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

Board of Educational Lands and Funds  
Demarus Carlson

VOTE: Aye: Senators Wickersham, Raikes, Maxwell, Stuhr, Suttle, and Coordsen. Nay: None. Absent: Senators Brashear and Price.

(Signed) Ron Raikes, Chairperson

### NOTICE OF COMMITTEE HEARINGS Natural Resources

Tuesday, May 22, 2001	8:00 AM
Environmental Quality Council	
Darlene Kiefer	
William Podraza	
Robert Bettger	
Robert Gottsch	
Mark Whitehead	

Wednesday, May 23, 2001	8:30 AM
Nebraska Ethanol Board	
David Hallberg	
James Ziebarth	

(Signed) Ed Schrock, Chairperson

**AMENDMENTS - Print in Journal**

Senator Janssen filed the following amendments to LB 142:  
AM1831

(Amendments to E & R amendments, AM7100)

- 1 1. On page 11, after line 5 insert:
- 2 "(3) All political subdivisions subject to municipal
- 3 county levy authority under section 77-3443 which are within the
- 4 boundaries of a municipal county shall continue to exist after
- 5 formation of the municipal county.".

AM1830

(Amendments to E & R amendments, AM7100)

- 1 1. On page 23, after line 1 insert:
- 2 "(5) The property within a fire protection district which
- 3 is within the boundaries of a municipal county shall not be subject
- 4 to the levy of the municipal county for fire protection and
- 5 emergency services provided outside the fire protection district.".

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 305.** Placed on Select File as amended.  
E & R amendment to LB 305:

AM7121

- 1 1. In the Raikes amendment, AM1571, on page 1, line 4,
- 2 strike "Fund" and insert "the period".
- 3 2. In the Standing Committee amendments, AM1406:
- 4 a. On page 1, line 15, after "of" insert "the";
- 5 b. On page 19, line 23, after "the" insert "number of";
- 6 and in line 24 after "students" insert "in the local system";
- 7 c. On page 20, line 5, after "incentives" insert
- 8 "pursuant to section 2 of this act"; and in line 23 strike
- 9 "beginning salary" and insert "salary for first-year teachers";
- 10 d. On page 29, line 11, after "salary" insert
- 11 "enhancement";
- 12 e. On page 35, line 27, strike "on or before May 20,"
- 13 and show as stricken; and
- 14 f. On page 36, line 1, strike "1999", show as stricken,
- 15 and insert "within ten days after the deadline for approval or
- 16 denial under subdivision (3)(b) of this section of a request for
- 17 additional budget authority for school fiscal year 2001-02".
- 18 3. On page 1, strike beginning with "9-812" in line 1
- 19 through line 12 and insert "77-2701.02, 79-1001, 79-1003,
- 20 79-1007.01, 79-1007.02, 79-1008.01, 79-1028, 79-1029, 79-1083.03,
- 21 and 84-612, Revised Statutes Supplement, 2000; to change provisions
- 22 relating to the sales tax rate; to provide for teacher salary
- 23 adjustment incentives, the Performance Evaluation Pilot Program,
- 24 and teacher salary enhancement allowances; to change provisions

1 relating to the Tax Equity and Educational Opportunities Support  
 2 Act; to define and redefine terms; to provide for reporting on  
 3 educational enhancement for low-income students; to provide an  
 4 exemption from budget limitations as prescribed; to change dates  
 5 relating to additional budget authority requests by Class I  
 6 districts; to provide for transfers from the Cash Reserve Fund; to  
 7 harmonize provisions; to repeal the original sections; and to  
 8 declare an emergency."

**LEGISLATIVE BILL 536A.** Placed on Select File.

**LEGISLATIVE BILL 659A.** Placed on Select File.

**LEGISLATIVE BILL 667A.** Placed on Select File.

**LEGISLATIVE BILL 435A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 620.** Senator Beutler asked unanimous consent to replace his pending amendment, AM1541, found on page 1512, with a substitute amendment. No objections. So ordered.

Senator Beutler withdrew his pending amendment, AM1541, found on page 1512.

Senator Beutler offered the following substitute amendment:  
 AM1800

(Amendments to E & R amendments, AM7106)

1 1. On page 17, line 19, after the period insert "In  
 2 addition, if the number of new employees of the project are less  
 3 than three-quarters of the number of new employees of a new  
 4 interdependent operation of which the project is a part, then all  
 5 new full-time employees of the new interdependent operation who are  
 6 not new employees of the project shall be paid a minimum wage of  
 7 (i) at least eight dollars and nineteen cents per hour for those  
 8 employees who receive health care benefits and (ii) at least nine  
 9 dollars and one cent per hour for those employees who do not  
 10 receive health care benefits. The employer shall adjust the  
 11 minimum wages required under this section for new full-time  
 12 employees of the new interdependent operation on July 1 of each  
 13 year beginning in 2002. The minimum wage for employees who receive  
 14 health care benefits shall be one hundred percent of the federal  
 15 poverty guidelines for a family of four, based on a forty-hour work  
 16 week at fifty-two weeks per year, and the minimum wage for  
 17 employees who do not receive health care benefits shall be one  
 18 hundred ten percent of such guidelines."

Senators Robak, Smith, Hilgert, and Coordsen 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 27 ayes, 0 nays, and 22 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Beutler	Bourne	Chambers	Connealy	Foley
Kruse	Landis	Preister	Schimek	Suttle
Thompson	Wickersham			

Voting in the negative, 28:

Aguilar	Baker	Brashear	Bromm	Brown
Bruning	Burling	Byars	Cunningham	Dierks
Engel	Erdman	Hartnett	Hudkins	Jensen
Jones	Kremer	Kristensen	Maxwell	Pedersen, Dw.
Price	Raikes	Redfield	Schrock	Stuhr
Tyson	Vrtiska	Wehrbein		

Present and not voting, 2:

Cudaback	Janssen
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Excused and not voting, 7:

Coordsen	Hilgert	McDonald	Pederson, D.	Quandahl
Robak	Smith			

The Beutler amendment lost with 12 ayes, 28 nays, 2 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

### AMENDMENTS - Print in Journal

Senators Aguilar, Coordsen, Kristensen, and Kremer filed the following amendment to LB 833:  
(Amendment, AM1845, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Chambers filed the following amendment to LB 659:  
FA232  
Amend AM7105

1. On page 8 in lines 17 and 18, strike "by a preponderance of the evidence"

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 91.** Introduced by Landis, 46.

**PURPOSE:** The purpose of this resolution is to study whether Nebraska should enact statutes regarding prompt payment of claims by health benefits carriers. The study should include a review of the provisions of LB 601 which was introduced in the 2001 session and which is pending in the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the committee should seek the assistance of the Department of Insurance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 92.** Introduced by Landis, 46.

**PURPOSE:** The purpose of this resolution is to study whether Nebraska should consider adopting legislation to provide for regulatory requirements for Multiple Employer Welfare Association employee benefit plans.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 93.** Introduced by Landis, 46.

**PURPOSE:** The purpose of this resolution is to study whether Nebraska should enact legislation to update, streamline, and make more consistent the various sections of law in Chapters 52 and 54 which provide for the creation and perfection by filing of agricultural statutory liens. In order to carry out the purpose of this resolution, the committee should seek the assistance of the Office of the Secretary of State and should consider the input of



interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 94.** Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Trust Code as promulgated by the National Conference of Commissioners on Uniform State Laws in 2000. The study should include a review of the provisions of LB 361 which was introduced in the 2001 session and which is pending in the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons as it deems necessary and beneficial, including the assistance of such persons in the development, for distribution, of a section-by-section Nebraska analysis and commentary of the Uniform Trust Code.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 95.** Introduced by Coordsen, 32.

PURPOSE: To conduct an interim study to determine the status of school building structures in the State of Nebraska.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall conclude its study by November 2001 and 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 620.** Senator Chambers asked unanimous consent to replace his pending amendment, FA185, found on page 1513, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA185, found on page 1513.

Senator Chambers offered the following substitute amendment:  
AM1795

(Amendments to E & R amendments, AM7106)

- 1 1. On page 7, strike beginning with "In" in line 24  
2 through the second "the" in line 25 and insert "The".
- 3 2. On page 8, strike beginning with "Such" in line 3  
4 through the period in line 4.

Senators Dierks and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Preister 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 amendment lost with 5 ayes, 29 nays, 5 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers asked unanimous consent to replace his pending amendment, FA186, found on page 1513, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA186, found on page 1513.

Senator Chambers offered the following substitute amendment:  
AM1796

(Amendments to E & R amendments, AM7106)

- 1 1. On page 2 line 1, before the period insert "or who  
2 has been or will be transferred by the company from any branch or  
3 division of the company in another state to be employed at the  
4 project by the company".

**SENATOR COORDSEN PRESIDING**

Senator Chambers withdrew his amendment.

Senator Chambers asked unanimous consent to replace his pending amendment, FA187, found on page 1513, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA187, found on page 1513.

Senator Chambers offered the following substitute amendment:  
AM1797

(Amendments to E & R amendments, AM7106)

- 1 1. On page 2, line 24, after the period insert "Genetic
- 2 testing or screening of employees is prohibited.".

Senator Chambers asked unanimous consent to replace his pending amendment, AM1797, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, AM1797, found in this day's Journal.

Senator Chambers offered the following substitute amendment:  
FA233

Amend AM7106

Add a new section:

"Genetic testing or genetic screening of employees is prohibited"

## **SENATOR CUDABACK PRESIDING**

Pending.

## **SPECIAL COMMITTEE REPORTS** **Redistricting**

**LEGISLATIVE BILL 853.** Placed on General File as amended.  
Special Committee amendment to LB 853:  
AM1853

- 1 1. Insert the following new section:
- 2 "Sec. 4. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 2, line 26, strike "an"; and in line 27
- 5 strike "line" and insert "lines".

**LEGISLATIVE BILL 854.** Placed on General File as amended.  
Special Committee amendment to LB 854:  
AM1854

- 1 1. Insert the following new section:
- 2 "Sec. 5. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 4, line 7, strike "south" and insert "north".

- 5 3. On page 5, line 9, after "extending" insert "west".  
 6 4. On page 6, line 3, after "extending" insert "north";  
 7 and in line 18 after "extending" insert "east".  
 8 5. On page 8, line 4, after "south" insert "and west";  
 9 and in line 5 strike beginning with the first "West" through the  
 10 second "to".  
 11 6. On page 9, line 12, after "extending" insert "west";  
 12 and in line 21 after the first "on" insert "North".  
 13 7. On page 10, line 6, after "extending" insert "north";  
 14 in line 21 after "extending" insert "east"; and in line 23 strike  
 15 "east" and insert "west".  
 16 8. On page 11, strike beginning with "Boundary" in line  
 17 6 through "established" in line 7 and insert "The descriptions of  
 18 districts".

**LEGISLATIVE BILL 855.** Placed on General File as amended.  
 Special Committee amendment to LB 855:  
 AM1855

- 1 1. Insert the following new section:  
 2 "Sec. 6. Since an emergency exists, this act takes  
 3 effect when passed and approved according to law."

**LEGISLATIVE BILL 856.** Placed on General File as amended.  
 Special Committee amendment to LB 856:  
 AM1856

- 1 1. Insert the following new section:  
 2 "Sec. 5. Since an emergency exists, this act takes  
 3 effect when passed and approved according to law."  
 4 2. On page 4, line 11, after "extending" insert "north".  
 5 3. On page 5, line 14, after "extending" insert "west".  
 6 4. On page 6, line 8, after "extending" insert "north";  
 7 and in line 23 after "extending" insert "east".  
 8 5. On page 8, line 9, after "south" insert "and west";  
 9 and in line 10 strike beginning with the first "West" through the  
 10 second "to".  
 11 6. On page 9, line 17, after "extending" insert "west".  
 12 7. On page 10, line 11, after "extending" insert  
 13 "north"; in line 26 after "extending" insert "east"; and in line 28  
 14 strike "east" and insert "west".  
 15 8. On page 11, strike beginning with "Boundary" in line  
 16 12 through "established" in line 13 and insert "The descriptions of  
 17 districts".

(Signed) George Coordsen, Chairperson

### AMENDMENTS - Print in Journal

Senator Bromm filed the following amendment to LB 366:  
 AM1878

(Amendments to E & R amendments, AM7120)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 23-114.03, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 23-114.03. Zoning regulations shall be adopted or
- 6 amended by the county board only after the adoption of the county
- 7 comprehensive development plan by the county board and the receipt
- 8 of the planning commission's specific recommendations or by
- 9 adopting temporary zoning as provided in sections 23-115 to
- 10 23-115.02. Such zoning regulations shall be consistent with an
- 11 adopted comprehensive development plan and designed for the purpose
- 12 of promoting the health, safety, morals, convenience, order,
- 13 prosperity, and welfare of the present and future inhabitants of
- 14 Nebraska, including, among others, such specific purposes as:
- 15 (1) Developing both urban and nonurban areas;
- 16 (2) Lessening congestion in the streets or roads;
- 17 (3) Reducing the waste of excessive amounts of roads;
- 18 (4) Securing safety from fire and other dangers;
- 19 (5) Lessening or avoiding the hazards to persons and
- 20 damage to property resulting from the accumulation or runoff of
- 21 storm or flood waters;
- 22 (6) Providing adequate light and air;
- 23 (7) Preventing excessive concentration of population and
- 1 excessive and wasteful scattering of population or settlement;
- 2 (8) Promoting such distribution of population, such
- 3 classification of land uses, and such distribution of land
- 4 development as will assure adequate provisions for transportation,
- 5 water flowage, water supply, drainage, sanitation, recreation, soil
- 6 fertility, food supply, and other public requirements;
- 7 (9) Protecting the tax base;
- 8 (10) Protecting property against blight and depreciation;
- 9 (11) Securing economy in governmental expenditures;
- 10 (12) Fostering the state's agriculture, recreation, and
- 11 other industries;
- 12 (13) Encouraging the most appropriate use of land in the
- 13 county; and
- 14 (14) Preserving, protecting, and enhancing historic
- 15 buildings, places, and districts.
- 16 Within the area of jurisdiction and powers established by
- 17 section 23-114, the county board may divide the county into
- 18 districts of such number, shape, and area as may be best suited to
- 19 carry out the purposes of this section and regulate, restrict, or
- 20 prohibit the erection, construction, reconstruction, alteration, or
- 21 use of nonfarm buildings or structures and the use, conditions of
- 22 use, or occupancy of land. All such regulations shall be uniform
- 23 for each class or kind of land or buildings throughout each
- 24 district, but the regulations in one district may differ from those
- 25 in other districts. Counties shall determine whether nonfarm

26 buildings used as residences shall be subject to a county's

27 respective zoning regulations and permit requirements. An official

1 map or maps indicating the districts and regulations shall be

2 adopted, and within fifteen days after adoption of such regulations

3 or maps, they shall be published in book or pamphlet form or once

4 in a legal newspaper published in and of general circulation in the

5 county or, if none is published in the county, in a legal newspaper

6 of general circulation in the county. Such regulations shall also

7 be spread in the minutes of the proceedings of the county board and

8 such map or maps filed with the county clerk.

9 For purposes of this section and section 23-114.04,

10 nonfarm ~~Nonfarm~~ buildings are all buildings except those buildings

11 utilized for agricultural purposes on a farmstead of twenty acres

12 or more which produces one thousand dollars or more of farm

13 products each year.

14 Sec. 2. Original section 23-114.03, Revised Statutes

15 Supplement, 2000, is repealed."

Senator Thompson filed the following amendment to LB 598:

(Amendment, AM1879, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Smith filed the following amendment to LB 584:

AM1784

(Amendments to Standing Committee amendments, AM0961)

1 1. Strike amendment 1 and insert the following new

2 amendment:

3 "1. Strike the original sections and insert the

4 following new sections:

5 'Section 1. Section 60-4,182, Reissue Revised Statutes

6 of Nebraska, is amended to read:

7 60-4,182. In order to prevent and eliminate successive

8 traffic violations, there is hereby provided a point system dealing

9 with traffic violations as disclosed by the files of the director.

10 The following point system shall be adopted:

11 (1) Conviction of motor vehicle homicide -- 12 points;

12 (2) Third offense drunken driving in violation of any

13 city or village ordinance or of section 60-6,196, as disclosed by

14 the records of the director, regardless of whether the trial court

15 found the same to be a third offense -- 12 points;

16 (3) Failure to stop and render aid as required under the

17 laws of this state in the event of involvement in a motor vehicle

18 accident resulting in the death or personal injury of another -- 6

19 points;

20 (4) Failure to stop and render aid as required under the

21 laws of this state or any city or village ordinance in the event of

22 a motor vehicle accident resulting in property damage if such

23 accident is reported by the owner or operator within twelve hours

1 from the time of the accident -- 4 points, otherwise -- 8 points,

2 and for purposes of this subdivision a telephone call or other  
3 notification to the appropriate peace officers shall be deemed to  
4 be a report;

5 (5) Driving a motor vehicle while under the influence of  
6 alcoholic liquor or any drug or when such person has a  
7 concentration of ten-hundredths of one gram or more by weight of  
8 alcohol per one hundred milliliters of his or her blood or urine or  
9 per two hundred ten liters of his or her breath in violation of any  
10 city or village ordinance or of section 60-6,196 -- 6 points;

11 (6) Willful reckless driving in violation of any city or  
12 village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;

13 (7) Careless driving in violation of any city or village  
14 ordinance or of section 60-6,212 -- 4 points;

15 (8) Negligent driving in violation of any city or village  
16 ordinance -- 3 points;

17 (9) Reckless driving in violation of any city or village  
18 ordinance or of section 60-6,213 -- 5 points;

19 (10) Speeding in violation of any city or village  
20 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

21 (a) Not more than five miles per hour over the speed  
22 limit -- 1 point;

23 (b) More than five miles per hour but not more than ten  
24 miles per hour over the speed limit -- 2 points; and

25 (c) More than ten miles per hour over the speed limit --  
26 3 points, except that one point shall be assessed upon conviction  
27 of exceeding by not more than ten miles per hour, two points shall  
1 be assessed upon conviction of exceeding by more than ten miles per  
2 hour but not more than fifteen miles per hour, and three points  
3 shall be assessed upon conviction of exceeding by more than fifteen  
4 miles per hour the speed limits provided for in subdivision (1)(e),  
5 (f), or (g) of section 60-6,186;

6 (11) Failure to yield to a pedestrian not resulting in  
7 bodily injury to a pedestrian -- 2 points;

8 (12) Failure to yield to a pedestrian resulting in bodily  
9 injury to a pedestrian -- 4 points; and

10 (13) All other traffic violations involving the operation  
11 of motor vehicles by the operator for which reports to the  
12 Department of Motor Vehicles are required under sections 60-497.01  
13 and 60-497.02, not including violations involving an occupant  
14 protection system pursuant to section 60-6,270, parking violations,  
15 violations for operating a motor vehicle without a valid operator's  
16 license in the operator's possession, muffler violations,  
17 overwidth, overheight, or overlength violations, motorcycle or  
18 moped protective helmet or eye protection violations, or  
19 overloading of trucks -- 1 point.

20 All such points shall be assessed against the driving  
21 record of the operator as of the date of the violation for which  
22 conviction was had. Points may be reduced by the department under  
23 section 60-4,188.

- 24 In all cases, the forfeiture of bail not vacated shall be  
 25 regarded as equivalent to the conviction of the offense with which  
 26 the operator was charged.
- 27 The point system shall not apply to persons convicted of  
 1 traffic violations committed while operating a bicycle.  
 2 Sec. 2. Section 60-6,279, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 60-6,279. (1) Except as provided in subsection (2) of  
 5 this section, a person shall not operate or be a passenger on a  
 6 motorcycle or moped on any highway in this state unless such person  
 7 is wearing a protective helmet of the type and design manufactured  
 8 for use by operators of such vehicles and unless such helmet is  
 9 secured properly on his or her head with a chin strap while the  
 10 vehicle is in motion. All such protective helmets shall be  
 11 designed to reduce injuries to the user resulting from head impacts  
 12 and shall be designed to protect the user by remaining on the  
 13 user's head, deflecting blows, resisting penetration, and spreading  
 14 the force of impact. Each such helmet shall consist of lining,  
 15 padding, and chin strap and shall meet or exceed the standards  
 16 established in the United States Department of Transportation's  
 17 Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218,  
 18 for motorcycle helmets.
- 19 (2) A person shall be exempt from subsection (1) of this  
 20 section if he or she (a) is at least twenty-one years of age, (b)  
 21 is equipped with eye protection, (c) carries proof of health  
 22 insurance coverage equivalent to or exceeding the standards of the  
 23 Comprehensive Health Insurance Pool Act, and (d) carries proof of  
 24 successful completion of a motorcycle safety course under the  
 25 Motorcycle Safety Education Act. Such proof of insurance and  
 26 course completion shall be available for inspection upon demand of  
 27 any law enforcement officer. For purposes of this subsection, eye  
 1 protection means (i) glasses, (ii) a protective face shield  
 2 attached to a protective helmet, (iii) goggles, or (iv) a  
 3 windshield on the motorcycle that rises a minimum of fifteen inches  
 4 above the handlebar.  
 5 Sec. 3. Original sections 60-4,182 and 60-6,279, Reissue  
 6 Revised Statutes of Nebraska, are repealed.'."

## RESOLUTION

### LEGISLATIVE RESOLUTION 96. Introduced by Burling, 33.

PURPOSE: Currently Nebraska's adoption statutes which control the release of adoption information are among the most restrictive in the country. The purpose of this study is to determine the extent of changes, if any, are needed to Nebraska statutes regarding the openness and the availability of adoption records in the State of Nebraska.

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



1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**MOTION - Return LB 154A to Select File**

Senator Chambers moved to return LB 154A to Select File for his specific pending amendment, AM1448, found on page 1692.

The Chambers motion to return prevailed with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 154A.** The Chambers specific pending amendment, AM1448, found on page 1692, was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

**MOTION - Return LB 773 to Select File**

Senator Chambers moved to return LB 773 to Select File for his specific pending amendment, AM1651, found on page 1685.

The Chambers motion to return prevailed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 773.** The Chambers specific pending amendment, AM1651, found on page 1685, was adopted with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

**SPEAKER KRISTENSEN PRESIDING**

**MOTION - Return LB 313 to Select File**

Senator Coordsen moved to return LB 313 to Select File for his specific pending amendment, AM1641, found on page 1641.

The Coordsen motion to return prevailed with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 313.** The Coordsen specific pending amendment, AM1641, found on page 1641, was adopted with 28 ayes, 3 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

**MOTION - Return LB 313A to Select File**

Senator Coordsen moved to return LB 313A to Select File for his specific pending amendment, AM1686, found on page 1703.

The Coordsen motion to return prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 313A.** The Coordsen specific pending amendment, AM1686, found on page 1703, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendments to LB 620:  
AM1798

(Amendments to E & R amendments, AM7106)

- 1 1. On page 2 line 26, strike the first "by" and strike
- 2 "or for the benefit of" and insert "the company to ensure".

AM1799

(Amendments to E & R amendments, AM7106)

- 1 1. On page 3, line 6, strike "actual".

AM1832

(Amendments to E & R amendments, AM7106)

- 1 1. On page 3, line 4, strike "operated" and insert
- 2 "conducted".

AM1833

(Amendments to E & R amendments, AM7106)

- 1 1. On page 3, line 11, strike "considered" and insert
- 2 "deemed".

AM1834

(Amendments to E & R amendments, AM7106)

- 1 1. On page 5, line 23, strike "any" and insert "a".

AM1835

(Amendments to E &amp; R amendments, AM7106)

- 1 1. On page 14, line 27, strike "needs" and insert "is".

AM1836

(Amendments to E &amp; R amendments, AM7106)

- 1 1. On page 17, lines 4 and 5, 14, 16 and 17, and 19,  
2 strike "a number of new employees of"; in lines 5 and 19 before the  
3 period insert "new employees"; and in lines 15 and 17 before the  
4 comma insert "new employees".

AM1837

(Amendments to E &amp; R amendments, AM7106)

- 1 1. On page 19, line 5, strike "considered" and insert  
2 "deemed".

AM1838

(Amendments to E &amp; R amendments, AM7106)

- 1 1. On page 22, line 19, strike "any" and insert "an".

AM1839

(Amendments to E &amp; R amendments, AM7106)

- 1 1. On page 23, line 2, strike "considered as being" and  
2 insert "deemed to have been"; and in line 8 strike "considered" and  
3 insert "deemed".

AM1840

(Amendments to E &amp; R amendments, AM7106)

- 1 1. On page 24, line 7, strike "it determines in the  
2 discretion of" and insert "determined by" and after "Commissioner"  
3 insert "in his or her discretion".  
4 2. On page 26, line 1, strike "it determines in the  
5 discretion of" and insert "determined by" and after "Commissioner"  
6 insert "in his or her discretion".

AM1841

(Amendments to E &amp; R amendments, AM7106)

- 1 1. On page 4, line 20, strike "shall not be excluded  
2 from" and insert "may be included by the company in".

AM1842

(Amendments to E &amp; R amendments, AM7106)

- 1 1. On page 12, line 17; page 19, line 2; and page 20,  
2 line 16, strike "and" and insert "or".

AM1843

(Amendments to E &amp; R amendments, AM7106)

- 1 1. On page 3, line 10, strike the second "employee" and  
2 insert "indentured servant"; in line 13 strike "employee" and

- 3 insert "indentured servant"; and in line 14 strike "employees" and  
 4 insert "indentured servants".  
 5 2. On page 6, lines 6 and 10, strike "employee" and  
 6 insert "indentured servant".

AM1844

(Amendments to E &amp; R amendments, AM7106)

- 1 1. Insert the following new section:  
 2 "Sec. 41. No railroad company which receives any  
 3 benefits under the Invest Nebraska Act shall require a railroad  
 4 company employee on a train or locomotive operating within this  
 5 state who has been on duty or available for duty for any portion of  
 6 each of seven consecutive days to go on duty or be available for  
 7 duty until at least seventy-two consecutive hours have passed after  
 8 the railroad company employee is released from duty or availability  
 9 unless the railroad company employee voluntarily chooses to do  
 10 so."  
 11 2. On page 1, line 3, strike "40" and insert "41".  
 12 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendments to LB 620:

FA230

Amend AM7106

On page 2, line 1, strike "and who is employed at the project"

FA231

Amend AM7106

On page 5, line 4 after "board" add "and shall include all employees of any new interdependent operation or modified operation made possible by the investment"

Senator Wickersham filed the following amendment to LB 620:

AM1877

(Amendments to E &amp; R amendments, AM7106)

- 1 1. On page 4, line 10, after "year" insert ", except  
 2 that the number of hours shall not exceed forty for any one  
 3 employee".

Senator Bromm filed the following amendment to LB 389:

AM1801

(Amendments to Standing Committee amendments, AM0325)

- 1 1. Insert the following new sections:  
 2 "Sec. 3. Section 86-1905, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 86-1905. Except when a subscriber initiates or changes  
 5 service by contacting the telecommunications company directly (1)  
 6 Except as provided in subsection (2) of this section, no  
 7 telecommunications company shall submit or execute on behalf of a  
 8 subscriber a change in a the subscriber's provider of basic local

9 exchange service, intra-LATA interexchange service, or inter-LATA  
10 interexchange service without:

- 11 ~~(1)~~ (a) Written change authorization from the subscriber;  
12 ~~(2)~~ (b) Toll-free electronic authorization placed from  
13 the telephone number which is the subject of the change order; or  
14 ~~(3)~~ (c) Oral authorization obtained by an independent  
15 third party.

16 A separate and distinct authorization shall be required  
17 to submit or execute a change of service for any or all of the  
18 following services provided to subscribers in this state: Basic  
19 local exchange service, intra-LATA interexchange service,  
20 inter-LATA interexchange service, or any other telecommunications  
21 services.

22 (2) The requirements of this section shall not apply to a  
23 change in a subscriber's provider of basic local exchange service,  
1 intra-LATA interexchange service, or inter-LATA interexchange  
2 service that results from any merger or sale of exchanges or  
3 transfer of authority approved by the commission.

4 Sec. 4. Section 86-1907, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 86-1907. (1) Nothing in the Telephone Consumer Slamming  
7 Prevention Act shall preclude a subscriber from electing to resolve  
8 an unauthorized change in service directly with the unauthorized  
9 telecommunications company. If the subscriber is unsatisfied with  
10 the resolution from the unauthorized company, the subscriber may  
11 file a complaint with the commission. The complaint may be made by  
12 letter, fax, online notification, or telephone call to the  
13 commission. The subscriber may be required to provide a copy of  
14 the subscriber's telephone bill that contains the alleged  
15 unauthorized company's charges.

16 (2) The commission, consistent with applicable federal  
17 rules and regulations including rules and regulations of the  
18 Federal Communication Commissions implementing section 258 of the  
19 federal act, shall adopt and promulgate rules and regulations for  
20 resolution of subscriber complaints of an unauthorized change in  
21 service. The procedures in this section shall apply only after a  
22 subscriber has determined that an unauthorized change has occurred  
23 in violation of section 86-1905 and the subscriber has paid charges  
24 to an allegedly unauthorized telecommunications company. Upon  
25 receiving notification from the subscriber or a company that a  
26 subscriber has been subjected to an unauthorized change and that  
27 the subscriber has paid charges to an allegedly unauthorized  
1 company, the properly authorized company shall, within thirty days,  
2 request from the allegedly unauthorized company proof of  
3 verification of the subscriber's authorization to change companies.  
4 Within ten days after receiving such request, the allegedly  
5 unauthorized company shall forward to the authorized company  
6 either:

- 7 (a) Proof of verification of the subscriber's

8 authorization to change companies; or

9 (b) The following:

10 (i) An amount equal to all charges paid by the subscriber  
11 to the unauthorized company;

12 (ii) An amount equal to any charge required to return the  
13 subscriber to his or her properly authorized company, if  
14 applicable; and

15 (iii) Copies of any telephone bills issued from the  
16 unauthorized company to the subscriber.

17 (2) If an authorized telecommunications company incurs  
18 any billing and collection expenses in collecting charges from the  
19 unauthorized company, the unauthorized company shall reimburse the  
20 authorized company for reasonable expenses.

21 (3) When a subscriber notifies the unauthorized company,  
22 rather than the authorized company, of an unauthorized change, the  
23 unauthorized company shall immediately notify the authorized  
24 company.

25 (4) Upon receipt from the unauthorized company of the  
26 amount described in subdivision (1)(b)(i) of this section, the  
27 authorized company shall provide a refund or credit to the  
1 subscriber of all charges paid in excess of what the authorized  
2 company would have charged the subscriber absent the unauthorized  
3 change. If the authorized company has not received from the  
4 unauthorized company an amount equal to charges paid by the  
5 subscriber to the unauthorized company, the authorized company is  
6 not required to provide any refund or credit. The authorized  
7 company shall, within sixty days after it receives notification of  
8 the unauthorized change, inform the subscriber if it has failed to  
9 collect any charges from the unauthorized company and inform the  
10 subscriber of his or her right to pursue a claim against the  
11 unauthorized company for a refund of all charges paid to the  
12 unauthorized company.

13 (5) When possible, the properly authorized company shall  
14 reinstate the subscriber in any premium program in which that  
15 subscriber was enrolled prior to the unauthorized change if that  
16 subscriber's participation in the premium program was terminated  
17 because of the unauthorized change. If the subscriber has paid  
18 charges to the unauthorized company, the properly authorized  
19 company shall also provide or restore to the subscriber any  
20 premiums to which the subscriber would have been entitled had the  
21 unauthorized change not occurred. The authorized company shall  
22 comply with the requirements of this subsection regardless of  
23 whether it is able to recover from the unauthorized company any  
24 charges that were paid by the subscriber.

25 (6) The Public Service Commission may from time to time  
26 review and adjust the reimbursement procedures in a manner  
27 consistent with federal law.

1 Sec. 5. Section 86-1908, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 86-1908. If the Public Service Commission commission  
 4 finds that a telecommunications company has violated section  
 5 ~~86-1907~~ 86-1905, the commission shall order the company to take  
 6 corrective action as necessary and ~~the company may be subject to~~  
 7 ~~administrative penalties pursuant to section 86-1909. Any money~~  
 8 ~~collected by the commission pursuant to this section shall be~~  
 9 ~~remitted to the State Treasurer for credit to the permanent school~~  
 10 ~~fund consistent with rules and regulations adopted and promulgated~~  
 11 ~~by the commission and the Federal Communications Commission.~~

12 Sec. 6. Section 86-1909, Revised Statutes Supplement,  
 13 2000, is amended to read:

14 86-1909. (1) The Public Service Commission commission  
 15 may, after hearing, impose an administrative penalty for a  
 16 violation of the Telephone Consumer Slamming Prevention Act. The  
 17 penalty for a violation shall not exceed two thousand dollars.

18 Every violation associated with a specific access line within the  
 19 state shall be considered a separate and distinct violation.

20 (2) The amount of an administrative penalty shall be  
 21 based on:

22 (a) The nature, circumstances, extent, and gravity of a  
 23 prohibited act;

24 (b) The history of previous violations;

25 (c) The amount necessary to deter future violations; and

26 (d) Any efforts to correct the violation.

27 (3) Any money collected by the commission pursuant to  
 1 this section shall be remitted to the State Treasurer for credit to  
 2 the permanent school fund.

3 (4) Any administrative penalty may be appealed, and the  
 4 appeal shall be in accordance with the Administrative Procedure  
 5 Act."

6 2. On page 2, line 26, strike "section 86-808" and  
 7 insert "sections 86-808, 86-1905, 86-1907, and 86-1908"; and in  
 8 line 27 strike "section 86-1405" and insert "sections 86-1405 and  
 9 86-1909".

10 3. Renumber the remaining section accordingly.

Senator Bromm filed the following amendment to LB 833:  
 AM1850

(Amendments to Standing Committee amendments, AM1338)

- 1 1. On page 3, line 4, strike "seventy" and insert
- 2 "fifty"; in line 8 strike "and"; and strike beginning with "by" in
- 3 line 12 through "be" in line 13 and insert "for quality education
- 4 incentives pursuant to the Quality Education Accountability Act;
- 5 and up to twenty percent shall be allocated by the Governor".

Senator Wehrbein filed the following amendment to LB 538:  
 AM1865

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:

2 "Sec. 21. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND  
 3 HUMAN SERVICES FINANCE AND SUPPORT

4 Program No. 366 - Community Mental Health - Aid

5 

	<u>FY1999-00</u>	<u>FY2000-01</u>
--	------------------	------------------

6 GENERAL FUND

	-0-	1,500,000
--	-----	-----------

7 PROGRAM TOTAL

	-0-	1,500,000
--	-----	-----------

8 There is included in the appropriation to this program

9 for FY2000-01 \$1,500,000 General Funds for state aid, which shall

10 only be used for such purpose. The General Funds included in this

11 appropriation shall be used to reimburse providers of mental health

12 services in Region VI for the cost of emergency psychiatric care

13 services."

14 2. Renumber the remaining sections accordingly.

### MOTION - Print in Journal

Senator Wehrbein filed the following motion to LB 541A:

Indefinitely postpone.

### AMENDMENTS - Print in Journal

Senator Dierks filed the following amendment to LB 329:

(Amendment, AM1857, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Dierks filed the following amendment to LB 435:

AM1849

(Amendments to Standing Committee amendments, AM0524)

- 1 1. On page 4, strike beginning with "If" in line 3
- 2 through line 13 and insert:
- 3 "If a railroad or its successor in interest wishes to
- 4 sell or offer to sell property leased to an agricultural tenant
- 5 upon which substantial improvements owned by the agricultural
- 6 tenant are located, then, except when the sale or offer to sell is
- 7 made to a purchaser who is a common carrier who intends to operate
- 8 a railroad on railroad right-of-way adjacent to the leased property
- 9 for the public benefit or for interim trail use under the federal
- 10 National Trails System Act, 16 U.S.C. 1243, as such act existed on
- 11 the effective date of this act, the railroad or its successor in
- 12 interest shall first extend to the agricultural tenant a written
- 13 offer to sell the railroad land to the agricultural tenant at fair
- 14 market value."

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 97.** Introduced by Janssen, 15.

**PURPOSE:** To study the alternatives available for increasing charitable gaming revenue and maintaining charitable gaming records more efficiently.



The study shall examine:

1. The current decline of charitable gaming revenue and possible options to minimize or reverse such decline;
2. The feasibility of maintaining records by electronic means;
3. The methods utilized in other states to minimize or reverse declining revenue and to maintain records by electronic means;
4. Possible alternatives and associated costs; and
5. Any other matters appropriate for a complete examination of this issue.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 98.** Introduced by Janssen, 15.

**PURPOSE:** To study the feasibility of reclassifying the liquor licensing system in order to simplify and streamline the process.

The study shall examine:

1. The statutes relating to the current classification system and its administration;
2. The fees charged for each class of license and shall compare such fees relative to the other classes;
3. The possibility that some licenses are under-utilized in relation to the cost;
4. The possible disparity in fees and whether the fees are proportional to the alcoholic liquor sold; and
5. Any other matters appropriate for a complete examination of the issue.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Hilgert asked unanimous consent to have his name added as cointroducer to LB 668. No objections. So ordered.

**EXPLANATION OF VOTE**

Had I been present, I would have voted "aye" on LB 711e, LB 489e, and LB 797e.

(Signed) Philip Erdman

**VISITORS**

Visitors to the Chamber were 55 fourth grade students and teachers from Blumfield Elementary School, Omaha; 17 second and third grade students from McCool Junction; 53 fourth grade students and teachers from Bel Air Elementary School, Norfolk; and 32 fifth and sixth grade students and teachers from Ponca Elementary School.

**ADJOURNMENT**

At 6:39 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Tuesday, May 8, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**SEVENTY-SEVENTH DAY - MAY 8, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 8, 2001

**PRAYER**

The prayer was offered by Senator Dierks.

**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 McDonald, D. Pederson, and Robak who were excused; and Senators Brashear, Landis, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-sixth day was approved.

**UNANIMOUS CONSENT - Member Excused**

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 620.** The Chambers pending amendment, FA233, found on page 1833, was renewed.

Senators Bruning and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

**PRESIDENT MAURSTAD PRESIDING**

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Chambers asked unanimous consent to replace his pending amendment, FA188, found on page 1513, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA188, found on page 1513.

Senator Chambers renewed his substitute pending amendment, AM1798, found on page 1840.

Senator Chambers asked unanimous consent to replace his pending amendment, AM1798, found on page 1840, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, AM1798, found on page 1840.

Senator Chambers offered the following substitute amendment:

FA235

Amend AM7106

On page 2 line 26 strike "developed by or operated by or for the benefit of" and insert "used by the company to further"

Senator Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Chambers asked unanimous consent to replace his pending amendment, FA189, found on page 1513, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA189, found on page 1513.

Senator Chambers renewed his substitute pending amendment, AM1799, found on page 1840.

Senator Chambers withdrew his amendment.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers renewed his pending amendment, AM1565, found on page 1620.

The Chambers amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Senator Wickersham renewed his pending amendment, AM1649, found on page 1659.

Senators Dw. Pedersen and Thompson asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham amendment lost with 9 ayes, 23 nays, 9 present and not voting, and 8 excused and not voting.

Senator Dierks renewed his pending amendment, AM1695, found on page 1757.

Senators Byars and Beutler 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 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a roll call vote on the Dierks amendment.

Senator Vrtiska requested the roll call vote be taken in reverse order.

Voting in the affirmative, 16:

Bourne	Burling	Chambers	Cudaback	Dierks
Hudkins	Kruse	Landis	Preister	Price
Redfield	Smith	Suttle	Thompson	Wehrbein
Wickersham				

Voting in the negative, 18:

Aguilar	Baker	Bromm	Connealy	Coordsen
Cunningham	Erdman	Foley	Janssen	Jones
Kremer	Kristensen	Quandahl	Raikes	Schrock
Stuhr	Tyson	Vrtiska		

Present and not voting, 8:

Beutler	Brown	Engel	Hartnett	Hilgert
Jensen	Maxwell	Schimek		

Excused and not voting, 7:

Brashear	Bruning	Byars	McDonald	Pedersen, Dw.
Pederson, D.	Robak			

The Dierks amendment lost with 16 ayes, 18 nays, 8 present and not voting, and 7 excused and not voting.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 99.** Introduced by Byars, 30.

**PURPOSE:** To review the legitimacy of requiring the noncustodial parent to continue child support payments for a developmentally disabled child who is over nineteen years of age. When a child reaches the age of nineteen, court-ordered financial support by the noncustodial parent ends. A healthy child is considered to be capable of becoming self-sufficient at nineteen years of age; however, a developmentally disabled child who reaches this age may not have the same capacity. At this point, the financial burden of continued support for a developmentally disabled child usually falls to the custodial parent.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 100.** Introduced by Jensen, 20.

**PURPOSE:** The Legislature recognizes the importance of the corridor between Lincoln and Omaha along Interstate 80. LB 661 (2001) was introduced with the intent to study the development possibilities of the corridor. LB 661 was advanced to General File by the Transportation and Telecommunications Committee of the Legislature but did not have the opportunity to be heard by the full Legislature. The purpose of this study is to determine proper goals and objectives in an effort to assist the creation, in a future legislative bill, of a task force similar to the one set up in LB 661. This study shall identify individuals who should be included in the task force to insure a knowledgeable, diverse, and competent compilation. Also, the study shall identify what a reasonable allocation of funds for a task force of this nature should be and ascertain practical methods for the task force to stay within the allocated funds.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 101.** Introduced by Business and Labor Committee; Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27.

**PURPOSE:** The purpose of this study is to examine private service contracts entered into by state agencies. Data collected in a previous study reveals that in one agency there was a 13.64% decrease in the percentage of total dollars spent on permanent employees, whereas the total dollars spent on private contracts increased over \$16 million in the same time period. In just a two-year period, the state spent over \$625 million on reported private service contracts. The Legislature needs to determine whether the growth in state expenditures on private service contracts is cost effective and in the public's best interest. In order to achieve this goal, the study will include, but not be limited to, the following issues:

1. Whether or not state agencies are conducting adequate economic analyses of entering into private service contracts and if there is a public interest which outweighs having the services performed directly by the agency;

2. Whether there are adequate control mechanisms and management of contracts in place, including fiscal and performance monitoring, to ensure that services are provided pursuant to the terms of the contract, and whether these considerations are reexamined upon renewal of the contract;

3. Review current statutory requirements in sections 73-301 to 73-307 of the Nebraska Statutes to determine whether state law needs to be amended in order to clarify when and under what circumstances an analysis must be performed before entering into a contract with a private entity for personal services;

4. Examine current state expenditures as well as past expenditures over the last four years to determine how much the state is spending and has spent on private service contracts each year, identify the predominant services being contracted out;

5. Examine whether there is, or should be, coordination of some of the private contracts among agencies;

6. Examine security and public safety issues as they relate to privatization of any services at public and private prisons;

7. Examine the effect on public employees' morale, agency job vacancies or turnover rates, and compare salaries paid to state employees and private contractors who are carrying out similar or same job responsibilities;

8. Examine public records and open meetings issues as they may relate to services provided by private contractors; and

9. Review the policies and practices of other states regarding contracting for private services as well as other literature on this issue.

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

1. That the Business and Labor Committee and the Appropriations Committee of the Legislature, in consultation with labor representatives, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall conduct public hearings to provide for public comment.

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 102.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27.

**PURPOSE:** As the State of Nebraska has a compelling interest in promoting public safety, this study shall examine the quality of life for railroad employees and how current working conditions and environment affect those employees. Since Nebraska has two of the highest traveled railroad corridors in the nation, the state has a strong interest in examining the potential dangers for fatigue and fatigue-related accidents.

Although the nation's railroad employees are covered by rules and regulations of the Federal Railroad Administration (FRA), which establishes an hourly maximum work period, it fails to guarantee a cumulative weekly maximum that governs workers' working hours. The FRA has sought authority in Congress to issue regulations specifically relating to fatigue under the hours of service, however, Congress has not deemed it appropriate to do so.

The study shall include, but not be limited to, an investigation into the following:

1. The extent to which states may legislate matters covering railroads and railroad employees in light of the federal regulatory authority of the Federal Railroad Administration;

2. The extent to which states may legislate matters covering railroads and railroad employees in light of national and local collective bargaining agreements;

3. The implications of railroad companies requiring employees who operate a train or locomotive to be on duty or available for duty unless at least 72 consecutive hours have passed;

4. The implications of railroad companies requiring employees who operate a train or locomotive to be on duty or available for duty for any portion of each of the previous seven consecutive days;

5. The potential dangers to the employees and the public related to fatigue and fatigue-related accidents;

6. The policies surrounding an employee who has been involved in a train accident regarding time off from work and post-accident counseling;

7. Any issue relating to employee safety and the provisions of law or company policies under which railroad employees operate;

8. Any additional issues deemed pertinent to the complete review and



analysis of railroad safety; and

9. Legislation that is pending in the Nebraska Legislature relating to railroads and railroad employees.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 103.** Introduced by Business and Labor Committee; Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27.

**PURPOSE:** To study the process that the State Claims Board utilizes to approve claims made against the State of Nebraska, many of which ultimately arrive before the Business and Labor Committee and the Legislature for approval as required by statute. When the Legislature considers some claims, further questions often arise regarding the background of the claim.

This study will comprehensively investigate the claims process, particularly as it relates to the Legislature. Matters to be studied include, but are not limited to, the following:

(1) The claims statutes, rules and regulations, and other material to determine whether the system is operating efficiently;

(2) The correspondence between the State Claims Board and the Treasurer's office regarding lost or expired warrants and the processes utilized to reduce the number of such warrants;

(3) Whether agencies should be given more authority to handle lost warrant claims instead of having the process run through the Legislature;

(4) Whether the State Claims Board receives sufficient information to make determinations on claims; and

(5) The occurrence of professional finders using the public records of outstanding warrants to profit by "finding" the warrant owner, and whether there should be a limit on the fee finders may charge for "finding" outstanding warrants.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 104.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27.

**PURPOSE:** To study the managed care system for workers' compensation as established in section 48-120.02, Revised Statutes Supplement, 2000. The study will include an investigation of how the system can be improved and how participation can be increased.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 105.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27.

**PURPOSE:** To study the safety inspection program created by LB 757, Ninety-Third Legislature, First Session, 1993. The study shall consider, but not be limited to, the following:

(1) The impact of LB 757 safety inspections on workers' compensation injuries and losses; and

(2) The appropriate funding source for such inspections if they are continued, as the cost of such inspections is now being paid by a combination of inspection fees charged directly to those employers being inspected and revenue generated by a now expired additional charge to workers' compensation premiums, which is projected to be exhausted in early 2003.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 106.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5;

Schimek, 27.

**PURPOSE:** To study Nebraska's child labor laws. The examination shall include, but not be limited to, the following:

- (1) A review of Nebraska's child labor statutes to determine the circumstances under which they apply;
- (2) Whether revisions of the child labor statutes are necessary to provide clarity on applicability; and
- (3) A review of federal and state child labor laws to determine with which law a Nebraska employer must comply. This review shall include an investigation into the hours of work statutes.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 107.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27.

**PURPOSE:** To study the issues proposed in LB 626, introduced by Sen. Beutler during the Ninety-Seventh Legislature, First Session, 2001. LB 626 proposes new language that would require all full-time employees performing services under certain contracts for personal services to be paid a minimum wage of at least \$8.19 for employees who receive health care benefits and at least \$9.01 for employees who do not receive health care benefits. The personal contracts affected by this bill are those involving \$75,000 or more per year between a private entity and a state agency, other than the University of Nebraska or any other agency established by the Constitution of Nebraska.

The study shall consider:

1. The number of contractors that would be affected;
2. The number of employees that would be affected;
3. The wages that are currently paid to affected employees; and
4. The implications of requiring these wages.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 108.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27.

**PURPOSE:** To examine LB 370, introduced in the Ninety-Seventh Legislature, First Session, by Senator Price. The study will examine the feasibility of amending sections 48-601 and 48-602 of the Nebraska Statutes, relating to the Employment Security Law, to allow unemployment insurance benefits for employees who voluntarily leave work to be with a child during the first year of life or first year of adoption.

The U.S. Department of Labor issued notice of proposed rulemaking release in the Federal Register in December, 1999, 20 C.F.R. part 604, that proposed a voluntary experimental program to allow states to pay unemployment insurance to parents who take time off from work after the birth or adoption of a child. A revised interpretation of the federal Unemployment Tax Act of 1935 allows a new unemployment insurance eligibility that permits states to grant these benefits.

This study will examine the laws that are being considered in other states on this topic and will investigate the ramifications of passing such a law in Nebraska.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 109.** Introduced by Preister, 5.

**PURPOSE:** The purpose of the study is to conduct a review of the Remedial Action Plan Monitoring Act which was enacted in 1994. The review will include, but not be limited to, an investigation of the following:

(1) Analysis of the applications that have been filed and whether the applications are consistent with the original intent of the act;

(2) The authority and duties of the Department of Environmental Quality under the act and whether such authority and duties should be expanded;

(3) Whether land and water pollution is being sufficiently remediated to adequately protect the health and safety of the public and the environment; and

(4) Whether there should be an opportunity for public hearing and comment before the plans are finally approved and a no further action letter is granted.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE**

## NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall conduct public hearings to provide for public comment.

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.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Reengrossed**

The following bills were correctly reengrossed: LBs 154A and 773.

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 692 and 692A.

**Enrollment and Review Change to LB 692**

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

ER9047

1. In the Bromm et al. amendment, AM1345, on page 1, line 6, "after 'otherwise'" has been struck and "before the semicolon" inserted.

2. In lieu of the Beutler amendment, FA156, in the Byars amendment, AM1344, on page 5, line 1, "21" has been struck and "11 or 22" inserted.

3. In the Byars amendment, AM1344:

a. Sections 1 to 10 and 21 have been renumbered as sections 2 to 11 and 22, respectively;

b. On page 1, line 6; page 7, lines 20 and 26; and page 8, line 4, "3 to 10" has been struck and "4 to 11" inserted;

c. On page 2, line 15, the comma has been struck and shown as stricken;

d. On page 4, line 12; page 7, line 13; and page 8, line 26, "4" has been struck and "5" inserted;

e. On page 4, line 12, "subdivisions (4)(a)(ii)" has been struck and "subdivision (1)(a)(ii)" inserted;

f. On page 6, line 10, "(1)" has been inserted before "The"; in line 20 paragraphing and "(2)" has been inserted after the period; and in line 27 "look-alike" has been struck and "look-alikes" inserted; and

g. On page 9, line 1, "4 or 5" has been struck and "5 or 6" inserted; and in line 18 "9" has been struck and "10" inserted.

4. In the Standing Committee amendments, AM0781:

a. On page 2, lines 3 and 4, "9 to 14" and all amendments thereto have

been struck and "20 to 26" inserted;

b. On page 5, line 10, "fund" has been struck, shown as stricken, and "Nursing Facility Conversion Cash Fund" inserted; and

c. On page 16, line 6, "71-1626 and 71-1627, Reissue Revised Statutes of Nebraska, and sections 68-1526," has been inserted after "sections".

5. On page 1, the matter beginning with "the" in line 1 through line 7 and all amendments thereto have been struck and "health care funding; to amend sections 71-1626 and 71-1627, Reissue Revised Statutes of Nebraska, and sections 68-1526, 71-6050, 71-7605, 71-7606, 71-7607 to 71-7609, 71-7611, and 71-7614, Revised Statutes Supplement, 2000; to change provisions relating to local public health departments, the Nebraska Lifespan Respite Services Program, and the Nebraska Health Care Funding Act; to create a fund; to change and eliminate provisions relating to use of funds, grants, loan guarantees, and reports; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-7606.01 and 71-7613, Revised Statutes Supplement, 2000; and to declare an emergency." inserted.

(Signed) Philip Erdman, Chairperson

#### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 659:

FA236

Amend AM7105

1. Insert the following new section:

"Sec. 4. For purposes of the DNA Testing Act:

(1) Actual innocence means proof that the person in custody did not commit the crime of which he or she has been convicted; and

(2) Exculpatory evidence means evidence which is favorable to the person in custody and material to the issue of the guilt of the person in custody."

FA237

Amend AM7105

1. On page 8, strike lines 13-18 and renumber.

Senators Wickersham and Kristensen filed the following amendment to LB 620:

AM1908

(Amendments to E & R amendments, AM7106)

1 1. Insert the following new section:

2 "Sec. 41. (1) By January 1, 2005, and each January 1

3 every five years thereafter for so long as there are companies that

4 have qualified for benefits and remain within the entitlement

5 period, there shall be an audit to determine compliance with the

6 Invest Nebraska Act. The Tax Commissioner shall contract with a

7 qualified independent accounting firm to conduct the audit. The

8 cost of the audit shall be paid from funds appropriated to the

9 Department of Revenue by the Legislature. Such cost shall include,  
10 in addition to the fees and costs of such independent firm, the  
11 incremental costs to the department to comply with this section, as  
12 determined by the department. If a qualified independent  
13 accounting firm cannot be located or engaged to conduct such audit,  
14 then such audit shall instead be performed by the department. A  
15 qualified independent firm shall be a firm that meets all of the  
16 following requirements: (a) The firm must be an accounting firm  
17 employing or comprised of at least ten certified public accountants  
18 who are licensed under the Public Accountancy Act to practice  
19 accounting and auditing in Nebraska; (b) the firm, at the time of  
20 the beginning of such audit, and for the period of at least  
21 twenty-four months before such audit commences, has not performed  
22 any services for any of the companies that at such time have filed  
23 applications under the Invest Nebraska Act, and the firm must agree  
1 not to engage in and to withdraw from representing any companies  
2 that file applications after such audit commences and before the  
3 audit report is issued; (c) the firm must have executed such audit  
4 contract as required by the Tax Commissioner, and (d) the firm, and  
5 all such accountants and personnel of such firm who will be  
6 involved in the audit, must have executed such confidentiality and  
7 nondisclosure agreements as required by the Tax Commissioner. In  
8 hiring such firm, the Tax Commissioner shall comply with all  
9 Nebraska laws pertaining to the selection and hiring of outside  
10 private sector services.

11 (2) The purpose of the audit is to examine information  
12 collected by the department in order to determine:

13 (a) The extent the data collected from the companies  
14 receiving benefits is verified;

15 (b) The extent to which the projects receiving benefits  
16 from the act are in compliance with the act initially and  
17 throughout the entitlement period;

18 (c) Whether the requirements of the act regarding the  
19 investment threshold have been attained and maintained by the  
20 companies;

21 (d) Whether and to what extent new employees are added by  
22 the companies to their workforce and employed at the project  
23 locations;

24 (e) Whether and to what extent the new jobs created meet  
25 the minimum compensation requirements of the act;

26 (f) The industry or industries in which the new jobs are  
27 created, by North American Industry Classification System Code;

1 (g) The extent to which the minimum new job threshold of  
2 the act has been attained and maintained by the companies;

3 (h) By category of spending, what is purchased by the  
4 companies that is claimed as qualified investments; and  
5 (i) Gross sales from output of the project if reasonably  
6 determinable.

7 (3) After the audit is conducted, and on or before

8 January 1, 2005, and each January 1 every five years thereafter,  
9 the auditor shall issue a report to the Legislature and Governor  
10 detailing the results of the audit. The report shall be presented  
11 using aggregated information and other techniques so as not to  
12 reveal confidential information that allows identification of the  
13 company. The report shall not be issued until the Tax Commissioner  
14 has confirmed in writing that the report does not reveal any  
15 confidential information that allows identification of the company.  
16 For purposes of this section, confidential information includes all  
17 information that is (a) referred to as confidential in section 32  
18 of this act, (b) restricted from disclosure or treated as  
19 confidential under any federal or state law, or (c) provided by the  
20 company to the department in connection with the company's project  
21 under the act. The report shall detail all assumptions, methods,  
22 or models that were used in performing the analysis and shall  
23 report information by industry group or expenditure category so  
24 that further analysis can be performed. The firm shall have access  
25 to all records of the department with regard to the credits granted  
26 under the act and the companies receiving such credits. Such  
27 records shall remain confidential in the hands of the firm  
1 conducting the audit and shall not be revealed to any person that  
2 is not employed by the department or the firm conducting the audit.  
3 No officer or employee of the firm conducting the audit shall  
4 disclose any information to any other person if such information is  
5 protected by federal or state confidentiality laws.  
6 Notwithstanding any other provision of this section to the  
7 contrary, neither the independent accounting firm nor any of its  
8 personnel shall be provided by the department with any confidential  
9 information except to the extent and under conditions when the  
10 department is permitted without penalty to do so under applicable  
11 federal or state laws.  
12 (4) All information provided by the department to the  
13 independent accounting firm shall be examined only on the premises  
14 of the department and shall be stored in a secure place. The firm  
15 shall make no copies of such information. Any qualified  
16 independent accounting firm, or any personnel of the firm, which  
17 violates this section shall be guilty of a Class IV felony and, in  
18 the discretion of the court, may be assessed the costs of  
19 prosecution.  
20 (5) Nothing in this section shall be construed to require  
21 the company to provide, or require the department to obtain from  
22 the company, any information beyond that required as part of the  
23 application or beyond that required by the department to confirm  
24 the company is entitled to the benefits of the act or to obtain the  
25 information required in subsection (2) of this section. The  
26 independent accounting firm shall not request any information from  
27 the company or its personnel. The independent accounting firm  
1 shall be permitted and expected to obtain additional outside public  
2 information available from sources outside of the company and the



- 3 department in order to comply with the requirements for the report  
 4 if copies of all such data, information, and sources are made  
 5 available to the public or included with the report.".  
 6 2. On page 1, line 3, strike "40" and insert "41".  
 7 3. Renumber the remaining sections accordingly.

Senator Kristensen filed the following amendment to LB 620:  
 AM1909

(Amendments to AM1908)

- 1 1. On page 5, line 5, after the underscored period  
 2 insert  
 3 "(6) Information obtained in connection with the audit  
 4 from either the department or the company is confidential and is  
 5 not discoverable or admissible in evidence in any civil action, and  
 6 no department or company personnel shall be compelled to testify in  
 7 regard thereto. Such information may be discovered and be  
 8 admissible, and testimony compelled in regard thereto, by the  
 9 department or by the company in an action relating to the  
 10 determination of whether the company is entitled to the benefits of  
 11 the act."

### VISITORS

Visitors to the Chamber were 10 students from Millard South High School; 25 fourth grade students and teachers from Scribner-Synder Public Schools, Scribner; 25 fourth grade students and teacher from Central Elementary School, Bellevue; 70 adults from York, Seward, and Polk Counties; and 50 fourth grade students and teachers from Norris Elementary School, Millard.

### RECESS

At 12:02 p.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Maurstad presiding.

### ROLL CALL

The roll was called and all members were present except Senators McDonald, D. Pederson, and Robak who were excused; and Senators Beutler, Brashear, Byars, Chambers, Dierks, Landis, Price, and Schrock who were excused until they arrive.

### MOTION - Return LB 538 to Select File

Senator Wehrbein moved to return LB 538 to Select File for his specific pending amendment, AM1865, found on page 1845.

The Wehrbein motion to return prevailed with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 538.** The Wehrbein specific pending amendment, AM1865, found on page 1845, was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 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 539.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY2001-02 and FY2002-03; to define terms; 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, 41:

Aguilar	Baker	Bourne	Bromm	Brown
Bruning	Burling	Chambers	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kruse	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 7:

Beutler	Brashear	Byars	Landis	McDonald
Pederson, D.	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 540. With Emergency.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY2001-02 and FY2002-03; 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	Bourne	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 6:

Beutler	Brashear	Landis	McDonald	Pederson, D.
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.

**MOTION - Return LB 541 to Select File**

Senator Dierks moved to return LB 541 to Select File for his specific pending amendment, AM1717, found on page 1746.

Senator Dierks withdrew his motion to return.

**BILL ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 541 with 38 ayes, 2 nays, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 541.** With Emergency.

A BILL FOR AN ACT relating to state funds; to amend sections 2-958, 45-621, 89-187, and 89-1,100, Reissue Revised Statutes of Nebraska, sections 9-1,101, 71-7607, 83-162.04, 84-612, and 84-1613, Revised Statutes Supplement, 2000, and section 9-531, Uniform Commercial Code; to provide for certain transfers from the Cash Reserve Fund and other funds; to change powers; to eliminate appropriations provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 83-162.06, Revised Statutes Supplement, 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	Bourne	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein				

Voting in the negative, 0.

Present and not voting, 2:

Foley	Wickersham
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Excused and not voting, 6:

Beutler	Brashear	Landis	McDonald	Pederson, D.
Robak				

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

**WITHDRAW - Motion to LB 541A**

Senator Wehrbein withdrew his pending motion, found on page 1846, to indefinitely postpone LB 541A.

**MOTION - Return LB 541A to Select File**

Senator Wehrbein moved to return LB 541A to Select File for the following specific amendment:

FA234

Strike the enacting clause.

The Wehrbein motion to return prevailed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 541A.** The Wehrbein specific pending amendment, FA234, found in this day's Journal, was adopted with 36 ayes, 3 nays, 5 present and not voting, and 5 excused and not voting.

LB 541A stands indefinitely postponed.

**STANDING COMMITTEE REPORT**  
**Redistricting**

**LEGISLATIVE BILL 851.** Placed on General File as amended.

Standing Committee amendment to LB 851:

AM1876

- 1 1. On page 2, strike lines 18 through 28.
- 2 2. On page 3, strike the new matter in lines 1 through
- 3 13 and insert "beginning at the intersection of the Douglas-Sarpy
- 4 County line and South 144th Street, south on South 144th Street to
- 5 Fairview Road, east on Fairview Road to South 132nd Street, south
- 6 on South 132nd Street to Platteview Road, east on Platteview Road
- 7 to South 84th Street, north on South 84th Street to Platteview
- 8 Road, east on Platteview Road to U.S. Highway 75, south on U.S.
- 9 Highway 75 to the Sarpy-Cass County line, east along the Sarpy-Cass
- 10 County line to the Nebraska-Iowa state line, north along the
- 11 Nebraska-Iowa state line to the Douglas-Sarpy County line, and west
- 12 along the Douglas-Sarpy County line to the point of beginning".

(Signed) George Coordsen, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 110.** Introduced by Coordsen, 32.

**PURPOSE:** To conduct an interim study to: (1) Determine the effect of the loss of rail service on rural communities and shippers; (2) review the duties and responsibilities of the Nebraska Railway Council and determine what future role the council should play in advocating for shippers and short-line rail interests; (3) determine who should be assigned the responsibility of actively pursuing federal dollars for long-term loans or grants for shippers,

short lines, and short-line rehabilitation, including possible unit shipping facility loans or grants.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall conclude its study by December 1, 2001, and make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **MOTIONS - Return LB 543 to Select File**

Senator Schimek moved to return LB 543 to Select File for the following specific amendment:

AM1905

(Amendments to Final Reading copy)

1 PURPOSE: Restore operating reductions made at the regional centers,  
2 Beatrice State Developmental Center, and the veterans' homes  
3 pursuant to recommendations by the Governor.

4 AMENDMENT:

5 1. On page 39, strike line 27 and insert "GENERAL FUND  
6 50,220,000 53,035,000".  
7 2. On page 40, strike line 2 and insert "PROGRAM TOTAL  
8 60,244,608 63,584,018"; strike line 8 and insert "GENERAL FUND  
9 17,550,000 18,710,000"; strike line 10 and insert "FEDERAL FUND  
10 est. 18,115,000 18,880,000"; strike line 11 and insert "PROGRAM  
11 TOTAL 38,673,379 40,651,792"; strike line 17 and insert "GENERAL  
12 FUND 13,980,000 16,192,000"; and strike line 20 and insert  
13 "PROGRAM TOTAL 37,720,048 40,885,108".

Senator Schimek withdrew her motion to return.

Senator Chambers moved to return LB 543 to Select File for the following specific amendment:

AM1893

(Amendments to Final Reading copy)

1 PURPOSE: Delete the \$2.7 million of funding for the Attracting  
2 Excellence to Teaching Program Act (loan forgiveness program).

3 AMENDMENT:

4 1. On page 17, strike line 4, and insert "CASH FUND  
5 5,378,968 5,388,244"; strike line 7 and insert "PROGRAM TOTAL  
6 987,057,908 1,017,558,695"; and in lines 10 and 14 strike  
7 "\$7,014,926" and insert "\$4,314,926".  
8 2. On page 19, strike lines 18 through 21.  
9 3. On page 137, in lines 13 and 14 strike ", Attracting  
10 Excellence to Teaching Program Cash Fund".  
11 4. On page 153, strike lines 23 and 24; in line 25

12 strike "(e)" and insert "(d)"; and in line 28 strike "(f)" and  
13 insert "(e)".

14 5. On page 154, line 4, strike "(g)" and insert "(f)";  
15 in line 6 strike "(h)" and insert "(g)"; in line 8 strike "(i)" and  
16 insert "(h)"; in line 12 strike "(j)" and insert "(i)"; in line 15  
17 strike "(k)" and insert "(j)"; in line 19 strike "(l)" and insert  
18 "(k)"; in line 22 strike "(m)" and insert "(l)"; and in line 26  
19 strike "(n)" and insert "(m)".

20 6. On page 155, line 2, strike "(o)" and insert "(n)";  
21 in line 6 strike "(p)" and insert "(o)"; in line 10 strike "(q)"  
22 and insert "(p)"; in line 13 strike "(r)" and insert "(q)"; and in  
23 line 17 strike "(s)" and insert "(r)".

1 7. On page 156, strike lines 13 and 14; in line 15  
2 strike "(e)" and insert "(d)"; in line 18 strike "(f)" and insert  
3 "(e)"; in line 22 strike "(g)" and insert "(f)"; in line 24 strike  
4 "(h)" and insert "(g)"; and in line 26 strike "(i)" and insert  
5 "(h)".

6 8. On page 157, line 1, strike "(j)" and insert "(i)";  
7 in line 4 strike "(k)" and insert "(j)"; in line 7 strike "(l)" and  
8 insert "(k)"; in line 11 strike "(m)" and insert "(l)"; in line 15  
9 strike "(n)" and insert "(m)"; in line 19 strike "(o)" and insert  
10 "(n)"; in line 21 strike "(p)" and insert "(o)"; in line 24 strike  
11 "(q)" and insert "(p)"; and in line 28 strike "(r)" and insert  
12 "(q)".

Senator Dierks asked unanimous consent to be excused until he returns. No  
objections. So ordered.

Senator Chambers requested a record vote on his motion to return.

Voting in the affirmative, 12:

Chambers	Coordsen	Cudaback	Hudkins	Janssen
Jones	Kristensen	Price	Raikes	Schimek
Schrock	Wickersham			

Voting in the negative, 28:

Aguilar	Baker	Bourne	Bromm	Bruning
Burling	Byars	Connealy	Cunningham	Engel
Erdman	Foley	Hartnett	Hilgert	Kremer
Kruse	Maxwell	Pedersen, Dw.	Preister	Quandahl
Redfield	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein		

Present and not voting, 3:

Beutler	Brown	Jensen
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- 5 shall be suspended for any period of time when the Ethanol  
6 Production Incentive Cash Fund contains \$15,000,000, and shall be  
7 reinstated when the fund balance is less than \$7,000,000."  
8 6. On page 13, line 23, after the period insert "The tax  
9 shall be suspended for any period of time when the Ethanol  
10 Production Incentive Cash Fund contains \$15,000,000, and shall be  
11 reinstated when the fund balance is less than \$7,000,000."  
12 7. On page 15, lines 9 and 10, strike "and 66-1345.04".  
13 8. Renumber the remaining sections accordingly.

Senators Jensen, Byars, Wehrbein, and Beutler filed the following amendment to LB 692:  
AM1913

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:  
2 "Sec. 27. The Revisor of Statutes shall assign sections  
3 4 to 11 of this act within sections 71-1626 to 71-1636."  
4 2. On page 1, line 8, strike "to create a fund;"; and in  
5 line 10 after the second semicolon insert "to provide a duty for  
6 the Revisor of Statutes;".  
7 3. On page 5, strike beginning with "Beginning" in line  
8 17 through the period in line 22 and insert "One or more counties  
9 may petition to become part of an existing county or district  
10 health department."; strike beginning with "governing" in line 25  
11 through "designee" in line 28 and insert "petition is denied by the  
12 county or counties which have established such existing department,  
13 the denial may be appealed to the Director of Regulation and  
14 Licensure"; and in line 28 strike "application" and insert  
15 "petition".  
16 4. On page 6, line 4, strike "governing authority  
17 refuses" and insert "county or counties which have established such  
18 existing department refuse"; in line 7 strike "to the local public  
19 health department"; and in line 8 after "act" insert "to the county  
20 or district health department established by such county or  
21 counties".  
22 5. On page 7, line 7; and page 8, lines 9 and 10, strike  
23 "the State Board of Health and".  
1 6. On page 7, line 20, after "initiative" insert "in  
2 counties with a minority population of at least five percent of the  
3 total population of the county as determined by the most recent  
4 federal decennial census"; strike beginning with "adolescent" in  
5 line 21 through the first comma in line 22; strike beginning with  
6 "Each" in line 23 through line 26; in line 27 strike "Any" and  
7 insert "In any"; and in line 28 strike "shall dedicate" and insert  
8 ", any funds appropriated under subdivision (2)(a) of section 22 of  
9 this act shall be distributed as follows:".  
10 7. On page 8, line 1, strike beginning with "its"  
11 through the colon; in line 2 strike "a" and strike "clinic which  
12 serves" and insert "centers which serve"; in line 3 strike

- 13 beginning with the first comma through the second comma; strike  
14 beginning with "clinics" in line 4 through "look-alikes" in line 5  
15 and insert "centers"; and strike beginning with "The" in line 13  
16 through line 21 and insert "The County Public Health Aid Program is  
17 created. Aid as appropriated by the Legislature shall be  
18 distributed as provided in subsections (2) through (4) of this  
19 section.".
- 20 8. On page 8, lines 22 and 23 and 24; and page 9, lines  
21 2 and 7, strike "of the fund".
- 22 9. On page 9, strike beginning with "the" in line 18  
23 through "section" in line 19 and insert "funds appropriated under  
24 the County Public Health Aid Program".
- 25 10. On page 10, strike lines 6 through 12 and insert the  
26 following new subsection:  
27 "(4) Funds received by a local public health department  
1 under this section shall not be used to replace or reduce existing  
2 county funding to such department. Funds distributed under this  
3 section shall be reduced to offset any such replacement or  
4 reduction.".
- 5 11. On page 17, strike beginning with "Seven" in line 12  
6 through "awarded" in line 13 and insert "At least seven hundred  
7 thousand dollars of such grants shall be awarded annually".
- 8 12. On page 22, strike line 27 and insert "services".
- 9 13. On page 23, line 2, strike "(1)"; strike beginning  
10 with line 4 through "Services" in line 14 and insert:  
11 "(1) Five million seven hundred thousand dollars in  
12 fiscal year 2001-02 and five million seven hundred thousand dollars  
13 in fiscal year 2002-03 for local public health services, public  
14 health planning, and public health infrastructure development.  
15 Funds appropriated under this subdivision shall be distributed in  
16 each fiscal year as follows:  
17 (a) One hundred thousand dollars to the Department of  
18 Health and Human Services for two full-time employees with public  
19 health expertise and related operating costs; and  
20 (b) Five million six hundred thousand dollars to the  
21 Department of Health and Human Services Finance and Support for  
22 public health planning grants to counties and for aid to local  
23 public health departments as provided in sections 5 and 11 of this  
24 act.  
25 Any funds not expended in fiscal year 2001-02 and fiscal  
26 year 2002-03 shall be reappropriated each fiscal year; and  
27 (2) Two million eight hundred thousand dollars in fiscal  
1 year 2001-02 and two million eight hundred thousand dollars in  
2 fiscal year 2002-03 for minority public health services. Funds  
3 appropriated under this subdivision shall be distributed in each  
4 fiscal year as follows:  
5 (a) One million dollars to federally qualified health  
6 centers in a congressional district which has a minority population  
7 of over seventy-five thousand inhabitants pursuant to section 10 of

8 this act;

9 (b) One million five hundred eighty thousand dollars to  
10 the Department of Health and Human Services Finance and Support";

11 in line 20 after "target" insert ", but shall not be limited to,";

12 strike beginning with "adolescent" in line 21 through the first

13 comma in line 22.

14 14. On page 24, line 2, strike lines 2 through 7; in

15 line 24 after "Program" insert "to provide payment to caregivers to

16 purchase services under the respite subsidy program".

17 15. On page 25, strike beginning with "Seven" in line 3

18 through the period in line 6 and insert "At least seven hundred

19 thousand dollars of such appropriated funds shall be used annually

20 for research to improve racial and ethnic minority health."; in

21 line 21 strike "funding" and insert "funds"; and in line 23 strike

22 "funding" and insert "funds received".

23 16. Renumber the remaining sections accordingly.

### MOTION - Return LB 543 to Select File

Senator Chambers moved to return LB 543 to Select File for the following specific amendment:

AM1894

(Amendments to Final Reading copy)

1 PURPOSE: Reduce General Fund appropriation for the Postsecondary  
2 Education Award Program by \$750,000 for FY2001-02 and FY2002-03.

3 AMENDMENT:

4 1. On page 84, lines 6 and 7, strike "3,184,050

5 3,184,050" and insert "2,434,050 2,434,050".

Senator Chambers requested a record vote on his motion to return.

Voting in the affirmative, 6:

Chambers	Hudkins	Price	Raikes	Schimek
Wickersham				

Voting in the negative, 34:

Aguilar	Baker	Bourne	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hartnett	Hilgert	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Quandahl
Redfield	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	

Present and not voting, 5:

Beutler	Brown	Janssen	Jensen	Preister
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Excused and not voting, 4:

Brashear      McDonald      Pederson, D.      Robak

The Chambers motion to return failed with 6 ayes, 34 nays, 5 present and not voting, and 4 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Dierks filed the following amendment to LB 329:  
(Amendment, AM1912, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Schrock filed the following amendment to LB 329:  
(Amendment, AM1860, 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 111.** Introduced by Suttle, 10.

**PURPOSE:** The purpose of this resolution is to study the laws and regulations governing delayed deposit services and debt management services licensed in Nebraska. The study shall evaluate the laws and regulations to determine if they are currently fashioned in a way that adequately protect financially vulnerable citizens who may utilize the services.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 112.** Introduced by Preister, 5.

**PURPOSE:** The purpose of the study is to examine possible prior notification alternatives regarding application of pesticides to lawns and indoors. The goal of prior notification is prevention. By giving people accurate information and prior notice, people are allowed to make their own decisions about the level of risk they are willing to accept. These kinds of preventative measures may also reduce personal harm and related medical costs associated with ill effects from pesticide exposure.

The study shall seek to find a means of notification to neighbors, parents, schools, and homes and to apartment and business dwellers, while balancing the economic and logistical concerns of pesticide applicators. The study

shall include, but not be limited to, an investigation of the following:

(1) Various prior notification methods, including written notice, posting indoors or on lawn areas, establishing a registry, and voluntary notification, regarding application of pesticides to lawns or other outdoor vegetation or application of pesticides indoors;

(2) Notification requirements to new homeowners prior to sale regarding any pesticides or other chemicals that were applied indoors, around the home, or anywhere on the property;

(3) Determination of whether cemeteries, golf courses, and governmental agencies should be included in the notification requirements;

(4) Examination of particular notification requirements for schools and other buildings or areas where children are present;

(5) Examination of strategies for educating the public about pesticides and notification programs and possible funding mechanisms for enforcement, public education, and training;

(6) Examination of other states' laws regarding prior notification programs; and

(7) Examination of whether the preemption clause should be deleted from state statute so local governments could administer their own pesticide notification ordinances.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall conduct public hearings to provide for public comment.

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 113.** Introduced by Kremer, 34.

**PURPOSE:** Since its enactment in 1990, the Tax Equity and Educational Opportunities Support Act has contained a provision for the use of adjusted valuations in the equalization formula. School systems which are assessed at less than the full standard of assessment (one hundred percent of market value for most real property, eighty percent of market value for agricultural or horticultural land) are held accountable for the valuation their system would have had if it were assessed at the full statutory standard. This prevents school systems in counties assessing at less than the statutory standard from receiving a windfall of state equalization aid. However, due to the implementation of levy limitations in 1998-99, school systems and taxpayers in counties assessed at less than full valuation are treated differently than those in counties assessing at the full statutory standard. The reason is that, while state aid is based on the adjusted valuations, actual property taxes owed by taxpayers and collected by school systems are less in counties assessing at less than full value. This study shall examine:

(1) The impact on property taxpayers and on school systems produced by the interaction of the use of adjusted valuations for state aid purposes while simultaneously using assessed valuations for actual property taxation; and

(2) The feasibility of adjusting the levy limitations for school systems on the same basis by which their valuations are adjusted for state aid purposes, as a means to enhance the equity of the property tax-state aid interaction.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**MOTION - Return LB 543 to Select File**

Senator Chambers moved to return LB 543 to Select File for the following specific amendment:

AM1896

(Amendments to Final Reading copy)

1 PURPOSE: (1) Increase General Fund appropriation to the State  
2 Scholarship Award Program by \$300,000 for each of FY2001-02 and  
3 FY2002-03; (2) increase General Fund appropriation for the  
4 Scholarship Assistance Program by \$300,000 for each of FY2001-02  
5 and FY2002-03; and (3) reduce General Fund appropriation for the  
6 Postsecondary Education Award Program by \$600,000 for each of  
7 FY2001-02 and FY2002-03.

8 AMENDMENT:

9 1. On page 83, line 3, strike "1,566,023 1,566,023" and  
10 insert "1,866,023 1,866,023"; in line 5 strike "1,646,399  
11 1,646,399" and insert "1,946,399 1,946,399"; and in lines 15 and  
12 16 strike "2,369,988 2,369,988" and insert "2,669,988 2,669,988".  
13 2. On page 84, lines 6 and 7, strike "3,184,050  
14 3,184,050" and insert "2,584,050 2,584,050".

Senator Bourne asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers requested a record vote on his motion to return.

Voting in the affirmative, 6:

Chambers	Hudkins	Janssen	Price	Raikes
Wickersham				

Voting in the negative, 34:

Aguilar	Baker	Bromm	Bruning	Burling
Byars	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Quandahl
Redfield	Schimek	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	

Present and not voting, 4:

Beutler	Brown	Preister	Schrock
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Excused and not voting, 5:

Bourne	Brashear	McDonald	Pederson, D.	Robak
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The Chambers motion to return failed with 6 ayes, 34 nays, 4 present and not voting, and 5 excused and not voting.

## BILLS ON FINAL READING

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 543 with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 543.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 2003; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

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

Voting in the affirmative, 42:

Aguilar	Baker	Beutler	Bromm	Brown
Bruning	Burling	Byars	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Engel	Foley
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Landis
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith

Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 2:

Chambers	Erdman
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Excused and not voting, 5:

Bourne	Brashear	McDonald	Pederson, D.	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 542 with 36 ayes, 1 nay, 7 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

#### LEGISLATIVE BILL 542. With Emergency.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide for transfers; to provide an operative date; and to declare an emergency.

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

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Excused and not voting, 5:



Bourne            Brashear            McDonald            Pederson, D.    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 666.** With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 81-188.02 and 81-1108.15, Revised Statutes Supplement, 2000; to change provisions relating to depreciation charges; 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, 44:

Aguilar	Baker	Beutler	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Excused and not voting, 5:

Bourne            Brashear            McDonald            Pederson, D.    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 666A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 666, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Excused and not voting, 5:

Bourne	Brashear	McDonald	Pederson, D.	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 849.** 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, 43:

Aguilar	Baker	Beutler	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 1:

Foley

Excused and not voting, 5:

Bourne            Brashear            McDonald            Pederson, D.    Robak

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

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 539, 540, 541, 543, 542, 666, 666A, and 849.

### AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB 242:  
AM1904

(Amendments to E & R amendments, AM7109)

- 1 1. On page 2, strike lines 25 through 27.
- 2 2. On page 3, line 1, strike the new matter.
- 3 3. On page 6, line 27, strike "not".
- 4 4. On page 7, line 1, strike "included" through
- 5 "49-1493".
- 6 5. In the Chambers amendment, AM1624, on page 1, line 3,
- 7 strike "(12)" and insert "(11)".

Senators Jensen, Byars, Kristensen, and Wehrbein filed the following amendment to LB 692A:

AM1914

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated \$500,000 from
- 4 the Nebraska Health Care Cash Fund for FY2001-02 to the Legislative
- 5 Council, for Program 122, to aid in carrying out the provisions of
- 6 Legislative Bill 692, Ninety-seventh Legislature, First Session,
- 7 2001.
- 8 Sec. 2. There is hereby appropriated (1) \$75,000 from
- 9 the Nebraska Health Care Cash Fund for FY2001-02 and (2) \$75,000
- 10 from the Nebraska Health Care Cash Fund for FY2002-03 to the
- 11 Attorney General, for Program 507, to aid in carrying out the
- 12 provisions of Legislative Bill 692, Ninety-seventh Legislature,
- 13 First Session, 2001.
- 14 Total expenditures for permanent and temporary salaries
- 15 and per diems from funds appropriated in this section shall not
- 16 exceed \$54,000 for FY2001-02 or \$54,000 for FY2002-03.
- 17 Sec. 3. There is hereby appropriated (1) \$320,000 from
- 18 the Nebraska Health Care Cash Fund for FY2001-02 and (2) \$320,000
- 19 from the Nebraska Health Care Cash Fund for FY2002-03 to the

20 Department of Health and Human Services, for Program 33, to aid in  
21 carrying out the provisions of Legislative Bill 692, Ninety-seventh  
22 Legislature, First Session, 2001.

23 Total expenditures for permanent and temporary salaries

1 and per diems from funds appropriated in this section shall not

2 exceed \$204,692 for FY2001-02 or \$212,432 for FY2002-03.

3 There is included in the appropriation to this program

4 for FY2001-02 \$100,000 cash funds for two public health staff.

5 There is included in the appropriation to this program for

6 FY2002-03 \$100,000 cash funds for two public health staff.

7 There is included in the appropriation to this program

8 for FY2001-02 \$220,000 cash funds for two satellite minority health

9 offices. There is included in the appropriation to this program

10 for FY2002-03 \$220,000 cash funds for two satellite minority health  
11 offices.

12 Sec. 4. There is hereby appropriated (1) \$250,000 from

13 the Nebraska Health Care Cash Fund for FY2001-02 and (2) \$250,000

14 from the Nebraska Health Care Cash Fund for FY2002-03 to the

15 Department of Health and Human Services, for Program 35, to aid in

16 carrying out the provisions of Legislative Bill 692, Ninety-seventh

17 Legislature, First Session, 2001.

18 Total expenditures for permanent and temporary salaries

19 and per diems from funds appropriated in this section shall not

20 exceed \$49,126 for FY2001-02 or \$51,092 for FY2002-03.

21 Sec. 5. There is hereby appropriated (1) \$1,000,000 from

22 the Nebraska Health Care Cash Fund for FY2001-02 and (2) \$1,000,000

23 from the Nebraska Health Care Cash Fund for FY2002-03 to the

24 Department of Health and Human Services, for Program 250, to aid in

25 carrying out the provisions of Legislative Bill 692, Ninety-seventh

26 Legislature, First Session, 2001.

27 Total expenditures for permanent and temporary salaries

1 and per diems from funds appropriated in this section shall not

2 exceed \$397,042 for FY2001-02 or \$408,798 for FY2002-03.

3 There is included in the appropriation to this program

4 for FY2001-02 \$277,117 cash funds for expanded contractual services

5 with providers of community-based services for substance abuse and

6 mental health treatment and additional contractual psychiatric

7 services at the youth rehabilitation and treatment centers. There

8 is included in the appropriation to this program for FY2002-03

9 \$353,206 cash funds for expanded contractual services with

10 providers of community-based services for substance abuse and

11 mental health treatment and additional contractual psychiatric

12 services at the youth rehabilitation and treatment centers.

13 Sec. 6. There is hereby appropriated (1) \$10,684,062

14 from the Nebraska Health Care Cash Fund for FY2001-02 and (2)

15 \$10,599,660 from the Nebraska Health Care Cash Fund for FY2002-03

16 to the Department of Health and Human Services Finance and Support,

17 for Program 38, to aid in carrying out the provisions of

18 Legislative Bill 692, Ninety-seventh Legislature, First Session,

19 2001.

20 There is included in the appropriation to this program  
21 for FY2001-02 \$10,684,062 cash funds for state aid, which shall  
22 only be used for such purpose. There is included in the  
23 appropriation to this program for FY2002-03 \$10,599,660 cash funds  
24 for state aid, which shall only be used for such purpose.

25 There is included in the appropriation to this program  
26 for FY2001-02 \$2,684,062 cash funds for rate increases for  
27 behavioral health providers, which shall only be used for such  
1 purpose. There is included in the appropriation to this program  
2 for FY2002-03 \$2,599,660 cash funds for rate increases for  
3 behavioral health providers, which shall only be used for such  
4 purpose.

5 There is included in the appropriation to this program  
6 for FY2001-02 \$6,500,000 cash funds for the development of  
7 community-based mental health and substance abuse services,  
8 including intermediate level residential mental health services,  
9 which funds shall only be used for such purposes. There is  
10 included in the appropriation to this program for FY2002-03  
11 \$6,500,000 cash funds for the development of community-based mental  
12 health and substance abuse services, including intermediate level  
13 residential mental health services, which funds shall only be used  
14 for such purposes.

15 There is included in the appropriation to this program  
16 for FY2001-02 \$1,500,000 cash funds for the cost of maintenance and  
17 treatment of persons in emergency protective custody under the  
18 Nebraska Mental Health Commitment Act, which funds shall only be  
19 used for such purpose. There is included in the appropriation to  
20 this program for FY2002-03 \$1,500,000 cash funds for the cost of  
21 maintenance and treatment of persons in emergency protective  
22 custody under the Nebraska Mental Health Commitment Act, which  
23 funds shall only be used for such purpose.

24 Sec. 7. There is hereby appropriated (1) \$5,000,000 from  
25 the Nebraska Health Care Cash Fund for FY2001-02 and (2) \$5,000,000  
26 from the Nebraska Health Care Cash Fund for FY2002-03 to the  
27 Department of Health and Human Services Finance and Support, for  
1 Program 343, to aid in carrying out the provisions of Legislative  
2 Bill 692, Ninety-seventh Legislature, First Session, 2001.

3 There is included in the appropriation to this program  
4 for FY2001-02 \$5,000,000 cash funds for state aid, which shall only  
5 be used for such purpose. There is included in the appropriation  
6 to this program for FY2002-03 \$5,000,000 cash funds for state aid,  
7 which shall only be used for such purpose.

8 Sec. 8. There is hereby appropriated (1) \$3,473,417 from  
9 the Nebraska Health Care Cash Fund and \$294,424 from federal funds  
10 for FY2001-02 and (2) \$3,544,444 from the Nebraska Health Care Cash  
11 Fund and \$312,090 from federal funds for FY2002-03 to the  
12 Department of Health and Human Services Finance and Support, for  
13 Program 347, to aid in carrying out the provisions of Legislative

14 Bill 692, Ninety-seventh Legislature, First Session, 2001.

15 There is included in the appropriation to this program

16 for FY2001-02 \$3,473,417 cash funds and \$294,424 federal funds for

17 state aid, which shall only be used for such purpose. There is

18 included in the appropriation to this program for FY2002-03

19 \$3,544,444 cash funds and \$312,090 federal funds for state aid,

20 which shall only be used for such purpose.

21 There is included in the appropriation to this program

22 for FY2001-02 \$2,663,417 cash funds and \$294,424 federal funds for

23 rate increases for behavioral health providers, which shall only be

24 used for such purpose. There is included in the appropriation to

25 this program for FY2002-03 \$2,734,444 cash funds and \$312,090

26 federal funds for rate increases for behavioral health providers,

27 which shall only be used for such purpose.

1 There is included in the appropriation to this program

2 for FY2001-02 \$810,000 cash funds for respite services. There is

3 included in the appropriation to this program for FY2002-03

4 \$810,000 cash funds for respite services.

5 Sec. 9. There is hereby appropriated (1) \$4,552,521 from

6 the Nebraska Health Care Cash Fund and \$6,715,478 from federal

7 funds for FY2001-02 and (2) \$4,765,896 from the Nebraska Health

8 Care Cash Fund and \$7,041,656 from federal funds for FY2002-03 to

9 the Department of Health and Human Services Finance and Support,

10 for Program 348, to aid in carrying out the provisions of

11 Legislative Bill 692, Ninety-seventh Legislature, First Session,

12 2001.

13 There is included in the appropriation to this program

14 for FY2001-02 \$4,552,521 cash funds and \$6,715,478 federal funds

15 for state aid, which shall only be used for such purpose. There is

16 included in the appropriation to this program for FY2002-03

17 \$4,765,896 cash funds and \$7,041,656 federal funds for state aid,

18 which shall only be used for such purpose.

19 There is included in the appropriation to this program

20 for FY2001-02 \$2,152,521 cash funds and \$3,151,263 federal funds

21 for rate increases for behavioral health providers, which shall

22 only be used for such purpose. There is included in the

23 appropriation to this program for FY2002-03 \$2,165,896 cash funds

24 and \$3,273,790 federal funds for rate increases for behavioral

25 health providers, which shall only be used for such purpose.

26 There is included in the appropriation to this program

27 for FY2001-02 \$2,400,000 cash funds and \$3,564,215 federal funds

1 for rates paid to providers of inpatient hospital mental health

2 services and hospital-sponsored residential care mental health

3 services in facilities that meet the standards for hospital-based

4 services of the Joint Commission on the Accreditation of Healthcare

5 Organizations under the medicaid mental health managed care

6 contract. There is included in the appropriation to this program

7 for FY2002-03 \$2,600,000 cash funds and \$3,767,866 federal funds

8 for rates paid to providers of inpatient hospital mental health

9 services and hospital-sponsored residential care mental health  
10 services in facilities that meet the standards for hospital-based  
11 services of the Joint Commission on the Accreditation of Healthcare  
12 Organizations under the medicaid mental health managed care  
13 contract.

14 Sec. 10. There is hereby appropriated (1) \$3,000,000  
15 from the Nebraska Health Care Cash Fund for FY2001-02 and (2)  
16 \$5,000,000 from the Nebraska Health Care Cash Fund for FY2002-03 to  
17 the Department of Health and Human Services Finance and Support,  
18 for Program 424, to aid in carrying out the provisions of  
19 Legislative Bill 692, Ninety-seventh Legislature, First Session,  
20 2001.

21 There is included in the appropriation to this program  
22 for FY2001-02 \$3,000,000 cash funds for state aid, which shall only  
23 be used for such purpose. There is included in the appropriation  
24 to this program for FY2002-03 \$5,000,000 cash funds for state aid,  
25 which shall only be used for such purpose.

26 There is included in the appropriation to this program  
27 for FY2001-02 \$3,000,000 cash funds to provide services to persons  
1 with developmental disabilities who are on the waiting list, which  
2 shall only be used for such purpose. There is included in the  
3 amount shown for FY2002-03 \$5,000,000 cash funds to provide  
4 services to persons with developmental disabilities who are on the  
5 waiting list, which shall only be used for such purpose. The funds  
6 for persons on the waiting list shall be allocated beginning with  
7 those persons who have been waiting the longest.

8 Sec. 11. There is hereby appropriated (1) \$8,180,000  
9 from the Nebraska Health Care Cash Fund for FY2001-02 and (2)  
10 \$8,180,000 from the Nebraska Health Care Cash Fund for FY2002-03 to  
11 the Department of Health and Human Services Finance and Support,  
12 for Program 502 -- Public Health Aid, to aid in carrying out the  
13 provisions of Legislative Bill 692, Ninety-seventh Legislature,  
14 First Session, 2001.

15 There is included in the appropriation to this program  
16 for FY2001-02 \$5,600,000 cash funds for aid to local public health  
17 departments. There is included in the appropriation to this  
18 program for FY2002-03 \$5,600,000 cash funds for aid to local public  
19 health departments.

20 There is included in the appropriation to this program  
21 for FY2001-02 \$2,580,000 cash funds for aid for minority public  
22 health initiatives. There is included in the appropriation to this  
23 program for FY2002-03 \$2,580,000 cash funds for aid for minority  
24 public health initiatives.

25 Sec. 12. There is hereby appropriated (1) \$10,000,000  
26 from the Nebraska Health Care Cash Fund for FY2001-02 and (2)  
27 \$10,000,000 from the Nebraska Health Care Cash Fund for FY2002-03  
1 to the Department of Health and Human Services Finance and Support,  
2 for Program 623 -- Biomedical Research, to aid in carrying out the  
3 provisions of Legislative Bill 692, Ninety-seventh Legislature,

4 First Session, 2001.

5 No expenditures for permanent and temporary salaries and  
6 per diems for state employees shall be made from funds appropriated  
7 in this section.

8 Sec. 13. Since an emergency exists, this act takes  
9 effect when passed and approved according to law."

Senator Thompson filed the following amendment to LB 598:  
(Amendment, AM1902, may be found in the Bill Books. The amendment  
has been printed separately and is on file in the Bill Room - Room 1102.)

## RESOLUTION

**LEGISLATIVE RESOLUTION 114.** Introduced by Stuhr, 24.

WHEREAS, Betty Jean Kolterman of Seward, Nebraska, was honored as  
Nebraska's Mother of the Year for the year 2001; and

WHEREAS, this award exemplifies the ideals of successful motherhood:  
Understanding, patience, compassion, love, courage, character, and  
community spirit; and

WHEREAS, Betty Jean and Don Kolterman have been married for fifty-  
two years and are the parents of four children, the grandparents of 12  
children, and the great-grandparents of one child; and

WHEREAS, Betty Jean Kolterman and members of her family are known  
throughout the state and the nation as outstanding volunteers; and

WHEREAS, Betty Jean Kolterman met and exceeded the requirements of  
this award, all of which demand efficient organizational, time management,  
and leadership skills.

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

1. That the Legislature recognizes and congratulates Betty Jean  
Kolterman as the 2001 Nebraska Mother of the Year.
2. That a copy of this resolution be sent to Betty Jean Kolterman.

Laid over.

## UNANIMOUS CONSENT - Add Cointroducer

Senator Kristensen asked unanimous consent to have his name added as  
cointroducer to LB 692. No objections. So ordered.

## VISITORS

Visitors to the Chamber were 45 fourth grade students and teachers from  
Hitchcock Elementary School, Omaha; and 8 students and teacher from  
Loup City High School.



**ADJOURNMENT**

At 5:30 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, May 9, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-EIGHTH DAY - MAY 9, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 9, 2001

**PRAYER**

The prayer was offered by Senator Coordsen.

**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 McDonald and D. Pederson who were excused; and Senators Beutler, Bromm, Brown, Dierks, Foley, Landis, and Maxwell who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-seventh day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 8, 2001, at 5:35 p.m., were the following: LBs 539e, 540e, 541e, 543e, 542e, 666e, 666Ae, and 849e.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**SELECT FILE**

**LEGISLATIVE BILL 667A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 620.** Senator Kristensen asked unanimous consent to replace his pending amendment, AM1760, found on page 1799, with a substitute amendment. No objections. So ordered.

Senator Kristensen withdrew his pending amendment, AM1760, found on

page 1799.

Senators Wickersham and Kristensen renewed their substitute pending amendment, AM1908, found on page 1860.

Senator Kristensen renewed his pending amendment, AM1909, found on page 1863, to the Wickersham-Kristensen pending amendment.

The Kristensen amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

The Wickersham-Kristensen amendment, as amended, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers renewed his pending amendment, AM1832, found on page 1840.

Senator Chambers withdrew his amendment.

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers asked unanimous consent to replace his pending amendment, AM1833, found on page 1840, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, AM1833, found on page 1840.

Senator Chambers offered the following substitute amendment:  
AM1930

(Amendments to E & R amendments, AM7106)

- 1 1. Insert the following new sections:
- 2 "Sec. 18. Genetic information means information about a
- 3 gene, gene product, or inherited characteristic derived from a
- 4 genetic test.
- 5 Sec. 19. Genetic test means the analysis of human DNA,
- 6 RNA, and chromosomes and those proteins and metabolites used to
- 7 detect heritable or somatic disease-related genotypes or karyotypes
- 8 for clinical purposes. A genetic test must be generally accepted
- 9 in the scientific and medical communities as being specifically
- 10 determinative for the presence, absence, or mutation of a gene or
- 11 chromosome in order to qualify under this definition. Genetic test
- 12 does not include a routine physical examination or a routine
- 13 analysis, including a chemical analysis, of body fluids unless
- 14 conducted specifically to determine the presence, absence, or

15 mutation of a gene or chromosome.  
 16 Sec. 35. A company entering into an agreement under the  
 17 Invest Nebraska Act is prohibited from requiring as a condition of  
 18 employment or promotion at the project that an employee or an  
 19 individual applying for employment at the project submit to a  
 20 genetic test or provide genetic information outside the scope of  
 21 normal blood testing."

22 2. On page 1, line 3, strike "40" and insert "43"; and  
 23 in line 13 strike "28" and insert "30".

1 3. On page 13, line 20, after the semicolon insert

2 "(i) A copy of the written policy of the company which  
 3 prohibits the company from requiring as a condition of employment  
 4 or promotion at the project that an employee or an individual  
 5 applying for employment at the project submit to a genetic test or  
 6 provide genetic information outside of the scope of normal blood  
 7 testing."; and in line 21 strike "(i)" and insert "(j)".

8 4. Renumber the remaining sections and correct internal  
 9 references accordingly.

The Chambers amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Pending.

## STANDING COMMITTEE REPORT

### Revenue

**LEGISLATIVE BILL 600.** Placed on General File as amended.

(Standing Committee amendment, AM1916, 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

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 115.** Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Bruning, 3; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

**PURPOSE:** The purpose of this study is to examine the environmental impact of the disposal of an estimated 315 million computers nationwide by the year 2004, along with other electronic equipment items. Electronic equipment contributes significant levels of mercury, arsenic, cadmium, and selenium to landfill leachate. In particular, electronic equipment containing cathode ray tubes (such as televisions and computer monitors) contain an average of five to eight pounds of lead. These toxic materials pose a health threat when they are released into the environment. The study shall include, but not be limited to, an investigation into the following:

(1) Conducting a needs assessment of the number of cathode ray tubes and other electronic equipment that are currently collected or stored throughout the state and estimates of future volume;

(2) Identifying end markets for reuse and recycling of cathode ray tubes and other electronic equipment;

(3) Examining the most efficient means of collecting, storing, transporting, processing, recycling, and disposing of cathode ray tubes and other electronic equipment;

(4) Examining possible funding mechanisms and funding needs in order to:

(a) Develop a public education program on benefits of electronic equipment recycling and how to accomplish it;

(b) Provide loans or grants to electronic equipment recycling businesses; and

(c) Award grants to local governments and solid waste facility operators to pay processing and recycling costs assessed by recyclers;

(5) Determining what steps would have to be taken in Nebraska in order to institute a ban on the disposal of cathode ray tubes and other electronic equipment into landfills and determine a timeline for accomplishing this goal; and

(6) Reviewing other state and federal programs.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study in conjunction with the Nebraska State Recycling Association to carry out the purposes of this resolution.

2. That the committee shall conduct public hearings to provide for public comment.

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 116.** Introduced by Schimek, 27.

**PURPOSE:** The purpose of this resolution is to examine the extent to which poverty affects students' education, including their achievement levels and related educational needs. The study shall include, but not be limited to, the following:

(1) Collection of data statewide regarding the scope of poverty and the needs of children in poverty and their schools, with special focus on the four Native American reservation communities;

(2) Collection of data regarding the short-term and long-term effects poverty has on students and the costs to the states when students do not finish high school;

(3) Collection of data about Native American students and their educational status in Nebraska;

(4) Identification of existing programs within the State Department of

Education that can improve the educational status of Native American students and review of relevant research on what works with children in poverty;

(5) Examination of other states that have developed strategies to effectively deal with high numbers of students in poverty; and

(6) Review of models for incorporating the matter of poverty into the state funding formula, including strategies for tracking funding and determining effects.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 142:  
AM1920

(Amendments to AM1831)

1 1. On page 1, line 4, strike "shall" and insert "may".

Senators Beutler and Hilgert filed the following amendment to LB 180:  
AM1692

(Amendments to E & R amendments, AM7108)

1 1. On page 1, line 15, strike "eight" and insert "nine";

2 and in line 20 after "subdivision" insert "nor shall time spent

3 during work breaks or waiting time spent during storm events if no

4 work is required during those periods".

#### SELECT FILE

**LEGISLATIVE BILL 620.** Senator Chambers withdrew his pending amendments, AM1834, AM1835, AM1836, AM1837, AM1838, AM1839, AM1840, AM1841, AM1842, and AM1843, found on pages 1840 and 1841.

Senator Chambers asked unanimous consent to replace his pending amendment, AM1844, found on page 1842, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, AM1844, found on page 1842.

Senator Chambers offered the following substitute amendment:  
AM1946

(Amendments to E & R amendments, AM7106)

- 1 1. On page 3, line 4, strike "operated" and insert
- 2 "conducted"; and in line 11 strike "considered" and insert
- 3 "deemed".
- 4 2. On page 4, line 20, strike "shall not be excluded
- 5 from" and insert "may be included by the company in".
- 6 3. On page 5, line 23, strike "any" and insert "a".
- 7 4. On page 12, line 17; page 19, line 2; and page 20,
- 8 line 16, strike "and" and insert "or".
- 9 5. On page 14, line 27, strike "needs" and insert "is".
- 10 6. On page 19, line 5, strike "considered" and insert
- 11 "deemed".
- 12 7. On page 22, line 19, strike "any" and insert "an".
- 13 8. On page 23, line 2, strike "considered as being" and
- 14 insert "deemed to have been"; and in line 8 strike "considered" and
- 15 insert "deemed".
- 16 9. On page 24, line 7, strike "it determines in the
- 17 discretion of" and insert "determined by" and after "Commissioner"
- 18 insert "in his or her discretion".
- 19 10. On page 26, line 1, strike "it determines in the
- 20 discretion of" and insert "determined by" and after "Commissioner"
- 21 insert "in his or her discretion".

The Chambers amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Beutler withdrew his pending amendments, FA230 and FA231, found on page 1842.

Senator Wickersham renewed his pending amendment, AM1877, found on page 1842.

Senator Wickersham moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Kristensen requested a roll call vote on the Wickersham amendment.

Voting in the affirmative, 11:

Beutler	Chambers	Coordsen	Foley	Hudkins
Janssen	Redfield	Robak	Schimek	Vrtiska
Wickersham				

Voting in the negative, 30:

Aguilar	Baker	Bourne	Brashear	Brown
Bruning	Byars	Cudaback	Cunningham	Engel
Erdman	Hilgert	Jensen	Jones	Kremer



Kristensen	Kruse	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein

Present and not voting, 3:

Bromm	Connealy	Hartnett
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Excused and not voting, 5:

Burling	Dierks	Landis	McDonald	Pederson, D.
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The Wickersham amendment lost with 11 ayes, 30 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Beutler withdrew his pending amendment, AM1550, found on page 1514.

Senator Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Coordens	Cudaback	Cunningham	Engel	Erdman
Foley	Hartnett	Hudkins	Jensen	Jones
Kristensen	Kruse	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Tyson
Vrtiska	Wehrbein			

Voting in the negative, 4:

Chambers	Janssen	Raikes	Wickersham
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Present and not voting, 3:

Connealy	Kremer	Thompson
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Excused and not voting, 5:

Dierks	Hilgert	Landis	McDonald	Pederson, D.
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Advanced to E & R for engrossment with 37 ayes, 4 nays, 3 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 833.** E & R amendment, AM7101, found on page 1594, was adopted.

Senator Aguilar moved to suspend the rules, Rule 7, Section 3(d), to allow consideration of Amendment 1845.

Senator Aguilar moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

### **SENATOR CUDABACK PRESIDING**

The Aguilar motion to suspend the rules prevailed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Aguilar renewed the Aguilar et al. pending amendment, AM1845, printed separately and referred to on page 1829.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Aguilar et al. amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Preister asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Bromm renewed his pending amendment, AM1850, found on page 1845.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

### **WITHDRAW - Amendment to LB 692**

Senator Jensen withdrew the Jensen et al. pending amendment, AM1913, found on page 1871, to LB 692.

### **MOTION - Return LB 692 to Select File**

Senator Jensen moved to return LB 692 to Select File for the following Jensen-Wehrbein-Byars-Beutler specific amendment:  
AM1947

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 27. The Revisor of Statutes shall assign sections

- 3 4 to 11 of this act within sections 71-1626 to 71-1636.".
- 4 2. On page 1, line 8, strike "to create a fund;"; and in  
5 line 10 after the second semicolon insert "to provide a duty for  
6 the Revisor of Statutes;".
- 7 3. On page 5, strike beginning with "Beginning" in line  
8 17 through the period in line 22 and insert "One or more counties  
9 may petition to become part of an existing county or district  
10 health department."; strike beginning with "governing" in line 25  
11 through "designee" in line 28 and insert "petition is denied by the  
12 county or counties which have established such existing department,  
13 the denial may be appealed to the Director of Regulation and  
14 Licensure. Failure of such county or counties to respond within  
15 one hundred twenty days after receiving the petition shall  
16 constitute a denial of the petition under this section"; and in  
17 line 28 strike "application" and insert "petition".
- 18 4. On page 6, line 4, strike "governing authority  
19 refuses" and insert "county or counties which have established such  
20 existing department refuse"; in line 7 strike "to the local public  
21 health department"; and in line 8 after "act" insert "to the county  
22 or district health department established by such county or  
23 counties".
- 1 5. On page 7, line 7; and page 8, lines 9 and 10, strike  
2 "the State Board of Health and".
- 3 6. On page 7, line 20, after "initiative" insert "in  
4 counties with a minority population of at least five percent of the  
5 total population of the county as determined by the most recent  
6 federal decennial census"; strike beginning with "adolescent" in  
7 line 21 through the first comma in line 22; strike beginning with  
8 "Each" in line 23 through line 26; in line 27 strike "Any" and  
9 insert "In any"; and in line 28 strike "shall dedicate" and insert  
10 ", any funds appropriated under subdivision (2)(a) of section 22 of  
11 this act shall be distributed as follows:".
- 12 7. On page 8, line 1, strike beginning with "its"  
13 through the colon; in line 2 strike "a" and strike "clinic which  
14 serves" and insert "centers which serve"; in line 3 strike  
15 beginning with the first comma through the second comma; strike  
16 beginning with "clinics" in line 4 through "look-alikes" in line 5  
17 and insert "centers"; and strike beginning with "The" in line 13  
18 through line 21 and insert "The County Public Health Aid Program is  
19 created. Aid as appropriated by the Legislature shall be  
20 distributed as provided in subsections (2) through (4) of this  
21 section.".
- 22 8. On page 8, lines 22 and 23 and 24; and page 9, lines  
23 2 and 7, strike "of the fund".
- 24 9. On page 9, strike beginning with "the" in line 18  
25 through "section" in line 19 and insert "funds appropriated under  
26 the County Public Health Aid Program".
- 27 10. On page 10, strike lines 6 through 12 and insert the  
1 following new subsection:

- 2 "(4) Funds received by a local public health department  
3 under this section shall not be used to replace or reduce existing  
4 county funding to such department. Funds distributed under this  
5 section shall be reduced to offset any such replacement or  
6 reduction."
- 7 11. On page 17, strike beginning with "Seven" in line 12  
8 through "awarded" in line 13 and insert "At least seven hundred  
9 thousand dollars of such grants shall be awarded annually".
- 10 12. On page 22, strike line 27 and insert "services".
- 11 13. On page 23, line 2, strike "(1)"; strike beginning  
12 with line 4 through "Services" in line 14 and insert:  
13 "(1) Five million seven hundred thousand dollars in  
14 fiscal year 2001-02 and five million seven hundred thousand dollars  
15 in fiscal year 2002-03 for local public health services, public  
16 health planning, and public health infrastructure development.  
17 Funds appropriated under this subdivision shall be distributed in  
18 each fiscal year as follows:
- 19 (a) One hundred thousand dollars to the Department of  
20 Health and Human Services for two full-time employees with public  
21 health expertise and related operating costs; and  
22 (b) Five million six hundred thousand dollars to the  
23 Department of Health and Human Services Finance and Support for  
24 public health planning grants to counties and for aid to local  
25 public health departments as provided in sections 5 and 11 of this  
26 act.
- 27 Any funds not expended in fiscal year 2001-02 and fiscal  
1 year 2002-03 shall be reappropriated each fiscal year; and  
2 (2) Two million eight hundred thousand dollars in fiscal  
3 year 2001-02 and two million eight hundred thousand dollars in  
4 fiscal year 2002-03 for minority public health services. Funds  
5 appropriated under this subdivision shall be distributed in each  
6 fiscal year as follows:
- 7 (a) One million dollars to federally qualified health  
8 centers in a congressional district which has a minority population  
9 of over seventy-five thousand inhabitants pursuant to section 10 of  
10 this act;
- 11 (b) One million five hundred eighty thousand dollars to  
12 the Department of Health and Human Services Finance and Support";  
13 in line 20 after "target" insert ", but shall not be limited to,";  
14 strike beginning with "adolescent" in line 21 through the first  
15 comma in line 22.
- 16 14. On page 24, line 2, strike lines 2 through 7; in  
17 line 24 after "Program" insert "to provide payment to caregivers to  
18 purchase services under the respite subsidy program".
- 19 15. On page 25, strike beginning with "Seven" in line 3  
20 through the period in line 6 and insert "At least seven hundred  
21 thousand dollars of such appropriated funds shall be used annually  
22 for research to improve racial and ethnic minority health."; in  
23 line 21 strike "funding" and insert "funds"; and in line 23 strike

24 "funding" and insert "funds received".

25 16. Renumber the remaining sections accordingly.

The Jensen motion to return prevailed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 692.** The Jensen et al. specific amendment, AM1947, found in this day's Journal, was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

### PRESIDENT MAURSTAD PRESIDING

#### MOTION - Return LB 692A to Select File

Senator Jensen moved to return LB 692A to Select File for the Jensen et al. specific pending amendment, AM1914, found on page 1881.

The Jensen motion to return prevailed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 692A.** The Jensen et al. specific pending amendment, AM1914, found on page 1881, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

**LEGISLATIVE BILL 833.** The Bromm pending amendment, AM1850, found on page 1845 and considered in this day's Journal, was renewed.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment lost with 13 ayes, 20 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 117.** Introduced by Jones, 43; Hartnett, 45.

**PURPOSE:** The purpose of this study is to examine lowering the population

threshold requirement for the formation or continuing status of villages. The current population requirement for villages is at least one hundred inhabitants to not more than eight hundred inhabitants. As proposed by LB 493 (2001), the population requirement for villages would be changed to at least five inhabitants to not more than eight hundred inhabitants. This study shall examine the merit of lowering the one-hundred-inhabitant threshold and shall make recommendations to address the potential for fraudulent formation of villages due to the lowering of such threshold.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 118.** Introduced by Preister, 5; Burling, 33; Cudaback, 36; Smith, 48; Hartnett, 45; Beutler, 28; Schimek, 27; Quandahl, 31; Erdman, 47.

**PURPOSE:** The purposes of the study are to seek solutions to barriers to the development of wind energy in Nebraska and to identify funding mechanisms to fund renewable energy development in Nebraska. The study will include, but not be limited to:

(1) Examining Nebraska's potential to become an exporter of wind energy and identifying any policy issues that may need to be addressed;

(2) Identifying transmission barriers, both intrastate and interstate, and determining solutions to overcome such barriers;

(3) Identifying the benefits and consequences of exempting private renewable energy generation projects from the condemnation authority of public power districts; and

(4) Identifying potential funding sources for a renewable energy fund which could be used to advance the development of renewable energy in Nebraska.

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

1. That the Natural Resources Committee of the Legislature, in conjunction with the State Energy Office, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. The committee shall conduct public hearings to provide for public comment.

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 119.** Introduced by Stuhr, 24; Raikes, 25.

**PURPOSE:** The purpose of this study is to clarify who is eligible to run for positions on the boards of educational service units comprising more than one county. Current statutory language is confusing and needs to be clarified. LB 647 (2001) would have added clarifying language on this issue to section 79-1217. This study shall include, but need not be limited to, consideration of the provisions of current statutes and of LB 647 and any other issues the committee deems relevant.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 120.** Introduced by Vrtiska, 1.

**PURPOSE:** The purpose of the study is to examine the Task Force for Building Renewal created by LB 309 (1977). In particular, the study shall (1) examine the history of the task force and the placement and status of the task force as a division of the Department of Administrative Services under the Governor and (2) review the duties and priorities of the task force.

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

1. That the Building Maintenance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion 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 Geoffroy Husson from Nancy, France; Mary Doering from Franklin; 21 fifth and sixth grade students and teacher from Hanover, Kansas; Jens Nymand-Christensen from Brussel, Belgium; 56 fourth grade students and teachers from St. Thomas More School, Omaha; 55 fourth grade students and teachers from Spring Ridge Elementary School, Omaha; Senator Kremer's great-nephew, Jeffrey Roszhart, from Marquette; and 25 fourth grade students and teacher from Cedar Elementary School, Beatrice.

**RECESS**

At 11:58 a.m., on a motion by Senator Erdman, 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 Bourne, Maxwell, McDonald, and D. Pederson who were excused; and Senators Beutler, Dierks, Kristensen, Landis, Dw. Pedersen, Robak, Schrock, and Wickersham who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 659.** E & R amendment, AM7105, found on page 1595, was adopted.

Senator Chambers withdrew his pending amendment, AM1713, found on page 1754.

Senator Chambers renewed his pending amendment, AM1766, found on page 1805.

Senators Hartnett, Beutler, and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Senator Chambers withdrew his pending amendments, FA232 and FA237, found on pages 1829 and 1860.

Senator Chambers renewed his pending amendment, FA236, found on page 1860.

The Chambers amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Senator Brashear offered the following amendment:  
AM1945

(Amendments to E & R amendments, AM7105)

- 1 1. On page 8, strike beginning with "unless" in line 16
- 2 through "evidence" in line 18.

The Brashear amendment was adopted with 28 ayes, 0 nays, 12 present and



not voting, and 9 excused and not voting.

Senator Bromm offered the following amendment:

FA238

Amend FA236

Strike subsection (1)

The Bromm 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 659A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 781.** E & R amendment, AM7104, found on page 1599, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 598.** E & R amendment, AM7107, found on page 1600, was adopted.

Senator Thompson withdrew her pending amendments, AM1530, AM1531, AM1532, AM1533, AM1534, AM1535, AM1536, AM1537, AM1538, AM1539, and AM1586, found on pages 1544 through 1552 and 1567.

Senator Thompson withdrew her pending amendments, AM1742, AM1879, and AM1902, printed separately and referred to on pages 1732, 1836, and 1886.

Senators Thompson and Dw. Pedersen offered the following amendment:  
AM1956

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 43-3602, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 43-3602. The Juvenile Diversion, Detention, and
- 5 Probation Services Implementation Team shall:
- 6 (1) Examine juvenile detention practices, identify risk
- 7 factors that should be considered in making a detention decision,
- 8 and recommend a standardized juvenile detention screening
- 9 instrument to the Office of Probation Administration no later than
- 10 December 15, 2000;
- 11 (2) Develop a plan for regional secure juvenile detention
- 12 facilities and detention services, including transportation
- 13 services, and recommend a funding strategy;
- 14 (3) Develop standards for juvenile diversion services
- 15 throughout the state;
- 16 (4) Review the structure, purpose, and function of
- 17 juvenile probation; analyze juvenile probation offender

- 18 characteristics; determine the level of staffing and types of  
 19 program services needed in order for juvenile probation to fulfill  
 20 its core responsibilities within the juvenile justice system; and  
 21 recommend needed system changes;
- 22 (5) Provide an appropriation request for expenses of team  
 23 members and the hiring of consultant services; ~~and~~
- 24 (6) In consultation with the Office of Juvenile Services,  
 1 examine the effectiveness, accuracy, and trends of juvenile  
 2 evaluation practices utilized currently by the Department of Health  
 3 and Human Services;
- 4 (7) Submit a report to the Legislature and the Governor  
 5 on subdivision (6) of this section no later than December 1, 2001;  
 6 and
- 7 (8) Submit a final report to the Governor and the  
 8 Legislature."
- 9 2. On page 2, line 15, after the period insert "Prior to  
 10 determining the initial level of treatment for a juvenile, the  
 11 court may solicit a recommendation regarding the initial level of  
 12 treatment from the Office of Juvenile Services."; in line 26 strike  
 13 "the", show as stricken, and insert "an" and after "placement"  
 14 insert "made by the Office of Juvenile Services"; and in line 28  
 15 after the period insert "If the court determines that the  
 16 out-of-home placement is not in the best interests of the juvenile,  
 17 the court may order other treatment services for the juvenile.".
- 18 3. On page 3, line 5, after the period insert "Within  
 19 thirty days after making an actual placement, the Office of  
 20 Juvenile Services shall provide the committing court with written  
 21 notification of where the juvenile has been placed. At least once  
 22 every six months thereafter, until the juvenile is discharged from  
 23 the care and custody of the Office of Juvenile Services, the office  
 24 shall provide the committing court with written notification of the  
 25 juvenile's actual placement and the level of treatment that the  
 26 juvenile is receiving.".
- 27 4. On page 5, line 3, strike "is" and insert "section  
 1 43-3602, Revised Statutes Supplement, 2000, are".
- 2 5. Renumber the remaining section accordingly.

The Thompson-Dw. Pedersen amendment was adopted with 27 ayes, 0 nays,  
 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

### AMENDMENT - Print in Journal

Senator Hartnett filed the following amendment to LB 809:  
 AM1951

(Amendments to E & R amendments, AM7076)

- 1 1. Insert the following new section:
- 2 "Sec. 7. Section 18-1740, Reissue Revised Statutes of

- 3 Nebraska, as amended by section 2, Legislative Bill 31,  
 4 Ninety-seventh Legislature, First Session, 2001, is amended to  
 5 read:
- 6 18-1740. (1) All permanently issued permits for  
 7 handicapped or disabled parking authorized by sections 18-1736 to  
 8 18-1741.07 shall be issued for a period ending on September 30 of  
 9 the third year after the date of issuance and shall expire on that  
 10 date, ~~except that an application for the renewal of a permit~~  
 11 ~~filed with the issuing city or village clerk or designated county~~  
 12 ~~official within thirty days after the date of its expiration shall~~  
 13 ~~be deemed to have been filed prior to the date of its expiration.~~  
 14 ~~The possession of an expired but otherwise valid handicapped~~  
 15 ~~parking permit within thirty days after the date of its expiration~~  
 16 ~~shall serve as a full and complete defense in any action for a~~  
 17 ~~handicapped parking infraction resulting from the absence of a~~  
 18 ~~handicapped parking permit arising during that thirty-day period.~~
- 19 (2) All permits authorized under sections 18-1736 to  
 20 18-1741.07 for temporarily handicapped or disabled parking shall be  
 21 issued for a period ending not more than six months after the date  
 22 of issuance but may be renewed one time for a period not to exceed  
 23 six months. For the renewal period, there shall be submitted an  
 1 additional application with proof of a handicap or disability."  
 2 2. On page 7, line 23; and page 10, line 13, after  
 3 "permit" insert "except that renewal permits shall not be issued  
 4 sooner than ten days prior to the date of expiration".  
 5 3. On page 8, strike beginning with "mail" in line 5  
 6 through "number" in line 7, show as stricken, and insert "provide  
 7 the basic issuing data"; and strike the new matter beginning with  
 8 "The" in line 10 through line 12.  
 9 4. On page 10, strike line 27 and insert "shall provide  
 10 the basic issuing data to the clerk or".  
 11 5. On page 11, strike line 1.  
 12 6. On page 12, line 12, after "show" insert "the  
 13 expiration date and"; and in line 16 after the period insert "The  
 14 expiration date information shall be distinctively color-coded so  
 15 as to identify by color the year in which the permit is due to  
 16 expire".  
 17 7. On page 13, line 27; and page 14, line 9, strike the  
 18 underscored comma and insert "and".  
 19 8. On page 14, lines 1 and 10, strike ", and" and insert  
 20 "or".  
 21 9. On page 19, line 26, strike the last "and" and insert  
 22 "to"; and in line 27 strike "and" and insert "to".  
 23 10. On page 20, line 7, strike the last "and" and insert  
 24 "to"; and in line 9 strike "and" and insert "to".  
 25 11. Renumber the remaining sections accordingly.

## RESOLUTION

LEGISLATIVE RESOLUTION 121. Introduced by McDonald, 41.

WHEREAS, Russell W. Swigart has been involved in the health care industry for thirty-nine years; and

WHEREAS, Russell Swigart spent eighteen years as the Chief Executive Officer at Howard County Community Hospital in St. Paul; and

WHEREAS, during his time leading the hospital, major accomplishments included the establishment of a foundation to raise funds for the health care system in St. Paul, the recruitment of physicians to the community, and the completion on May 18, 2001, of a five-million-dollar-plus expansion and renovation program; and

WHEREAS, Russell Swigart has never wavered in his belief that it is imperative to provide health care for the smaller communities in Nebraska and has continually worked to make this possible; and

WHEREAS, Russell Swigart has been active in the Nebraska Association of Hospitals and Health Systems, serving as Chairman of District IV and Chairman of the Board of Directors of Risk Services, Inc.; and

WHEREAS, Russell Swigart has been recognized by the St. Paul Chamber of Commerce for Community Services and also as a Distinguished Citizen; and

WHEREAS, Russell Swigart has been awarded the Above and Beyond the Call of Duty recognition by the St. Paul Phonograph Herald for his community service; and

WHEREAS, Russell Swigart is a charter member of the St. Paul Rotary Club and continues to serve as the club secretary/treasurer, a position he has held since the club's inception; and

WHEREAS, Russell Swigart has actively participated in promoting a new Senior Community Center and remains a member of its Board of Directors.

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

1. That the Legislature congratulates Russell Swigart on his retirement as CEO of Howard County Community Hospital and recognizes him for his outstanding service and leadership to the community of St. Paul.

2. That a copy of this resolution be sent to Russell Swigart and his family.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 536.** E & R amendment, AM7118, printed separately and referred to on page 1715, was adopted.

Senator Robak withdrew her pending amendment, AM1743, found on page 1751.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senators Raikes and Wickersham renewed their pending amendment, AM1915, found on page 1870.

Senator Dierks requested a division of the question on the Raikes-Wickersham amendment.

The Chair sustained the division of the question.

The first Raikes-Wickersham amendment is as follows:

FA239

(Amendments to E & R amendments, AM7118)

- 1 1. Strike section 6.  
 2 2. On page 1, lines 5 and 6, strike "7 and 8" and insert  
 3 "6 and 7".  
 4 3. On page 3, line 13, strike "of twenty cents".  
 5 4. On page 4, after line 6 insert the following new  
 6 subdivision:  
 7 "(d) The per-gallon credit amount shall be determined  
 8 using the table in this subdivision. The domestic wellhead oil  
 9 price shall be determined at the end of each quarter by referencing  
 10 the West Texas Intermediate crude oil price and the price of corn  
 11 shall be the price for number 2 yellow corn at the end of each  
 12 quarter as calculated and published by the United States Department  
 13 of Agriculture Statistical Reporting Service. The per-gallon  
 14 credit amount shall be determined beginning January 1, 2002, and at  
 15 the beginning of each calendar quarter thereafter, and the amount  
 16 determined shall be applicable to ethanol produced during that  
 17 calendar quarter.  
 18 Per barrel price of oil (rounded to the next dollar)  
 19 

\$29	30 to	35 to	40 to	45 or
or less	34	39	44	more

  
 20  
 21 

\$3.50 or more	.20	.15	.10	.05	0
3.00 to 3.49	.15	.10	.05	0	0

  
 22 Per bushel  
 23 Price of  
 1 corn

2.50 to 2.99	.10	.05	0	0	0
2.00 to 2.49	.05	0	0	0	0
1.99 or less	0	0	0	0	0

  
 2 2.00 to 2.49  
 3 1.99 or less  
 12 7. On page 15, lines 9 and 10, strike "and 66-1345.04".  
 13 8. Renumber the remaining sections accordingly.

Senators Janssen and Dw. Pedersen asked unanimous consent to be excused.  
 No objections. So ordered.

Senators Schimek, Hudkins, Byars, and Jones asked unanimous consent to  
 be excused until they return. No objections. So ordered.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 122.** Introduced by Foley, 29.

PURPOSE: On February 6, 2001, the Governor signed LB 36 into law. The law eliminates the duty of school bus inspections by the Nebraska State Patrol. The statement of intent for this legislation noted that, "The State

Patrol Task Force found that this is a duplication of quarterly inspections by trained mechanics for each school district required by the Nebraska Department of Education".

As a result of a careful investigation of the Nebraska State Patrol school bus inspection reports filed at the State Department of Education, many examples were found of safety violations. Some examples include: Emergency doors that were padlocked or otherwise inoperable; empty fire extinguishers; emergency door handles missing; missing registration and insurance cards; seats not bolted down; brake lights inoperable; exhaust system leaks; stop arms missing or not functioning; first aid kits missing; emergency brakes not holding; tires worn down to tread bars; cracked windows; and others.

All of the above violations were discovered by the Nebraska State Patrol after a local mechanic selected by the school district had already inspected the buses. During April 2001, a survey of school districts with bus services for their students revealed that of the seventy-seven districts who responded, seventy-one districts reported having no required qualifications for the mechanic who inspects their buses. Only six districts had some kind of qualification. Thus, there is no assurance that the mechanic who inspects the school buses will find all of the violations. The mechanics selected by the local school districts are not necessarily well versed in the state requirements for safety of school buses.

The violations found on school bus inspection reports filed by the Nebraska State Patrol are serious threats to the safety of Nebraska students. In order to assure that student safety is maximized, further study is needed on the question of who conducts school bus inspections and what qualifications might need to be required of those who perform the inspections.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 123.** Introduced by Vrtiska, 1.

**PURPOSE:** The purpose of the study is to examine the prohibition of certain telephone solicitations. In particular, the study shall gather input from the telephone companies as well as members of the Public Service Commission and the Legislature.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 124.** Introduced by General Affairs Committee: Janssen, 15, Chairperson; Burling, 33; Cunningham, 18; Erdman, 47; Redfield, 12; Schrock, 38.

**PURPOSE:** To study sales of alcoholic liquor in Whiteclay, Nebraska.

The study shall examine:

1. The total annual sales of alcoholic liquor in Whiteclay;
2. The tracking of inventory at Whiteclay alcoholic liquor retail outlets;
3. Facilities and services available to consumers;
4. The effect of volume sales of alcoholic liquor upon the citizens of Whiteclay and surrounding communities, in particular the effect upon their general health, welfare, and quality of life; and
5. Any other matters appropriate for a complete examination of the issue.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. The General Affairs Committee of the Legislature shall conduct a hearing in Whiteclay, Nebraska, in order to properly analyze the issues proposed in this study.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **STANDING COMMITTEE REPORT** **Health and Human Services**

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

Board of Emergency Medical Services  
Ronald F. Balthazor

Child Abuse Prevention Fund Board  
Kevin Benesch  
Peter Tulipana

Foster Care Review Board

Weston Andre-Henn  
Barbara Heckman

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Cunningham, and Erdman. Nay: None. Absent: Senator Maxwell.

(Signed) Jim Jensen, Chairperson

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

**Correctly Engrossed**

The following bill was correctly engrossed: LB 667A.

(Signed) Philip Erdman, Chairperson

**AMENDMENTS - Print in Journal**

Senator Coordsen filed the following amendment to LB 536:  
AM1949

(Amendments to E & R amendments, AM7118)

- 1 1. On page 9, after line 1 insert:
- 2 "(5) Whenever the unobligated balance in the Ethanol
- 3 Production Incentive Cash Fund exceeds fifteen million dollars, the
- 4 Department of Revenue shall notify the Department of Agriculture at
- 5 which time the Department of Agriculture shall suspend collection
- 6 of the excise taxes levied pursuant to 66-1345.01 and section 8 of
- 7 this act. If, after suspension of the collection of such excise
- 8 taxes the balance of the fund falls below fifteen million dollars,
- 9 the Department of Revenue shall notify the Department of
- 10 Agriculture which shall resume collection of the excise taxes.
- 11 (6) On or before December 1, 2003, and each December 1
- 12 thereafter, the Department of Revenue and the Nebraska Ethanol
- 13 Board shall jointly submit a report to the Legislature which shall
- 14 project the anticipated revenue and expenditures from the Ethanol
- 15 Production Incentive Cash Fund through the termination of the
- 16 ethanol production incentive programs pursuant to 66-1344. The
- 17 initial report shall include a projection of the amount of ethanol
- 18 production that the Department of Revenue has entered agreements to
- 19 provide ethanol production credits pursuant to section 7 of this
- 20 act and any additional ethanol production which the Department of
- 21 Revenue and the Nebraska Ethanol Board reasonably anticipate may
- 22 qualify for credits pursuant to section 66-1344."

Senators Wehrbein, Bromm, Robak, Aguilar, and Jones filed the following amendment to LB 536:

(Amendment, AM1778, 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 465.** Title read. Considered.

The Standing Committee amendment, AM0376, printed separately and referred to on page 693, was considered.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Landis withdrew his pending amendment, AM1417, found on page 1437.

Senator Landis asked unanimous consent to replace his pending amendment, AM1426, found on page 1437, with a substitute amendment. No objections. So ordered.

Senator Landis withdrew his pending amendment, AM1426, found on page 1437.

Senator Landis renewed his substitute pending amendment, AM1755, found on page 1801, to the Standing Committee amendment.

**SENATOR COORDSEN PRESIDING**

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

**PRESIDENT MAURSTAD PRESIDING**

Senators Hilgert, Dierks, and Bruning asked unanimous consent to be excused. No objections. So ordered.

The Landis amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Pending.

**AMENDMENTS - Print in Journal**

Senator Bruning filed the following amendments to LB 593:  
AM1940

- 1 1. Insert the following new section:
- 2 "Sec. 5. Any person who files a fraudulent complaint
- 3 under sections 1 to 4 of this act is guilty of a Class 1
- 4 misdemeanor."

AM1932

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) No member of the Nebraska State Patrol,

4 county sheriff, officer of a city or village police department, or  
5 any other law enforcement agency in this state shall engage in  
6 racial profiling. The detention or other disparate treatment of an  
7 individual based on any noncriminal factor or combination of  
8 noncriminal factors is inconsistent with this policy.

9 (2) Racial profiling shall not be used to justify the  
10 detention of an individual for a violation of motor vehicle or  
11 traffic laws or ordinances.

12 Sec. 2. For purposes of sections 1 to 4 of this act:

13 (1) Disparate treatment means differential treatment of  
14 persons on the basis of race, color, religion, sex, national  
15 origin, or handicap; and

16 (2) Racial profiling means detaining an individual for a  
17 violation of motor vehicle or traffic laws or ordinances based  
18 solely upon disparate treatment of an individual.

19 Sec. 3. (1) On and after January 1, 2002, the Nebraska  
20 State Patrol, the county sheriffs, all city and village police  
21 departments, and any other law enforcement agencies in this state  
22 shall adopt a written policy that prohibits the detention of any  
23 person for a violation of motor vehicle or traffic laws or  
24 ordinances when such action is solely motivated by racial profiling  
1 and the action would constitute a violation of the civil rights of  
2 the person.

3 (2) With respect to the detention of an individual for a  
4 violation of motor vehicle or traffic laws or ordinances, on and  
5 after January 1, 2002, the Nebraska State Patrol, the county  
6 sheriffs, all city and village police departments, and any other  
7 law enforcement agencies of this state shall record and retain the  
8 following information using the form developed and promulgated  
9 pursuant to section 4 of this act:

10 (a) The number of such detentions;

11 (b) The characteristics of race or ethnicity of the  
12 persons detained. The identification of such characteristics shall  
13 be based on the observation and perception of the law enforcement  
14 officer responsible for reporting the detention and the information  
15 shall not be required to be provided by the person detained;

16 (c) The nature of the alleged violation of a motor  
17 vehicle or traffic law or ordinance that resulted in the detention;

18 (d) Whether a warning or citation was issued, an arrest  
19 made, or a search conducted as a result of the detention; and

20 (e) Any additional information that the Nebraska State  
21 Patrol, the county sheriffs, all city and village police  
22 departments, or any other law enforcement agencies in this state,  
23 as the case may be, deems appropriate.

24 (3) The Nebraska State Patrol, the county sheriffs, all  
25 city or village police departments, and any other law enforcement  
26 agencies of this state shall develop a system for receiving  
27 complaints alleging racial profiling. The Nebraska State Patrol,  
1 the county sheriffs, all city and village police departments, and

2 any other law enforcement agencies in this state shall provide to  
3 the Nebraska Commission on Law Enforcement and Criminal Justice (a)  
4 a copy of each complaint received alleging racial profiling and (b)  
5 written notification of the review and disposition of such  
6 complaint.

7 (4) Any law enforcement officer who in good faith records  
8 information on a detention pursuant to this section shall not be  
9 held civilly liable for the act of recording such information  
10 unless the law enforcement officer's conduct was unreasonable or  
11 reckless or in some way contrary to law.

12 (5) On or before October 1, 2002, and annually thereafter  
13 until January 1, 2004, the Nebraska State Patrol, the county  
14 sheriffs, all city and village police departments, and all other  
15 law enforcement agencies of this state shall provide to the  
16 commission, in such form as the commission shall prescribe, a  
17 summary report of the information recorded pursuant to subsection  
18 (2) of this section.

19 (6) On and after January 1, 2002, and until January 1,  
20 2004, the commission shall, within the limits of its existing  
21 appropriations, provide for a review of the prevalence and  
22 disposition of detaining individuals for violations of motor  
23 vehicle or traffic laws or ordinances and complaints reported  
24 pursuant to this section. The commission shall report to the  
25 Governor and the Legislature the results of such review, including  
26 any recommendations.

27 Sec. 4. On and after January 1, 2002, the Nebraska  
1 Commission on Law Enforcement and Criminal Justice, the  
2 Superintendent of Law Enforcement and Public Safety, the Attorney  
3 General, and the State Court Administrator shall adopt and  
4 promulgate: (1) A form, in printed or electronic format, to be  
5 used by a law enforcement officer when detaining an individual for  
6 a violation of a motor vehicle or traffic law or ordinance to  
7 record personal identifying information about the operator, the  
8 location of the detention, the reason for the detention, and any  
9 other information that is required to be recorded pursuant to  
10 subsection (2) of section 3 of this act and (2) a form, in printed  
11 or electronic format, to be used to report a complaint alleging  
12 racial profiling by a law enforcement officer.".

AM1933

1 1. Strike original sections 3 and 4 and insert the  
2 following new section:

3 "Sec. 3. (1) On and after January 1, 2002, the Nebraska  
4 State Patrol, the county sheriffs, all city and village police  
5 departments, and any other law enforcement agencies in this state  
6 shall adopt a written policy that prohibits the detention of any  
7 person or the investigatory stop of a motor vehicle when such  
8 action is solely motivated by racial profiling and the action would  
9 constitute a violation of the civil rights of the person.

10 (2) With respect to the investigatory stop of a motor  
11 vehicle, on and after January 1, 2002, the Nebraska State Patrol,  
12 the county sheriffs, all city and village police departments, and  
13 any other law enforcement agencies in this state shall have their  
14 law enforcement officers provide to an individual stopped a  
15 business card containing the name, address, and telephone number of  
16 such officer's law enforcement agency, details about how to file a  
17 complaint regarding racial profiling, and who to contact with such  
18 a complaint."

AM1937

- 1 1. Insert the following new section:
- 2 "Sec. 5. Sections 1 to 4 of this act do not apply to law
- 3 enforcement agencies that have a current policy prohibiting racial
- 4 profiling in place on or before the effective date of this act."

Senator Hartnett filed the following amendment to LB 465:

AM1948

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 77-1510, Revised Statutes
- 3 Supplement, 2000, as amended by section 18, Legislative Bill 170,
- 4 Ninety-seventh Legislature, First Session, 2001, is amended to
- 5 read:
- 6 77-1510. Appeals may be taken from any action of the
- 7 county board of equalization to the Tax Equalization and Review
- 8 Commission in accordance with the Tax Equalization and Review
- 9 Commission Act. The appeal shall be filed or postmarked within
- 10 thirty days after adjournment of the board which, for actions taken
- 11 pursuant to section 77-1502, shall be deemed to be July 25 of the
- 12 year in which the action is taken. After an appeal has been
- 13 initiated, the county board of equalization shall have no power or
- 14 authority to compromise, settle, or otherwise change the action it
- 15 has taken with respect to such assessment, and exclusive
- 16 jurisdiction thereof shall be vested in the Tax Equalization and
- 17 Review Commission, except that the county board of equalization may
- 18 offer to confess judgment pursuant to section 77-1510.01. The
- 19 changes made to this section by Laws 2001, LB 170, shall apply to
- 20 all appeals pending on April 5, 2001, and to all appeals arising on
- 21 or after such date.
- 22 Sec. 8. If any section in this act or any part of any
- 23 section is declared invalid or unconstitutional, the declaration
- 24 shall not affect the validity or constitutionality of the remaining
- 1 portions."
- 2 2. Renumber the remaining sections and correct internal
- 3 references and the repealer accordingly.

Senator Schrock filed the following amendment to LB 329:

(Amendment, AM1961, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

**MESSAGES FROM THE GOVERNOR**

May 9, 2001

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 Environmental Quality Council:

**APPOINTEES:**

Terry Zahn, 1630 N 107 Ave, Omaha NE 68144  
Vaughn Blum, 1983 Camino Real, Columbus NE 68601

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

May 9, 2001

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:**

Jill Shea, 365 S Lincoln, Tecumseh NE 68443

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Mike Johanns  
Governor

vfp/  
Attachment

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

The following bills were correctly reengrossed: LBs 313 and 313A.

**Enrollment and Review Change to LB 313**  
**(Second Final Reading copy)**

The following changes, required to be reported for publication in the Journal, have been made:  
(Enrollment and Review Change, ER9072, may be found in the Bill Books. The ER change has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Philip Erdman, Chairperson

**STANDING COMMITTEE REPORT**  
**Redistricting**

**LEGISLATIVE BILL 852.** Placed on General File as amended.  
(Standing Committee amendment, AM1875, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) George Coordsen, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 125.** Introduced by Wehrbein, 2.

**PURPOSE:** To study the provisions of section 81-1385, Reissue Revised Statutes of Nebraska, which is that portion of the State Employees Collective Bargaining Act that specifies consequences in the event of appeal by either the exclusive collective bargaining agent or the employer of a Special Master ruling.

It is the intent of the Legislature to study and determine:

(1) Whether subsections (1) and (2) of section 81-1385 no longer serve as an incentive for an exclusive collective bargaining agent or the employer to reach agreement in collective bargaining contracts; and

(2) Whether subsections (1) and (2) of section 81-1385 contain an unreasonably punitive provision for an exclusive collective bargaining agent or the employer in the event of an appeal by either party of a Special Master ruling.

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

1. That the Appropriations and Business and Labor Committees of the

Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 126.** Introduced by Bourne, 8; Quandahl, 31.

**PURPOSE:** The purpose of this resolution is to study whether Nebraska should enact new statutory restrictions on predatory lending activities. In order to carry out the purpose of this resolution, the committee should seek the assistance of the Department of Banking and Finance and should consider the input of interested persons as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 127.** Introduced by Landis, 46.

**PURPOSE:** To conduct a comprehensive review of the telecommunications industry. The review shall include:

(1) A statewide needs assessment to determine the telecommunications needs of Nebraska consumers and whether they are being met;

(2) A review of the statutory and regulatory frameworks of other states where political subdivisions are making public fiber optics available to the private sector or are providing telecommunications services;

(3) A review of public and private telecommunications joint ventures that have been undertaken and the statutory frameworks that have allowed those joint ventures;

(4) An inventory of the extent of available public fiber optic capacity of political subdivisions in Nebraska; and

(5) An examination of funding and grant mechanisms utilized in other states to provide for deployment of advanced telecommunications services in high-cost and underserved areas.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 465.** Senator Kristensen renewed his pending amendment, AM1172, printed separately and referred to on page 1514, to the Standing Committee amendment.

Senator Kristensen withdrew his amendment.

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

FA241

Amend AM0376

1. Strike Sections 1 and 3

2. On page 4, lines 11 through 19-strike the new language and reinsert the stricken language

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

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

Senator Coordsen requested a roll call vote on the Wehrbein amendment.

Senator Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 23:

Baker	Beutler	Bromm	Brown	Burling
Byars	Connealy	Coordsen	Cunningham	Erdman
Foley	Hudkins	Jones	Kremer	Kruse
Price	Quandahl	Redfield	Robak	Stuhr
Thompson	Vrtiska	Wehrbein		

Voting in the negative, 10:

Aguilar	Cudaback	Engel	Jensen	Kristensen
Raikes	Schimek	Schrock	Smith	Wickersham

Present and not voting, 4:

Landis	Preister	Suttle	Tyson
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Absent and not voting, 1:

Chambers

Excused and not voting, 11:

Bourne	Brashear	Bruning	Dierks	Hartnett
Hilgert	Janssen	Maxwell	McDonald	Pedersen, Dw.
Pederson, D.				

The Wehrbein amendment lost with 23 ayes, 10 nays, 4 present and not voting, 1 absent and not voting, and 11 excused and not voting.

Pending.

### VISITORS

Visitors to the Chamber were 16 third through fifth grade students and sponsors from Bellwood; 30 fourth grade students and teachers from St. Bonaventure, Columbus; and 50 seventh and eighth grade students and teachers from Trinity Lutheran School, Fremont.

The Doctor of the Day was Dr. William Doering from Franklin.

### ADJOURNMENT

At 6:37 p.m., on a motion by Senator Wickersham, the Legislature adjourned until 9:00 a.m., Thursday, May 10, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**SEVENTY-NINTH DAY - MAY 10, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****SEVENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 10, 2001

**PRAYER**

The prayer was offered by Pastor Mary-Ellen Gaither, United Methodist Church, Humboldt and Table Rock, 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 Bourne, Dierks, McDonald, and D. Pederson who were excused; and Senators Hartnett, Hudkins, Landis, and Maxwell who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-eighth day was approved.

**NOTICE OF COMMITTEE HEARING  
Government, Military and Veterans Affairs**

Thursday, May 17, 2001  
Virgie Louis - State Personnel Board

8:45 AM

(Signed) DiAnna R. Schimek, Chairperson

**MOTION - Approve Appointment**

Senator Raikes moved the adoption of the report of the Education Committee for the following appointment found on page 1826: Board of Educational Lands and Funds - Demarus Carlson.

Voting in the affirmative, 31:

Aguilar      Brashear      Bromm      Bruning      Burling

Byars	Chambers	Connealy	Coordsen	Cudaback
Cunningham	Erdman	Foley	Hilgert	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Pedersen, Dw.	Price	Quandahl	Raikes	Redfield
Schimek	Smith	Stuhr	Suttle	Tyson
Vrtiska				

Voting in the negative, 0.

Present and not voting, 10:

Baker	Beutler	Brown	Engel	Preister
Robak	Schrock	Thompson	Wehrbein	Wickersham

Excused and not voting, 8:

Bourne	Dierks	Hartnett	Hudkins	Landis
Maxwell	McDonald	Pederson, D.		

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 305A.** Title read. Considered.

Senator Chambers moved to indefinitely postpone LB 305A.

### SENATOR CUDABACK PRESIDING

Senators Kristensen and Tyson 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 15 ayes, 0 nays, and 34 not voting.

Senator Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 29:

Aguilar	Beutler	Bromm	Bruning	Byars
Connealy	Coordsen	Cunningham	Foley	Hartnett
Hilgert	Hudkins	Janssen	Kremer	Kruse
Landis	Pedersen, Dw.	Preister	Price	Raikes

Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Present and not voting, 12:

Baker	Brashear	Brown	Burling	Cudaback
Engel	Erdman	Jensen	Jones	Quandahl
Redfield	Robak			

Excused and not voting, 7:

Bourne	Dierks	Kristensen	Maxwell	McDonald
Pederson, D.	Tyson			

The Chambers motion to indefinitely postpone failed with 1 aye, 29 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA242

Strike section 1

Senators Schimek, Janssen, and Burling asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment lost with 0 ayes, 14 nays, 25 present and not voting, and 10 excused and not voting.

Senator Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved to reconsider the vote on his amendment, FA242.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to reconsider failed with 1 aye, 11 nays, 26 present and not voting, and 11 excused and not voting.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 128.** 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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 129.** Introduced by Wickersham, 49.

PURPOSE: This study is to examine the electronic payment of taxes as a method of providing greater services to the citizens of Nebraska. The study shall examine progress made to allow greater use of electronic transfers as a method of paying taxes. This study should assume that it is a goal of the state that eventually all taxes be payable electronically, including property taxes. The study should determine the steps that need to be taken and set out a timeline to achieve this goal.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 130.** Introduced by Wickersham, 49.

PURPOSE: This study shall examine the contents and layout of property tax statements. The study should examine the information contained on the statements, especially the state aid disclosure, and determine what additional information would be useful to taxpayers. Attention should be paid as to whether and how more and more detailed information could be contained on the statement. In other words, how can the layout of the statement be revised to contain more or better information and how could a new format be made available to counties at minimal cost and disruption.

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

1. That the Revenue Committee of the Legislature shall be designated to

conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 131.** Introduced by Schrock, 38.

**PURPOSE:** This study shall look at how schools with declining enrollments are affected by decreases in state aid.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 132.** Introduced by Wehrbein, 2.

**PURPOSE:** To study the use and construction of equipment storage buildings by the Department of Roads. This study may include, but shall not be limited to:

(1) A determination of the need for equipment storage. The needs analysis will include the identification of equipment that is currently stored outdoors and an estimate of the amount of storage space needed. The needs analysis will also include the identification of any economic, safety, and other advantages of inside storage;

(2) A determination of the minimum design requirements of equipment storage buildings and the estimated cost of buildings built to such minimum design requirements;

(3) A comparison of the identified minimum design requirements to the current design of buildings being constructed by the department; and

(4) An examination of the cost-per-square-foot estimates prepared by the department and included in the budget request for equipment storage buildings.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 133.** Introduced by Preister, 5; Suttle, 10; Hartnett, 45; Beutler, 28; Aguilar, 35; Thompson, 14.

**PURPOSE:** The purposes of the study are to explore policies to reduce air emissions from power plants and to achieve greater energy conservation and efficiency. California and the western states have experienced severe power shortages due in part to electric utility deregulation and the price escalation of natural gas. Nebraska needs to take this opportunity to examine its power generation system and policies in order to achieve greater energy conservation and efficiency.

In this examination it is also prudent to evaluate the public health and environmental impacts created by fossil-fuel power generation and to determine actual costs associated with such generation. Nebraska utilities emit over seventy-eight tons of air pollutants into the air every year, which accounts for over seventy-five percent of Nebraska's total air emissions. Health effects from these emissions include respiratory illnesses, asthma, lead poisoning, and fish advisories. In the United States, air pollution kills over fifty thousand persons a year -- a death toll higher than that of traffic accidents, breast cancer, or AIDS. A recent Center for Disease Control study determined that Nebraska is ranked second in the country in the number of people dying from asthma. Nebraska needs to examine our current policies and determine whether changes should be made in order to better protect the health of its citizens.

The study will include, but not be limited to:

(1) An examination of utilities' air emissions impact on the environment and health of the people, and identification of incentives and policies to reduce utilities' air emissions;

(2) An analysis of externalities associated with generating power from fossil fuels including environmental impacts and health effects, as well as analysis of costs of environmental compliance and pollution control devices;

(3) An analysis of conservation and energy efficiency practices and policies, including the costs and benefits of providing real-time information for residential and small electricity consumers to help consumers better understand and manage their consumption; and

(4) An identification of incentives and potential funding sources for both demand-side and supply-side energy efficiencies and conservation.

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

1. That the Natural Resources Committee of the Legislature, in conjunction with the Health and Human Services Committee of the Legislature and the State Energy Office, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall conduct public hearings to provide for public comment.

3. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.



**LEGISLATIVE RESOLUTION 134.** Introduced by Thompson, 14.

PURPOSE: Research findings continue to identify public health concerns about the effects of environmental tobacco smoke on public health. This study shall examine the effects of environmental tobacco smoke on Nebraska's workforce and the effectiveness of barriers and ventilation systems aimed at decreasing the negative effects of environmental tobacco smoke. It would also review the health impact of smoke-free workplace legislation in other jurisdictions.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 135.** Introduced by Thompson, 14.

PURPOSE: As the statutory levy limits for public school districts move from \$1.10 to \$1.00, the current law which combines the general fund, the special building fund, and the hazardous material abatement/handicapped accessibility fund within the tax rate limitation should be reviewed. The issues that should be studied include the effect that maximizing the special building fund has on an equalized school district which is levying near or at the maximum, the effect that the tax rate limitation places on school districts that are growing or have older facilities that require improvement in providing educational services, and how the use of bonds is affected by these limitations.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 136.** Introduced by Thompson, 14.

PURPOSE: Current law in Nebraska requires a person who wants to buy a handgun to obtain a certificate which authorizes the holder to acquire any number of handguns during the three-year period of the certificate. In order to receive this certificate, the applicant must apply with local law enforcement that issues or denies the certificate upon determining if the

applicant is prohibited by law from purchasing or possessing a handgun. Once this certificate is obtained, the applicant is no longer subject to any future background checks when purchasing a handgun. The purpose of this study is to examine whether the purchaser of a handgun should be subject to a background check prior to each purchase and, if so, whether the three-year certificate should be eliminated. The study will also examine how the instant criminal history record check system is utilized by handgun retailers in Nebraska.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 137.** Introduced by Price, 26.

**PURPOSE:**

WHEREAS, lead is an environmental toxin which poses significant health risk to young children, potentially damaging their developing nervous systems and causing learning disabilities, lack of coordination, reduced attention span, erratic behavior, and acute illness such as headache and gastrointestinal distress; and

WHEREAS, the lead poisoning rate in children of various Nebraska communities ranges from five percent to twenty percent; and

WHEREAS, current programs to identify, test, and conduct environmental followup on children who are lead poisoned are sparingly funded almost entirely through federal grants; and

WHEREAS, lead-based paint is the most prevalent source of lead in homes and is potentially present in all dwellings built before 1978; and

WHEREAS, the ideal solution to assure that Nebraska's children are no longer poisoned by this environmental toxin is to completely remove lead-based paint from all homes and apartments; and

WHEREAS, the tenants or homeowners of such dwellings are typically low-income families; and

WHEREAS, unfunded federal mandates on the safe maintenance, renovation, or rehabilitation of such dwellings requires workers who have been trained and certified in remediation of lead-based painted surfaces, which significantly increases the cost of such work; and

WHEREAS, the expense of such work may prevent landlords and homeowners from eliminating the environmental lead hazard, thereby continuing the risk to children's health; and

WHEREAS, the expense of such work, which is now required by new federal regulations of the United States Department of Housing and Urban Development, may limit the ability of property owners to make a sufficient amount of affordable housing available in Nebraska communities; and

WHEREAS, the Legislature should conduct an interim study to evaluate the potential options for establishing funding to: (1) Assist property owners to eliminate lead-based paint in residential dwellings; (2) evaluate the short-term and long-term public health benefits of interim lead paint stabilization versus elimination (full abatement); and (3) conduct comprehensive public health lead-poisoning prevention programs at the local and state levels.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 138.** Introduced by Hilgert, 7; Wehrbein, 2.

PURPOSE: The purpose of this study is to examine rates paid to behavioral health providers through publicly-funded programs. The study shall include, but not be limited to, information on how rates are currently determined, issues with the current level of reimbursement and the impact on the quality of care, and availability of services and models that may be available to set rates that address availability, quality, and an appropriate array of services.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### REFERENCE COMMITTEE REPORT

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

Blum, Vaughn - Environmental Quality Council - Natural Resources

Shea, Jill - Board of Emergency Medical Services - Health and Human Services

Zahn, Terry - Environmental Quality Council - Natural Resources

(Signed) George Coordsen, Chairperson

Legislative Council  
Executive Board

### GENERAL FILE

**LEGISLATIVE BILL 305A.** Senator Chambers offered the following amendment:

FA243  
Strike section 2

Senators Stuhr, Landis, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment lost with 1 aye, 11 nays, 25 present and not voting, and 12 excused and not voting.

Senator Chambers offered the following amendment:

FA244  
Strike section 3

Senators Erdman and Baker asked unanimous consent to be excused until they return. No objections. So ordered.

### PRESIDENT MAURSTAD PRESIDING

Senator Bruning asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment lost with 1 aye, 5 nays, 28 present and not voting, and 15 excused and not voting.

Senator Chambers offered the following amendment:

FA245  
P. 2 in line 28, strike "fund" and insert "amount"

Senator Chambers withdrew his amendment.

Senator Raikes offered the following amendment:

FA246  
1. Page 2, line 28, strike second "fund," insert "amount".  
2. Page 3, line 1, after "appropriated" insert "from such fund".

Senator Raikes moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Raikes amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Senator Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Raikes 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 the advancement of the bill.

Senator Raikes requested the roll call vote be taken in reverse order.

Voting in the affirmative, 31:

Aguilar	Beutler	Bromm	Burling	Connealy
Coordsen	Cudaback	Cunningham	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Kremer
Kristensen	Kruse	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Robak	Schimek	Schrock
Smith	Suttle	Thompson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 6:

Baker	Brown	Chambers	Engel	Erdman
Redfield				

Excused and not voting, 12:

Bourne	Brashear	Bruning	Byars	Dierks
Jones	Landis	Maxwell	McDonald	Pederson, D.
Stuhr	Tyson			

Advanced to E & R for review with 31 ayes, 6 nays, and 12 excused and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 139.** Introduced by Cudaback, 36.

**PURPOSE:** The purpose of this resolution is:

(1) To study and develop recommendations concerning the issue of highway safety and driver distractions, including communications technology and electronic entertainment such as wireless telephones, pagers, facsimile machines, computers, locator devices, AM/FM radios, compact disc players, audio cassette players, citizens band radios, and dispatch radios, as well as all other forms of nontechnological distractions;

(2) To review and analyze studies and statistics relating to all types of driver distractions which affect highway and traffic safety;

(3) To inquire into innovative communications technologies being used or proposed to be used in motor vehicles that may alleviate risks to highway

and traffic safety; and

(4) To develop recommendations for public and private strategies and recommendations for legislative or regulatory action if deemed appropriate to address these issues.

The Department of Motor Vehicles and the Nebraska State Patrol shall assist the committee in supplying and gathering statistics relating to all types of driver distractions which affect highway and traffic safety in this state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 140.** Introduced by Schimek, 27.

PURPOSE: To review the impact of budget lid restrictions on political subdivisions that have been passed by the Legislature.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 141.** Introduced by Hudkins, 21.

PURPOSE: To examine current Nebraska statutes relating to local farm wineries.

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

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 142.** Introduced by Hudkins, 21.

PURPOSE: To examine the feasibility of creating a joint regional airport between the municipalities of Lincoln and Omaha.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 143.** Introduced by Cunningham, 18.

PURPOSE: The purpose of this study is to examine the definition of adult family homes. Under current rules and regulations of the Department of Health and Human Services, an adult family home is permitted to provide full-time residence and minimum supervision and guidance to not more than three adults. Currently adult family homes are voluntarily certified by the Department of Health and Human Services but are not licensed. The Health Care Facility Licensure Act requires licensure by the Department of Health and Human Services Regulation and Licensure for facilities that provide certain health care services to four or more persons.

The availability of community-based, cost-effective alternatives to nursing home care and institutionalization is currently inadequate in the State of Nebraska. The development of such alternatives should be encouraged.

This study shall specifically examine whether the definition of adult family home, as found in rules and regulations of the Department of Health and Human Services, should be changed to allow an increase in the number of adults permitted to reside in such homes and whether safety requirements for such homes should be adjusted in light of such change.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**NOTICE OF COMMITTEE HEARING**  
**Transportation and Telecommunications**

Stephan Budke - Motor Vehicle Industry Licensing Board  
James Campbell - Motor Vehicle Industry Licensing Board  
P. J. Morgan - Motor Vehicle Industry Licensing Board

(Signed) Curt Bromm, Chairperson

### AMENDMENTS - Print in Journal

Senator Bruning filed the following amendment to LB 593:  
AM1929

1 1. On page 2, line 4, strike "detention or other".

Senator Coordsen filed the following amendment to LB 536:  
AM1978

(Amendments to E & R amendments, AM7118)

1 1. On page 9, after line 1 insert:

2 "(5) Whenever the unobligated balance in the Ethanol  
3 Production Incentive Cash Fund exceeds fifteen million dollars, the  
4 Department of Revenue shall notify the Department of Agriculture at  
5 which time the Department of Agriculture shall suspend collection  
6 of the excise taxes levied pursuant to 66-1345.01 and section 8 of  
7 this act. If, after suspension of the collection of such excise  
8 taxes the balance of the fund falls below eight million dollars,  
9 the Department of Revenue shall notify the Department of  
10 Agriculture which shall resume collection of the excise taxes.  
11 (6) On or before December 1, 2003, and each December 1  
12 thereafter, the Department of Revenue and the Nebraska Ethanol  
13 Board shall jointly submit a report to the Legislature which shall  
14 project the anticipated revenue and expenditures from the Ethanol  
15 Production Incentive Cash Fund through the termination of the  
16 ethanol production incentive programs pursuant to 66-1344. The  
17 initial report shall include a projection of the amount of ethanol  
18 production that the Department of Revenue has entered agreements to  
19 provide ethanol production credits pursuant to section 7 of this  
20 act and any additional ethanol production which the Department of  
21 Revenue and the Nebraska Ethanol Board reasonably anticipate may  
22 qualify for credits pursuant to section 66-1344.".

Senator Burling filed the following amendment to LB 852:  
AM1955

1 1. Strike the original sections and all amendments

2 thereto and insert the following new section:

3 "Section 1. (1) The Legislature adopts the legislative  
4 districts identified in the map entitled Burling Legislative  
5 Proposal--AM1955. Such map shall be kept on file in the office of  
6 the Clerk of the Legislature.

7 (2) The legislative districts have been drawn pursuant to  
8 information taken from the 2000 TIGER/Line files published by the



9 United States Department of Commerce, Bureau of the Census."

### BILL ON FINAL READING

#### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 538 with 31 ayes, 2 nays, 4 present and not voting, and 12 excused and not voting.

The following bill was put upon final passage:

#### LEGISLATIVE BILL 538. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1999, LB 877, sections 9 and 10; Laws 1999, LB 880, sections 15, 28, 30, 108, 150, 232, 233, and 241; Laws 2000, LB 352A, sections 1 and 3; Laws 2000, LB 1217, sections 35, 64, 69, 75, 84, 89, 94, 113, and 117; and Laws 2000, LB 1363A, section 2; to define terms; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to state and eliminate intent; to change appropriations as prescribed; to change transfers; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 40:

Aguilar	Baker	Beutler	Brashear	Bromm
Brown	Burling	Chambers	Connealy	Coordsen
Cudaback	Cunningham	Engel	Erdman	Foley
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 9:

Bourne	Bruning	Byars	Dierks	Landis
McDonald	Pederson, D.	Stuhr	Tyson	

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: LB 538.

**GENERAL FILE**

**LEGISLATIVE BILL 853.** Title read. Considered.

The Special Committee amendment, AM1853, found on page 1833, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 855.** Title read. Considered.

The Special Committee amendment, AM1855, found on page 1834, was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 856.** Title read. Considered.

The Special Committee amendment, AM1856, found on page 1834, was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

**LEGISLATIVE BILL 854.** Title read. Considered.

The Special Committee amendment, AM1854, found on page 1833, was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

**AMENDMENTS - Print in Journal**

Senator Chambers filed the following amendments to LB 305A:

FA247

Strike section 1.

FA248  
Strike section 2

FA249  
Strike section 3.

FA250  
Strike section 4

FA251  
Strike section 5

FA252  
Strike section 6

### PRESENTED TO THE GOVERNOR

Presented to the Governor on May 10, 2001, at 1:00 p.m., was the following: LB 538.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

### STANDING COMMITTEE REPORT Judiciary

**LEGISLATIVE BILL 82.** Placed on General File as amended.  
(Standing Committee amendment, AM1962, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Kermit A. Brashear, Chairperson

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 144.** Introduced by Hilgert, 7; Wehrbein, 2.

**PURPOSE:** To study the Thomas Fitzgerald Veterans' Home in Omaha. The study shall include, but not be limited to, the following:

- (1) A review of the adequacy of funding for the facility;
- (2) The use of contract labor at the facility and its funding implications; and
- (3) An examination of the terms of the facility lease and future capital construction needs and priorities.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 145.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; Janssen, 15; 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.

The study shall also examine the changes that might result if significant proposals that were offered in the 2001 Legislative session and held by the Revenue Committee were enacted. Included in such proposals would be LB 841, proposed by Senator Brashear, that would dramatically expand the sales tax base, lower income tax rates, and provide a homestead exemption. Another example is LB 528, proposed by Senator Raikes, that would substantially simplify and flatten Nebraska's income tax system. The purpose of this analysis is to determine how such dramatic changes might affect Nebraska taxpayers by income group.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 146.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12.

**PURPOSE:** This study is to determine the impact on the assessment of agricultural and horticultural land if the assessment methodology proposed by LB 600 (2001) were implemented. The study will rely on information generated by the Department of Property Assessment and Taxation and the University of Nebraska Institute of Agriculture and Natural Resources and

compiled by the department. The study is to analyze the changes in valuation that could be expected to various subclasses within the class of agricultural and horticultural land as compared to each other and between different areas of the state. The study should also determine the sensitivity of those valuations to changes in the capitalization rate or rates. Finally, the study should examine the extent that local governments would be able to finance current operations under the levy limits should LB 600 be enacted into law and the effect that the assessment method would have on equalization aid under the Tax Equity and Educational Opportunity Support Act.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study.

2. That the Executive Board of the Legislative Council be permitted to allocate resources to the University of Nebraska Institute of Agriculture and Natural Resources to carry out the purposes of this resolution.

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 147.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12.

**PURPOSE:** The purpose of this study is to monitor the administration and progress of the Uniform Sales and Use Tax Administration Act, commonly known as the Streamlined Sales and Use Tax System. The study is to inform the Legislature of the number of states participating, the level of participation, any material differences in the authorizing legislation, any federal response, and a timeline for full implementation. This study should also begin the process of drafting the legislation that will be necessary to conform Nebraska's sales and use tax statutes to the requirements of the act and the accompanying agreement.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 148.** Introduced by Wickersham, 49; Schimek, 27; Smith, 48.

**PURPOSE:** State and local governmental entities have increased the provision of information and services available through electronic means as more Nebraskans acquire access to the Internet. As information technology continues to advance, further opportunities to transact government business electronically may become available. E-government may provide efficiencies and enhance access to state and local agencies and entities. Planning and coordination, as well as the adoption of appropriate legislation to facilitate access or require development of services and to provide necessary privacy protections, may be desirable. This study shall include, but is not limited to, determining:

- (1) Whether there exists unrealized potential to increase the provision of state and local governmental services through electronic means;
- (2) Whether appropriate standards are in place to facilitate the efficient provision of e-government;
- (3) Whether legislation is necessary or desirable to increase electronic access to government;
- (4) Whether current security mechanisms and privacy protections are adequate to protect sensitive information; and
- (5) Whether there are any additional strategies that should be pursued to make the best use of the Internet for delivery of governmental services.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 149.** Introduced by Bromm, 23.

**PURPOSE:** The purpose of this resolution is to study the current use of the Attorney General's Office by the Department of Roads in place of departmental legal counsel.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 150.** Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study the issues involved in making a prior conviction of either Class W misdemeanor, section 60-6,196 (DUI) or section 60-6,197 (implied consent), an enhancement for the sentencing of a current Class W misdemeanor offense.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 151.** Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study statutes regarding the testing for drugs and alcohol in persons operating motor vehicles, motorboats, and airplanes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 152.** Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study questions surrounding the issuance of specialty license plates for nongovernmental organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 153.** Introduced by Bromm, 23.

PURPOSE: The purpose of this resolution is to study current state law as it

pertains to maximum load limits, permissible loads by permit, and issuance of fees of over-limit permits, including a focus on Neb. Rev. Stat. sections 60-6,288 to 60-6,305. The weight, height, width, and length limits also shall be reviewed, with consideration of safety, impact on roads, appropriateness of fees, length of permit periods, movement of mobile equipment, and tire size and type. The applicability of a federal moratorium against increasing limits on "extra-long vehicles" and the State of Nebraska's ability to alter local limit statutes will be considered and studied.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

#### SELECT FILE

**LEGISLATIVE BILL 242.** Senator Kristensen renewed his pending amendment, AM1640, found on page 1641.

Senators Erdman and Quandahl asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler renewed his pending amendment, AM1828, found on page 1820, to the Kristensen pending amendment.

The Beutler amendment was adopted with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

The Kristensen amendment, as amended, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Senator Schimek renewed her pending amendment, AM1659, found on page 1658.

The Schimek amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Senator Wickersham renewed his pending amendment, AM1703, found on page 1708.

The Wickersham amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Senator Foley renewed his pending amendment, AM1711, found on page 1719.



The Foley amendment was adopted with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

Senator Raikes renewed his pending amendment, AM1904, found on page 1881.

The Raikes amendment was adopted with 32 ayes, 1 nay, 6 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 366.** E & R amendment, AM7120, found on page 1769, was adopted.

Senator Bromm renewed his pending amendment, AM1878, found on page 1834.

Senator Thompson asked unanimous consent to be excused. No objections. So ordered.

The Bromm amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 154.** Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Brown, 6; Hudkins, 21; Jones, 43; Robak, 22.

**PURPOSE:** The purpose of this resolution is to study the progress of Nebraska's efforts in increasing the number of railroad crossing grade separations.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 155.** Introduced by Bromm, 23; Connealy, 16.

**PURPOSE:** The purpose of this resolution is to study statutes regarding the

securing of loads transported by motor vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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.

### AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 465:  
AM1977

1 1. In the Standing Committee amendments, AM0376, strike  
2 sections 1 to 3 and all amendments thereto and insert the following  
3 new sections:

4 "Sec. 2. Section 77-5004, Revised Statutes Supplement,  
5 2000, as amended by section 19, Legislative Bill 170,  
6 Ninety-seventh Legislature, First Session, 2001, is amended to  
7 read:

8 77-5004. (1) Each commissioner shall be a qualified  
9 voter, ~~taxpayer~~, and resident of the state and the district he or  
10 she represents.

11 (2) Each commissioner shall devote his or her full time  
12 and efforts to the discharge of his or her duties and shall not  
13 hold any other office under the laws of this state, any city or  
14 county in this state, or the United States Government while serving  
15 on the commission. Each commissioner shall possess:

16 (a) Appropriate knowledge of terms commonly used in or  
17 related to real property appraisal and of the writing of appraisal  
18 reports;

19 (b) Adequate knowledge of depreciation theories, cost  
20 estimating, methods of capitalization, and real property appraisal  
21 mathematics;

22 (c) An understanding of the principles of land economics,  
23 appraisal processes, and problems encountered in the gathering,  
24 interpreting, and evaluating of data involved in the valuation of  
1 real property, including complex industrial properties and  
2 mass-appraisal techniques;

3 (d) Knowledge of the law relating to taxation, civil and  
4 administrative procedure, due process, and evidence in Nebraska;

5 (e) ~~Any certification or training required to become a~~  
6 ~~registered real estate appraiser as set forth in section~~  
7 ~~76-2229.01. If a commissioner has not received such certification~~  
8 ~~or training prior to his or her appointment, such certification or~~  
9 ~~training shall be completed within one year after the appointment~~

10 At least thirty hours of successfully completed class hours in  
11 courses of study, approved by the Real Estate Appraiser Board,  
12 which relate to appraisal and which include a fifteen-hour course  
13 in the Uniform Standards of Professional Appraisal Practice. If a  
14 commissioner has not received such training prior to his or her  
15 appointment, such training shall be completed within one year after  
16 appointment; and

17 (f) Such other qualifications and skills as reasonably  
18 may be requisite for the effective and reliable performance of the  
19 commission's duties.

20 (3) One commissioner shall possess any certification or  
21 training required to become a licensed real estate appraiser as set  
22 forth in section 76-2230.

23 (4) The chairperson shall have been engaged in the  
24 practice of law in the State of Nebraska for at least five years,  
25 which may include prior service as a judge, and shall be currently  
26 admitted to practice before the Nebraska Supreme Court.

27 (4) (5) No commissioner or employee of the commission  
1 shall hold any position of profit or engage in any occupation or  
2 business interfering with or inconsistent with his or her duties as  
3 a commissioner or employee. A person is not eligible for  
4 appointment and may not hold the office of commissioner or be  
5 appointed by the commission to or hold any office or position under  
6 the commission if he or she holds any official office or position.

7 (5) ~~During each year of his or her term, each~~  
8 ~~commissioner~~ (6)(a) Each commissioner who meets the requirements of  
9 subsection (4) of this section on or after January 1, 2002, shall  
10 annually attend a seminar or class of at least two days' duration,  
11 sponsored by a recognized assessment or appraisal organization, in  
12 each of these areas: Utility and railroad appraisal; appraisal of  
13 complex industrial properties; and mass appraisal, residential or  
14 agricultural appraisal, or assessment administration.

15 (b) Each commissioner who does not meet the requirements  
16 of subsection (4) of this section on or after January 1, 2002,  
17 shall within two years after his or her appointment attend at least  
18 thirty hours of instruction that constitutes training for judges or  
19 administrative law judges.

20 (6) (7) The commissioners shall be considered employees  
21 of the state for purposes of sections 81-1301 to 81-1391 and  
22 84-1601 to 84-1615.

23 (7) (8) The commissioners shall be reimbursed as  
24 prescribed in sections 81-1174 to 81-1177 for their actual and  
25 necessary expenses in the performance of their official duties  
26 pursuant to the Tax Equalization and Review Commission Act.  
27 Mileage expenses incurred while traveling in the line of duty to  
1 and from a commissioner's primary residence to the commission  
2 office as well as living expenses for any commissioner whose  
3 residence is located more than eighty miles from the commission  
4 office shall be reimbursed by the state if:

5 (a) The commission has adopted and promulgated rules and  
6 regulations establishing guidelines for allowable reimbursement of  
7 mileage and living expenses, except that the reimbursement rate for  
8 mileage shall not exceed the rate established by the Department of  
9 Administrative Services pursuant to section 81-1176;

10 (b) The commissioner complies with the request procedures  
11 for reimbursement set forth in such guidelines; and

12 (c) The total amounts authorized for reimbursement of  
13 such mileage and living expenses in any fiscal year shall not cause  
14 the total expenses to exceed the total funds appropriated to the  
15 program established for commissioners' expenses.

16 Sec. 3. Section 77-5005, Revised Statutes Supplement,  
17 2000, is amended to read:

18 77-5005. (1) Within ten days after appointment, the  
19 commissioners shall meet at their office in Lincoln, Nebraska, and  
20 enter upon the duties of their office.

21 (2) A majority of the commission shall at all times  
22 constitute a quorum to transact business, and one vacancy shall not  
23 impair the right of the remaining commissioners to exercise all the  
24 powers of the commission.

25 ~~(3) Any investigation, inquiry, or hearing held or~~  
26 ~~undertaken by the commission may be held or undertaken by or before~~  
27 ~~any one commissioner with the approval of the commission.~~

1 (4) When holding hearings pursuant to sections 77-5016,  
2 77-5024, and 77-5026, the commission may, after hearing the  
3 evidence and argument on the record, recess to closed deliberations  
4 for the limited purpose of deciding the matter before it  
5 notwithstanding sections 84-1408 to 84-1414. After deliberating,  
6 the commission shall issue its final decision, accompanied by  
7 findings of fact and conclusions of law, in writing or on the  
8 record.

9 ~~(5) All investigations, inquiries, hearings, and~~  
10 ~~decisions of a commissioner and every order made by a commissioner~~  
11 ~~when approved and confirmed by a quorum of the commission, if so~~  
12 ~~shown on its record of proceedings, shall be deemed to be the order~~  
13 ~~of the commission."~~

14 2. In the Landis amendment, AM1755, strike section 3.

15 3. Renumber the remaining sections and correct the  
16 repealer accordingly.

Senator Beutler filed the following amendments to LB 329:  
AM1926

(Amendments to AM1912)

- 1 1. On page 33, line 17, strike the new matter.
- 2 2. On page 35, line 2, after "who" insert "owns or"; and
- 3 in line 4 after "acts" insert "or omissions".
- 4 3. On page 37, line 9, after "manual" insert "approved
- 5 by the department".
- 6 4. On page 43, line 5, strike "serious, repeated," and

7 insert "a serious violation or repeated".

8 5. On page 49, line 12, strike "unless", show as

9 stricken, and insert "if".

AM1981

(Amendments to AM1912)

1 1. On page 41, line 2, after "by" insert "any natural

2 resources district".

3 2. On page 48, line 25, strike the first "or" and show

4 as stricken; and in line 26 before the comma insert ", or to a rule

5 or regulation of a natural resources district limiting the use of

6 the pesticide".

AM1923

(Amendments to AM1912)

1 1. On page 46, strike beginning with "made" in line 25

2 through "is" in line 26; and in line 27 strike the comma.

AM1967

(Amendments to AM1912)

1 1. Strike section 25.

2 2. On page 1, line 5, strike "26" and insert "25".

3 3. On page 20, strike lines 14 through 16 and show the

4 old matter as stricken and renumber the remaining subdivisions

5 accordingly.

6 4. Renumber the remaining sections and correct internal

7 references accordingly.

AM1968

(Amendments to AM1961)

1 1. Insert the following new section:

2 "Sec. 13. Section 81-2,162.06, Reissue Revised Statutes

3 of Nebraska, is amended to read:

4 81-2,162.06. (1) There shall be paid to the director,

5 for all commercial fertilizers and soil conditioners distributed in

6 this state to the ultimate user, except custom-blended products, an

7 inspection fee at the rate fixed by the director but not exceeding

8 ~~ten~~ twenty cents per ton. The fee shall be paid by the person

9 distributing the product to the ultimate user.

10 (2) Payment of the inspection fee shall be evidenced by a

11 statement made with documents showing that fees corresponding to

12 the tonnage were received by the director.

13 (3) Every person who distributes commercial fertilizer or

14 soil conditioners to the ultimate user in this state shall file,

15 not later than the last day of January and July of each year, a

16 semiannual tonnage report on forms provided by the department

17 setting forth the number of net tons of commercial fertilizer and

18 soil conditioners distributed in this state during the preceding

19 six-month period, which report shall cover the periods from July 1

- 20 to December 31 and January 1 to June 30, and such other information  
 21 as the director shall deem necessary. All persons required to be  
 22 licensed pursuant to the Nebraska Commercial Fertilizer and Soil  
 23 Conditioner Act shall file such report regardless of whether any  
 1 inspection fee is due. Upon filing the report, such person shall  
 2 pay the inspection fee at the rate prescribed pursuant to  
 3 subsection (1) of this section. The minimum inspection fee  
 4 required pursuant to this section shall be five dollars, and no  
 5 inspection fee shall be paid more than once for any one product.  
 6 (4) If a person fails to report and pay the fee required  
 7 by subsection (3) of this section by January 31 and July 31, he or  
 8 she may be required by the department to pay a penalty of up to  
 9 twenty-five percent in addition to the fee due if paid during the  
 10 period of February 1 to February 28 or August 1 to August 31 for  
 11 the respective delinquency and an additional twenty-five percent  
 12 penalty thereafter. Failure to make an accurate statement of  
 13 tonnage or to pay the inspection fee or comply as provided in this  
 14 subsection shall constitute sufficient cause for the cancellation  
 15 of all product registrations, licenses, or both on file for such  
 16 person.  
 17 (5) No information furnished to the department under this  
 18 section shall be disclosed in such a way as to reveal the operation  
 19 of any person."  
 20 2. On page 14, line 7, strike "All", show as stricken,  
 21 and insert "Except as provided in this section, the".  
 22 3. On page 15, line 5, after the period insert "One-half  
 23 of the money received under section 81-2,162.06 shall be remitted  
 24 to the State Treasurer for credit to the Natural Resources Water  
 25 Quality Fund".  
 26 4. On page 16, line 6, before "and" insert  
 27 "81-2,162.06,".  
 1 5. Renumber the remaining sections and correct the  
 2 internal references accordingly.

## AM1970

(Amendments to AM1961)

- 1 1. On page 2, line 7, after the period insert "Matching  
 2 funds in excess of matching funds committed by the district in  
 3 fiscal year 1999-2000 for the Natural Resources Enhancement Fund by  
 4 the natural resources district shall be derived from additional  
 5 property taxes levied by the district for this purpose and not from  
 6 reallocations of existing programs or from funds expended for  
 7 current water quality programs".

## AM1969

(Amendments to AM1961)

- 1 1. On page 2, line 6, strike "fifty".

AM1971

(Amendments to AM1961)

- 1 1. On page 15, line 16, after the period insert "The
- 2 department shall not enter into the contract until documentation is
- 3 provided by the university that indicates at least three hundred
- 4 thousand dollars of federal or private funds are available to match
- 5 the state funding.".

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

**LEGISLATIVE BILL 305A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Schimek asked unanimous consent to have her name added as cointroducer to LR 123. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Anne Doering from Franklin; 8 students, sponsors, and teacher from Bluffs Middle School, Scottsbluff; 40 fourth grade students and teachers from Starr Elementary School, Grand Island; Bernard and Janice Hudson from Los Angeles, California; 17 fourth grade students and teacher from Chapman Public School; 35 fourth grade students and teachers from Fairview Elementary School; students, sponsors, teachers, and Senator Baker's wife, Pat, from Lakeside Central Elementary School, Stratton and Trenton; 80 fourth grade students and teachers from Grace Abbott Elementary School, Omaha; 80 fourth grade students and teachers from Pawnee Elementary School, Omaha; and 7 students and teacher from Trumbull Elementary School.

The Doctor of the Day was Dr. William Doering from Franklin.

**ADJOURNMENT**

At 2:03 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Monday, May 14, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTIETH DAY - MAY 14, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**EIGHTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 14, 2001

**PRAYER**

The prayer was offered by Reverend Robert Hedtke, St. Paul Lutheran Church, West Point, 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 McDonald and D. Pederson who were excused; and Senators Brown, Hartnett, Kristensen, Landis, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-ninth day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**Correctly Reengrossed**

The following bills were correctly reengrossed: LBs 692 and 692A.

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 598, 620, 659, 659A, 781, and 833.

**Enrollment and Review Change to LB 598**

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

ER9076

1. In the Thompson-Pedersen amendment, AM1956, on page 2, line 27, "and" has been inserted before "section".

2. On page 1, line 2, ", and section 43-3602, Revised Statutes Supplement, 2000" has been inserted after "Nebraska"; and in line 4 "to provide for an examination of juvenile evaluation practices and a report;" has been inserted after the semicolon and "section" has been struck and "sections" inserted.

### **Enrollment and Review Change to LB 620**

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

ER9075

1. In the Chambers amendment, AM1930, on page 1, line 22, "43" has been struck and "44" inserted.

2. In the Chambers amendment, AM1565, on page 1, lines 3 and 13, "section 1," has been inserted after "by".

3. In the E & R amendments, AM7106:

a. On page 2, line 5, "(a)" has been struck and "(1)" inserted; in line 8 "(b)" has been struck and "(2)" inserted; and in line 14 "(c)" has been struck and "(3)" inserted;

b. On page 20, line 12, "such" has been struck and "a" inserted; and

c. On page 23, line 9, the period has been struck and an underscored semicolon inserted.

4. On page 1, line 2, ", and section 49-801.01, Revised Statutes Supplement, 2000, as amended by section 1, Legislative Bill 122, Ninety-seventh Legislature, First Session, 2001" has been inserted before the semicolon.

5. Sections have been renumbered and internal references changed to reflect all incorporated amendments.

### **Enrollment and Review Change to LB 659**

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

ER9077

1. In lieu of the Bromm amendment, FA238, and the Chambers amendment, FA236:

a. In the Chambers amendment, AM1766:

i. Sections 13 to 17 have been renumbered as sections 14 to 18, respectively; and

ii. On page 5, line 22, "6" has been struck and "7" inserted; and

b. In the E & R amendments, AM7105:

i. The following new section has been inserted:

"Sec. 4. For purposes of the DNA Testing Act, exculpatory evidence means evidence which is favorable to the person in custody and material to the issue of the guilt of the person in custody."

ii. Sections 4 to 13 have been renumbered as sections 5 to 13 and 19, respectively;

iii. On page 1, line 3, "9" has been struck and "10" inserted;

iv. On page 4, line 21; page 5, line 2; and page 6, lines 13 and 19, "4" has been struck and "5" inserted;

v. On page 7, line 6, the first comma has been struck and shown as stricken; and

vi. On page 8, line 21, "7" has been struck and "8" inserted.

2. On page 1, the matter beginning with "procedure" in line 1 through line 2 and all amendments thereto have been struck and "procedure; to amend sections 29-2101 to 29-2103, 29-3922, 29-3929, and 29-3930, Reissue Revised Statutes of Nebraska, and sections 29-3921 and 29-3931, Revised Statutes Supplement, 2000; to adopt the DNA Testing Act; to change provisions relating to motions for new trial and the County Revenue Assistance Act; to harmonize provisions; and to repeal the original sections." inserted.

### **Enrollment and Review Change to LB 692 (Final Reading copy)**

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

ER9073

1. On page 6, line 5, "refuses" has been struck and "refuse" inserted.

2. On page 9, line 28, "in the fund" has been struck.

3. On page 23, the matter beginning with "in" in line 24 through "2002-03" in line 26 has been struck.

### **Enrollment and Review Change to LB 833**

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

ER9074

1. In the Aguilar amendments, AM1845:

a. On page 6, line 25, "(29)" has been struck and shown as stricken; and

b. On page 10, line 20, "and" has been struck and shown as stricken.

2. In the E & R amendments, AM7101, on page 1, line 3, "to change provisions relating to enrollment option program state aid under the Tax Equity and Educational Opportunities Support Act;" has been inserted after the first semicolon.

3. On page 1, line 1, ", 79-1001, 79-1003, 79-1009, 79-1018.01," has been inserted after "9-812".

(Signed) Philip Erdman, Chairperson

### **AMENDMENT - Print in Journal**

Senator Beutler filed the following amendment to LB 853:

AM1992

1 1. On page 2, line 9, after "Cass," insert "and" and

2 strike the last comma, show as stricken, and insert an underscored

3 semicolon; and strike line 10 and show the old matter as stricken.

4 2. On page 3, line 15, after "Johnson" insert "1,  
5 Nemaha".

## RESOLUTIONS

### **LEGISLATIVE RESOLUTION 156.** Introduced by Schimek, 27.

PURPOSE: LB 137, passed by the Legislature in 1999, provided that job application materials for positions with public bodies, other than those for finalists, may be withheld from public access. The reason for this exemption from sections 84-712 to 84-712.09 was to allow public bodies to create a large pool of qualified applicants for positions these bodies were attempting to fill. Since the passage of LB 137, questions have arisen as to the definition of finalist. The purpose of this study is to examine the original intent of LB 137 and to determine whether changes in the statutes are needed to balance the securing of the most qualified applicants for public positions and the public's interest in accessing information of applicants applying for these positions.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **LEGISLATIVE RESOLUTION 157.** Introduced by Coordsen, 32.

PURPOSE: To conduct an interim study to determine whether there should be a designated patients bill of rights and whether those rights should include the patient's ability to access relevant information with respect to a physician that may affect the patient's care. This study should determine whether the following information should be provided to a patient prior to care or surgery: (1) Whether the physician has been or is currently involved in litigation and the cause of action; (2) if the physician has been, or is going to be, sanctioned and for what reason; (3) whether there has been or will be a loss of hospital privileges; (4) whether there are any reprimands that could affect the patient's care; and (5) whether the physician has been cited or charged for drug abuse or driving while intoxicated.

This study shall determine whether a patient should be informed in nonemergency situations of any physician that will assist the primary doctor and provide consent prior to surgery in order that the patient have the opportunity to access the same information in respect to the assisting physicians or surgeons.

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



Present and not voting, 7:

Baker	Bourne	Brashear	Kruse	Pedersen, Dw.
Preister	Schimek			

Excused and not voting, 6:

Bruning	Hartnett	Kristensen	Maxwell	McDonald
Pederson, D.				

The Raikes amendment lost with 11 ayes, 25 nays, 7 present and not voting, and 6 excused and not voting.

Pending.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 158.** Introduced by Thompson, 14.

**PURPOSE:** The National Safe KIDS Campaign 2000 report made several recommendations to improve and enhance Nebraska's child passenger safety laws. This study shall examine the recommendations of the National Safe KIDS Campaign that include: Expressly requiring children ages 4 to 8 and weighing 40 to 80 pounds to use booster seats; increasing fines for violations of the child occupant protection law to more effectively deter noncompliance; and eliminating the "proof of child safety seat purchase waiver".

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 159.** Introduced by Thompson, 14.

**PURPOSE:** In 1972, the Legislature established the Nebraska Chronic Renal Disease Program, a program for the care and treatment of persons suffering from chronic renal diseases. The program was designed to assist persons who require life-saving care and treatment for such renal disease, but who are unable to pay for such services on a continuing basis. Within this program, a fund was established to be used for the payment of services, granting of financial assistance, and participation in other state and federal programs for the purpose of caring for persons suffering from chronic renal disease. The purpose of this study is to examine the current amount of

funding provided for the program, the utilization of this funding, and the adequacy of this funding.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 160.** Introduced by Hudkins, 21.

PURPOSE: To examine current Nebraska statutes relating to the Greenbelt Law.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 161.** Introduced by Hudkins, 21.

PURPOSE: To examine current Nebraska statutes relating to homestead exemptions.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 162.** Introduced by Hudkins, 21.

PURPOSE: To examine those sections of the current Rules of the Nebraska Unicameral Legislature relating to cloture motions.

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

1. That the Rules Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 163.** Introduced by Hudkins, 21.

**PURPOSE:** To examine current Nebraska statutes relating to the impact of municipal annexation upon school districts and their boundaries.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 164.** Introduced by Stuhr, 24; Dierks, 40.

**PURPOSE:** Organic farming and sustainable agriculture represent perhaps the fastest growing sectors of the agricultural market. Organic farming and sustainable agricultural methods have proven valuable in helping family farmers prosper, in strengthening rural communities, and in improving our environment. The purpose of this study is to help the Legislature compile information that would help its members better understand organic farming and sustainable agriculture in Nebraska and specifically to better understand:

(1) The extent to which organic farming and sustainable agriculture have become an important and growing part of Nebraska's economy;

(2) The economic benefits of organic farming and sustainable agriculture for farmers who use these practices and for the communities where organic farming and sustainable agriculture is practiced;

(3) The benefits for Nebraska consumers in providing additional access to organic and sustainably produced food grown in Nebraska;

(4) The potential environmental benefits to our land and to surface water and ground water that would result from a broader use of organic and sustainable farming methods; and

(5) The potential for new programs and changes in existing policies and programs to encourage more rapid adoption of organic and sustainable methods by Nebraska farmers, including an analysis of previously introduced legislation regarding organic farming.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report



of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 165.** Introduced by Stuhr, 24.

**PURPOSE:** The purpose of this study is to examine state policies relating to career and technical education programs in Nebraska. This shall include the following issues:

- (1) The funding for current and new career and technical education programs at both the middle school and high school levels;
- (2) Existing and alternative licenses for Career and Technical Education teachers and ways to address potential teacher shortages in this area; and
- (3) A statewide tracking system to provide followup information on Career and Technical Education graduates regarding postsecondary education and careers.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 166.** Introduced by Schrock, 38.

**PURPOSE:** This interim study is to examine existing statutes regarding both ground water and surface water, including the transferring of water rights and use.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 167.** Introduced by Schrock, 38.

**PURPOSE:** This interim study is to examine the need for a process or processes that include citizen input in identifying significant water problems, associated policy issues, and potential solutions.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE**

**NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 168.** Introduced by Schrock, 38.

**PURPOSE:** This interim study is to examine the timelines required for construction inspections and final inspections for livestock waste control facilities by the Department of Environmental Quality.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 169.** Introduced by Schrock, 38.

**PURPOSE:** This interim study is to examine whether to authorize natural resources districts to impose civil penalties for the enforcement of the Nebraska Ground Water Management and Protection Act and to recommend procedures for imposing such penalties.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 170.** Introduced by Schrock, 38.

**PURPOSE:** This interim study is to examine the benefits, if any, of establishing an advisory committee to assist the Governor in appointments to the Game and Parks Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE**

**NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 171.** Introduced by Schrock, 38.

**PURPOSE:** This interim study is to examine the current statutes relating to the regulation of drainage.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 172.** Introduced by Schrock, 38.

**PURPOSE:** This interim study is to examine the guidelines used by the Nebraska Natural Resources Commission and the Department of Natural Resources to determine eligibility of funding for projects using the Nebraska Resources Development Fund.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 173.** Introduced by Schrock, 38.

**PURPOSE:** This interim study is to examine whether the Department of Environmental Quality should be the lead state agency for the Pesticide Act since the act relates to the quality of water. The Department of Environmental Quality is the lead state agency for surface and ground water quality standards to protect water supplies; however, the Pesticide Act is

administered by the Department of Agriculture.

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

1. That the Natural Resources and Agriculture 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 174.** Introduced by Schrock, 38.

**PURPOSE:** This interim study is to examine whether there should be a state-funded program for natural resources districts and communities to address nitrate contamination in public water systems.

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

1. That The Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 175.** Introduced by Schrock, 38.

**PURPOSE:** This interim study is to determine the availability and cost of private insurance to meet financial responsibility requirements for commercial underground storage tank owners under the Petroleum Products and Hazardous Substances Storage and Handling Act.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 176.** Introduced by Schrock, 38.

**PURPOSE:** This interim study will examine the effects of the cooperative agreement on the Platte River basin and study the possibility of any new

consumptive use in the basin.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 177.** Introduced by Brashear, 4; Dw. Pedersen, 39.

**PURPOSE:** In recent years, the Legislature has considered the issue of creating a secure youth facility for juvenile treatment and care. LB 472, introduced in 1999, and LB 471, introduced in 2001, would have provided that the management and operation of the secure youth facility in Omaha be transferred from the Department of Correctional Services to the Office of Juvenile Services within the Department of Health and Human Services. LB 599, introduced in 2001, would have created the Hastings Secure Youth Treatment Facility by transferring the Hastings Correctional Center from the Department of Correctional Services to the Office of Juvenile Services. Such legislative efforts were undertaken to ensure that an appropriate juvenile facility exists to lessen overcrowding that exists at the youth rehabilitation and treatment centers and to better place juveniles needing treatment in a secure setting.

The purpose of this interim study is to develop a program statement and transition plan for transferring a correctional facility to the Office of Juvenile Services in order to create a "Level 5" secure youth treatment facility and to develop a potential future sex offender treatment program.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 178.** Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; Quandahl, 31; Smith, 48; Vrtiska, 1.

**PURPOSE:** The purpose of this study is to examine the use of employee's social security numbers by state agencies. LB 32, introduced by Senator Redfield in the Ninety-seventh Legislature, First Session (2000), would

require state agencies to treat any employee's social security number as confidential information. This study will investigate how social security numbers are currently being used by state agencies and how these agencies can increase the confidentiality of this information. This study shall work with all parties having an interest in LB 32, including the University of Nebraska and the Department of Administrative Services.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 179.** Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; Quandahl, 31; Smith, 48; Vrtiska, 1.

**PURPOSE:** The right to vote is a fundamental aspect of citizenship in the United States. Current statutes and regulations in Nebraska pose considerable hurdles to restoring a felon's right to vote. Felons often face a lengthy and confusing process to have their rights restored. The goal of this study is to examine ways to clarify and improve the process of restoring felons' right to vote, including: (1) Changes to state statutes; (2) improving communication between the felon and the entities involved such as the Department of Correctional Services and the office of Probation Administration; and (3) simplifying the process for restoration of felons' voting rights. The study will also examine whether the current process disproportionately disenfranchises minority populations in Nebraska.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 180.** Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; Quandahl, 31; Smith, 48; Vrtiska, 1.

**PURPOSE:** The purpose of this study is to examine the use of alternative board members on various boards and commissions, such as planning

commissions, zoning boards, judicial nominating commissions, and mental health boards. The study will investigate how alternate board members are currently being utilized on these boards and commissions and how that system could be improved. Any party interested in this issue shall be part of the study.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 181.** Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; Quandahl, 31; Smith, 48; Vrtiska, 1.

**PURPOSE:** To help ensure that any future military draft will be as fair and equitable as possible and to protect state residents from the possible severe consequences of noncompliance with the United States Selective Service System, it is important that all eligible persons are given reasonable notice of their responsibility to register with the selective service system. This study will examine the possible implications and benefits of including a consent form on the application or renewal of a driver's license for persons eligible to register with the selective service. The study shall work with any party interested in this issue including the Department of Motor Vehicles, the selective service system in Nebraska, and the Attorney General's office.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 182.** Introduced by Brashear, 4.

**PURPOSE:** Practitioners, professionals, administrators, and policymakers have acknowledged a necessity for a comprehensive and extensive review and analysis of the Nebraska Juvenile Code. Such a review shall identify specific issues to consider in detail and make recommendations for appropriate revisions and recodification of the Nebraska Juvenile Code to implement any such revisions or changes.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 183.** Introduced by Brashear, 4; Cudaback, 36.

**PURPOSE:** To conduct a comprehensive study and review of Nebraska's statutes on divorce, alimony, child support, and child custody. The review shall identify specific issues to consider in detail and propose appropriate statutory revisions or changes.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 184.** Introduced by Price, 26.

**PURPOSE:** Prior to 1990, all political subdivisions were subject to the same budgeted reserve limitations by the Nebraska Budget Act, specifically subdivision (1)(b) of section 13-504. That limitation is generally fifty percent.

The 1990 enactment of the Tax Equity and Educational Opportunities Support Act imposed more restrictive reserve limitations on all school districts. Depending on the enrollment in the district, the limit is as little as twenty percent. In addition, the annual growth in budgeted reserves is further limited to two percent of the general fund budget of expenditures.

The intent of the more restrictive school reserve limitation in the act appears to have been to prevent school districts from raising their reserves, thereby reducing the effectiveness of state aid's reduction in the reliance on property taxes. However, the budgeting landscape for school districts and all other political subdivisions which levy and collect property taxes changed dramatically with the 1996 enactment of LB 1114. LB 1114 placed statutory levy limits on all such subdivisions. However, it did not remove the pre-existing budget limitations.

The combination of levy limitations and budget limitations now in place for school districts have dramatically altered the landscape upon which the original reserve limitations were founded. First, the existence of the levy lid



takes away the original fear that school districts would spike their reserve collections from property taxes. Second, reserves play a crucial role in multi-year planning under levy limitations and under spending limitations. Gone are the days when an unanticipated change in circumstance, such as a drop in assessed valuation for which replacement state aid lags one year, could be addressed by adjusting the property tax request. Now, school districts must prepare multi-year plans, adapting to the annual changes in state aid and other resources available to them. The budgeted reserve is a valuable planning tool for those multi-year budget plans.

The purpose of this study is to examine the existing statutes limiting the budgeted reserves of school districts to determine whether these restrictions curtail efficient utilization of funds by school districts. The issues to be examined include, but are not limited to:

- (1) Whether the school district reserve limitations curtail the long-term budget planning of school districts;
- (2) The extent to which the school district reserve limitations are a detriment to the efficient utilization of funds by school districts; and
- (3) The degree to which the original circumstances resulting in the implementation of the reserve limitations in 1990 are still applicable in light of changes in state aid, spending limitations, and levy limitations.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### AMENDMENTS - Print in Journal

Senator Maxwell filed the following amendment to LB 305:  
(Amendment, AM1997, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Maxwell filed the following amendment to LB 305:  
AM1998

(Amendments to AM1997)

- 1 1. Insert the following new section:
- 2 "Sec. 10. Section 79-1029, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 79-1029. (1) A Class II, III, IV, V, or VI district may
- 5 exceed the basic allowable growth rate prescribed in section
- 6 79-1025 upon an affirmative vote of at least seventy-five percent
- 7 of the board. The Except as otherwise provided in this subsection,
- 8 the total growth shall not exceed the applicable allowable growth
- 9 percentage certified for the local system under section 79-1026
- 10 plus one percent. For Class II, III, IV, V, or VI districts which

11 (a) are budgeting for the applicable school fiscal year an increase  
 12 in salaries for first-year teachers of at least six percent and (b)  
 13 are part of a local system which has below average spending for  
 14 their cost grouping, based on the local system's adjusted general  
 15 fund operating expenditures divided by the local system's formula  
 16 students compared to the cost grouping aggregate adjusted general  
 17 fund operating expenditures divided by the cost grouping aggregate  
 18 formula students, the total growth shall not exceed the applicable  
 19 allowable growth percentage certified for the local system under  
 20 section 79-1026 plus three percent. The vote shall be taken at a  
 21 public meeting of the board following a special public hearing  
 22 called for the purpose of receiving testimony on such proposed  
 23 increase. The board shall give at least five calendar days' notice  
 1 of such public hearing and shall publish such notice at least once  
 2 in a newspaper of general circulation in the local system.  
 3 (2) A Class II, III, IV, V, or VI district may exceed the  
 4 applicable allowable growth percentage prescribed in section  
 5 79-1026 by an amount approved by a majority of legal voters voting  
 6 on the issue at a primary, general, or special election called for  
 7 such purpose upon the recommendation of the board or upon the  
 8 receipt by the county clerk or election commissioner of a petition  
 9 requesting an election signed by at least five percent of the legal  
 10 voters of the district. The recommendation of the board or the  
 11 petition of the legal voters shall include the amount and  
 12 percentage by which the board would increase its general fund  
 13 budget of expenditures for the ensuing school year over and above  
 14 the current year's general fund budget of expenditures. The county  
 15 clerk or election commissioner shall place the question on the  
 16 primary or general election ballot or call for a special election  
 17 on the issue after the receipt of such board recommendation or  
 18 legal voter petition. The election shall be held pursuant to the  
 19 Election Act or section 77-3444, and all costs for a special  
 20 election shall be paid by the district. A vote to exceed the  
 21 applicable allowable growth percentage may be approved on the same  
 22 question as a vote to exceed the levy limits provided in section  
 23 77-3444."  
 24 2. Amend the repealer, renumber the remaining sections,  
 25 and correct internal references accordingly.

## SELECT COMMITTEE REPORTS

### Enrollment and Review

#### Correctly Engrossed

The following bills were correctly engrossed: LBs 242 and 366.

#### Enrollment and Review Change to LB 242

The following changes, required to be reported for publication in the

Journal, have been made:  
ER9079

1. In the Schimek amendment, AM1659:
  - a. Section 2 has been renumbered as section 7;
  - b. Amendment 2 has been struck; and
  - c. On page 2, line 3, an underscored comma has been inserted after "trade"; and in line 13 "who is" has been struck, shown as stricken, and "who are" inserted.
2. In the Kristensen amendment, AM1640:
  - a. Sections 2, 3, 4, 5, 6, 8, 9, and 25 have been renumbered as sections 3, 4, 5, 6, 8, 10, 11, and 27, respectively; and
  - b. On page 9, line 26, "49-1480," has been inserted after the first comma.
3. In the Chambers amendment, AM1624, on page 1, line 4, the comma has been struck; and in line 6 the matter beginning with the second semicolon through the last quotation mark has been struck.
4. In the E & R amendments, AM7109:
  - a. On page 1, lines 5 and 6, "4, 5, 7, 8, 10, and 11" has been struck and "2, 13, 14, 16, 17, 19, and 20" inserted;
  - b. On page 9, line 18, "8" has been struck and "17" inserted;
  - c. On page 14, line 21; page 18, line 14; and page 19, line 7, "7" has been struck and "16" inserted; and
  - d. On page 18, line 15, "5" has been struck and "14" inserted.
5. On page 1, the matter beginning with "political" in line 1 through line 8 and all amendments thereto have been struck and "accountability and disclosure; to amend sections 49-1464, 49-1480, 49-1494, 49-1495, 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, and sections 49-1401, 49-1449, 49-1463.01, 49-1467, 49-1483, 49-1493, 79-544, and 79-818, Revised Statutes Supplement, 2000; to require disclosure of information relating to campaign expenditures; to provide, change, and eliminate filing requirements and conflict of interest provisions; to change lobbyist registration requirements; to provide and change penalty provisions; to change school board membership provisions as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-1446.05, Revised Statutes Supplement, 2000." inserted.

### Enrollment and Review Change to LB 366

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

ER9078

1. In the E & R amendments, AM7120, amendment 2 has been struck.

(Signed) Philip Erdman, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 536.** The first Raikes-Wickersham pending amendment, FA239, found on page 1907 and considered in this day's

Journal, was renewed.

Senator Chambers offered the following amendment to the Raikes-Wickersham pending amendment:

FA253

Amend FA239

Strike line 4 on page 1

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

### SENATOR CUDABACK PRESIDING

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers amendment lost with 2 ayes, 21 nays, 21 present and not voting, and 5 excused and not voting.

The first Raikes-Wickersham amendment, FA239, lost with 9 ayes, 21 nays, 14 present and not voting, and 5 excused and not voting.

The second Raikes-Wickersham amendment is as follows:

FA240

4 5. On page 9, line 16, after the period insert "The tax  
5 shall be suspended for any period of time when the Ethanol  
6 Production Incentive Cash Fund contains \$15,000,000, and shall be  
7 reinstated when the fund balance is less than \$7,000,000.".

8 6. On page 13, line 23, after the period insert "The tax  
9 shall be suspended for any period of time when the Ethanol  
10 Production Incentive Cash Fund contains \$15,000,000, and shall be  
11 reinstated when the fund balance is less than \$7,000,000.".

Senator Raikes asked unanimous consent to withdraw the second Raikes-Wickersham amendment, FA240.

Senator Chambers objected.

The second Raikes-Wickersham pending amendment, FA240, found in this day's Journal, was renewed.

Senators Brashear and Foley asked unanimous consent to be excused until they return. No objections. So ordered.

The second Raikes-Wickersham amendment lost with 11 ayes, 19 nays, 14 present and not voting, and 5 excused and not voting.

Senator Coordsen asked unanimous consent to replace his pending amendment, AM1949, found on page 1910, with a substitute amendment.

No objections. So ordered.

Senator Coordsen withdrew his pending amendment, AM1949, found on page 1910.

Senator Coordsen renewed his substitute pending amendment, AM1978, found on page 1934.

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

FA254

Amend AM1978

1. In lines 4 and 5, strike "at which time" and insert "and"; and in line 5, strike "Department of Agriculture" and insert "department" and after "shall" insert "immediately"

Pending.

**NOTICE OF COMMITTEE HEARING**  
**General Affairs**

May 22, 2001

8:30 AM

John Atherton - Nebraska Advisory Commission on Compulsive Gambling

(Signed) Ray Janssen, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 185.** Introduced by Bromm, 23.

**PURPOSE:** To study the financing options and opportunities for implementing the provisions of LB 446 (1999), the Nebraska Public Safety Wireless Communication System Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 186.** Introduced by Bromm, 23.

**PURPOSE:** To recodify statutes relating to telecommunications.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 187.** Introduced by Bromm, 23.

**PURPOSE:** The purpose of this study is to determine the powers of the Director of Administrative Services with regard to allowing employees of agencies with substantial relation to state business access to health insurance coverage via the state employees group health insurance program. The study should include an examination of such entities which are already covered by the state program and an examination of LB 826 from the 2001 Legislative Session.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 188.** Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Foley, 29; Hilgert, 7; Kruse, 13; Thompson, 14.

**PURPOSE:** This study will look at family practice residency programs funded by the state. The study information shall include, but not be limited to, the statutory provisions and intent of the programs, rules, regulations, and administrative guidelines used to administer the programs, information on the level of funding provided for residency programs, how the funding is distributed, who receives the benefits, and the areas where residents who benefited from state funding are practicing.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 189.** Introduced by Connealy, 16.

**PURPOSE:** Section 48-118 of the Nebraska statutes addresses the ability of injured workers to seek compensation for their injuries from negligent third parties. The section also addresses the rights of employers to recover from those proceeds amounts paid by employers to employees under the Nebraska Workers' Compensation Act. Over the years, amendments to the section, as well as development of case law, have rendered the section confusing. The purpose of this study is to examine section 48-118, especially with respect to allocation of attorney's fees and expenses, control of the third-party lawsuit, and co-employee liability for intentional acts and to clarify the various party's rights and responsibilities under the act.

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

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 190.** Introduced by Dw. Pedersen, 39.

**PURPOSE:** This resolution is to authorize an interim study for the purposes of planning and preparation for the studies of the correctional issues as described in LB 611 (2001). The interim study will be performed by a committee appointed by the Executive Board, and carried out by designated legislative staff and shall be completed by December 31, 2001. The interim study will result in a final report to be presented to the Executive Board prior to the Ninety-seventh Legislature, Second Session.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 191.** Introduced by Dw. Pedersen, 39; Schimek, 27.

**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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 192.** Introduced by Brashear, 4; Chambers, 11.

**PURPOSE:** In 1999 and 2000, the Legislature appropriated funding to commission a comprehensive examination of the proportionality and fairness in the application of the death penalty in Nebraska. The completion date of such study is August 1, 2001, at which time the Nebraska Commission on Law Enforcement and Criminal Justice shall issue a final report to the Legislature detailing its findings.

The purpose of this interim study is to consider the results of the death penalty study prior to the commencement of the 2002 legislative session.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 193.** Introduced by Dierks, 40.

**PURPOSE:** Consolidation and vertical integration in the agricultural sector is rapidly transforming the face of agricultural production. Several measures have been recommended or adopted at both the state and federal level in recent years to counteract the negative implications of agricultural consolidation and to protect the economic interests of agricultural producers and rural communities. These have included mandatory price reporting, measures governing marketing and production contract terms, country-of-origin labeling, bans of packer ownership of livestock, and other measures,



some of which have been enacted or are pending before the Legislature. The purpose of this study is to review measures that have been enacted in other states and to seek public input on these and other measures to address growing market power disparity between the production and processing sectors of the agribusiness industry.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 194.** Introduced by Dierks, 40.

PURPOSE: LB 588 heard before the Agriculture Committee during the 2001 legislative session of the Legislature would adopt the Rural Initiative Act to further engage the University of Nebraska in efforts to improve the economic and social vitality of rural Nebraska. The purpose of this study is to seek further input on the role of the University of Nebraska in addressing rural issues and the feasibility and desirability of programs and initiatives that meet rural development needs. It is the intent of this study to identify those programs or initiatives that would be of greatest value and how these will complement and strengthen the efforts of other agencies and programs involved in rural development issues. The study shall solicit the input of the Partnership for Rural Development for recommendations to carry out the purposes of LB 588.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 195.** Introduced by Dierks, 40.

PURPOSE: LB 803, advanced by the Agriculture Committee during the 2001 legislative session, would provide a mechanism for establishing a producer-funded program of research, promotion, and consumer education to benefit the pork industry upon the termination of the federal pork checkoff. Through a settlement agreement between Secretary of Agriculture Ann Veneman and producer organizations that had brought action in federal court to enjoin the United States Department of Agriculture from publishing a final rule to terminate collection of the federal pork checkoff, it is likely

that the federal pork promotion assessment will continue for the foreseeable future. Under the agreement, after June 2003, the United States Department of Agriculture will conduct a survey of producers to determine whether a referendum should be called on the question of whether to continue the federal program. The purpose of this resolution is to examine the feasibility and desirability of establishing a pork industry promotion program at the state level in the event that assessments under the federal Pork Promotion, Research, and Consumer Information Act of 1985 are terminated at some point in the future.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 196.** Introduced by Dierks, 40.

**PURPOSE:** The purpose of this resolution is to examine provisions of the Domesticated Cervine Animal Act, regulations of the Department of Agriculture implementing the provisions of the act, and other authorities of the Department of Agriculture for preventing the transmission of disease between and among domesticated and wild cervidae herds and between cervidae and other species. The study shall seek to involve sportmen, commercial cervidae producers, the Game and Parks Commission, the Bureau of Animal Industry of the Department of Agriculture, and other interested parties to examine disease issues and to recommend actions and authorities desirable to reduce the potential for the introduction or spread of cervidae diseases.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 197.** Introduced by Brashear, 4.

**PURPOSE:** Nebraska, like all jurisdictions, has rules in our civil procedure statutes for the filings of pleading in civil lawsuits. Pleadings are the formal allegations by the parties to a lawsuit of their respective claims and defenses, with the intended purpose being to provide notice of what is to be expected and proved at trial. In 1867, Nebraska adopted a system of code

pleading, based on the Field Code of Civil Procedure. In recent decades Nebraska has adopted a series of changes to its civil procedure statutes that have amended Nebraska's code pleading system to be more like a notice pleading system, similar in approach to the Federal Rules of Pleading. As such, Nebraska presently uses a hybridization of code and notice pleading.

The Nebraska Supreme Court's Committee on Practice and Procedure has considered many of the issues that would need to be addressed if notice pleading were adopted in Nebraska and has prepared a draft addressing a number of those issues.

The purpose of this interim study is to incorporate the work completed by the Committee on Practice and Procedure and to consider further revision of Nebraska's statutes regarding a standard of notice pleading. Additionally, if such changes are to be undertaken, this study shall determine the appropriate legislature means that should be employed to effect changes to Nebraska's statutes.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 198.** Introduced by Brashear, 4.

**PURPOSE:** In recent years, the Legislature has considered the issue of drivers using cellular telephones while driving. Among other bills relating to this topic, the Legislature has considered legislation that would have criminalized the use of a cellular telephone while driving and legislation that would have established a presumption of negligence in civil cases for the driver who is using a cellular phone at or near the time of an accident. During the public debate on the legislation, a concern was raised that automobile drivers face numerous potential distractions while driving and that cellular phone usage is, at best, merely one form of such distraction.

The purpose of this interim study is to consider the issue of driver safety in the context of the general problem that drivers may face from distractions, such as usage of a cellular phone or similar device, and to develop appropriate legislation to address such issue.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 199.** Introduced by Brashear, 4.

**PURPOSE:** In recent years, the Legislature has considered the issue of automobile drivers' failure to stop at red lights. For instance, LB 534, introduced in 2001, would provide for red light cameras to be used at intersections to enforce traffic signals. The purpose of this interim study is to examine the enforcement of traffic signals and the general issue of whether drivers conform to traffic signal laws. The study shall also consider the issue of drivers failing to yield at yellow lights. The study shall examine the current state of the law and develop appropriate legislative solutions.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 200.** Introduced by Vrtiska, 1.

**PURPOSE:** The purpose of this study is to examine the taxation of agricultural machinery and equipment in the State of Nebraska -- in particular, the history of legislation on agricultural machinery and equipment and the impact on Nebraska businesses who compete with other states that do not impose such taxes.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 201.** Introduced by Erdman, 47; Byars, 30.

**PURPOSE:** The purpose of this study is to determine whether Nebraska should change the age of majority from nineteen to eighteen years of age. Currently all six neighboring states and 44 of the 50 states use age eighteen as their age of majority. The committee should determine what different ages of majority exist in Nebraska statutes currently. The committee should review the financial and social ramifications of such a change with respect to laws administered by the Department of Health and Human Services, Department of Health and Human Services Regulation and Licensure, and Department of Health and Human Services Finance and Support; if such a

change would assist eighteen year olds who live alone to obtain medical and legal services and secure housing; and how homeless teenagers would be affected.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 202.** Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to examine health and human services issues, including, but not 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, and assertive community treatment; implementation of the federal Ticket to Work and Work Incentives Act; early childhood care and education, and child support enforcement; welfare reform and TANF funding; marriage and family, teenage pregnancy, placement and care of state wards, and 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, and availability of health care providers; public health development, state public health law, implementation of the Public Health Improvement Plan, and tobacco control and cessation; and 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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 203.** Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to oversee the distribution and use of funding appropriated under the Nebraska Health Care Funding Act in LB 692 (2001).

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 204.** Introduced by Jensen, 20.

**PURPOSE:** The purpose of this study is to examine issues raised by the introduction of LB 721 (2001) relating to the privacy of information contained on various medical registries established and maintained in the State of Nebraska.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 205.** Introduced by Jensen, 20.

**PURPOSE:** The purpose of this study is to examine the performance of personal care services for disabled persons who are competent to self-direct their care. Specifically, the study will examine the need for appropriate training, insurance, regulation, preemployment screening, and oversight of persons who perform such services.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 206.** Introduced by Jensen, 20.

**PURPOSE:** The purpose of this study is to examine the occurrence and effect of medical errors in the State of Nebraska. According to the Institute of Medicine, medical errors are the eighth leading cause of death

nationwide, estimated to cause between 44,000 and 98,000 deaths per year, and costing between \$17 billion and \$29 billion annually in hospitals alone.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 207.** Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to solicit public testimony relating to the formulation and implementation of the planning and evaluation study directed by the Health and Human Services Committee pursuant to LB 692 (2001).

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 208.** Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to examine the out-of-home placement of state wards in the State of Nebraska, including, but not limited to, the causes for the increasing number of state wards, the protection of state wards in out-of-home care, and necessary and appropriate changes in public policy affecting state wards.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 853.** Placed on Select File as amended.  
E & R amendment to LB 853:

AM7122

- 1 1. On page 1, line 4, strike "and"; and in line 5 after
- 2 "sections" insert "; and to declare an emergency".
- 3 2. On page 3, lines 9 and 10, strike "Iowa-Nebraska" and
- 4 insert "Nebraska-Iowa".

**LEGISLATIVE BILL 855.** Placed on Select File as amended.  
E & R amendment to LB 855:

AM7123

- 1 1. On page 1, line 6, strike "and"; and in line 7 after
- 2 "Nebraska" insert "; and to declare an emergency".
- 3 2. On page 3, line 17, strike both occurrences of
- 4 "Anderson" and insert "Andersen".
- 5 3. On page 4, lines 22 and 23, strike "Iowa-Nebraska"
- 6 and insert "Nebraska-Iowa".

**LEGISLATIVE BILL 856.** Placed on Select File as amended.  
E & R amendment to LB 856:

AM7125

- 1 1. On page 1, line 4, strike "and"; and in line 5 after
- 2 "sections" insert "; and to declare an emergency".
- 3 2. On page 6, lines 6 and 7, strike "Sorensen" and
- 4 insert "Sorenson"; and in lines 23 and 24 strike "Iowa-Nebraska"
- 5 and insert "Nebraska-Iowa".
- 6 3. On page 10, line 10, strike each occurrence of
- 7 "Sorensen" and insert "Sorenson"; and in line 27 strike each
- 8 occurrence of "Iowa-Nebraska" and insert "Nebraska-Iowa" and strike
- 9 "northeast" and insert "northwest".

**LEGISLATIVE BILL 854.** Placed on Select File as amended.  
E & R amendment to LB 854:

AM7124

- 1 1. On page 1, line 5, strike "and"; and in line 6 after
- 2 "sections" insert "; and to declare an emergency".
- 3 2. On page 4, line 7, strike "north-south".
- 4 3. On page 6, lines 1 and 2, strike "Sorensen" and
- 5 insert "Sorenson"; in lines 18 and 19 strike "Iowa-Nebraska" and
- 6 insert "Nebraska-Iowa".
- 7 4. On page 10, line 4, strike each occurrence of
- 8 "Sorensen" and insert "Sorenson"; in lines 21 and 22 strike
- 9 "Iowa-Nebraska" and insert "Nebraska-Iowa"; and in line 22 strike
- 10 "northeast" and insert "northwest".

(Signed) Philip Erdman, Chairperson



## AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB 536:  
AM1958

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 2-2304, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-2304. (1) The board shall be composed of seven members
- 5 who shall (a) be citizens of Nebraska, (b) be at least twenty-five
- 6 years of age, (c) have been actually engaged in growing wheat in
- 7 this state for a period of at least five years, and (d) derive a
- 8 substantial portion of their income from growing wheat. The
- 9 Director of Agriculture and the vice chancellor of the University
- 10 of Nebraska Institute of Agriculture and Natural Resources shall
- 11 serve as nonvoting, ~~ex officio~~ members of the board. With the
- 12 exception of the ~~ex officio~~ nonvoting members, the Governor shall
- 13 appoint the members to the board.
- 14 (2) The seven appointed members shall be appointed from
- 15 the following districts:
- 16 (a) District 1: The counties of Sioux, Scotts Bluff,
- 17 ~~Banner~~, Dawes, Box Butte, Morrill, Sheridan, and Garden;
- 18 (b) District 2: The counties of Kimball, Banner, and
- 19 Cheyenne;
- 20 (c) District 3: The counties of Perkins, Deuel, Keith,
- 21 Arthur, McPherson, Logan, Grant, Hooker, Thomas, and Cherry;
- 22 (d) District 4: The counties of Lincoln, Chase, Dundy,
- 23 Hayes, Hitchcock, and Frontier;
- 24 (e) District 5: The counties of Buffalo, Dawson, Phelps,
- 1 Custer, Gosper, Kearney, Red Willow, Furnas, Harlan, and Franklin;
- 2 (f) District 6: The counties of Adams, Webster,
- 3 Nuckolls, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, ~~and~~
- 4 Richardson, ~~and~~
- 5 ~~(g) District 7: The counties of Otoe, Cass, Lancaster,~~
- 6 Seward, York, Hamilton, Hall, Sherman, Howard, Merrick, Nance,
- 7 Polk, Butler, Saunders, Sarpy, Douglas, Washington, Dodge, Colfax,
- 8 Platte, Burt, Cuming, Stanton, Madison, Boone, Valley, Greeley,
- 9 Antelope, Pierce, Wayne, Thurston, Dakota, Dixon, Cedar, Knox,
- 10 Wheeler, Garfield, Loup, Blaine, Brown, Rock, Holt, Boyd, Keya
- 11 Paha, Clay, Fillmore, and Saline; and
- 12 (g) District 7: The at-large district.
- 13 Sec. 2. Section 2-2305, Reissue Revised Statutes of
- 14 Nebraska, is amended to read:
- 15 2-2305. ~~Within sixty days after July 1, 1991, the~~
- 16 ~~Governor shall appoint the member of the board from district 4 to~~
- 17 ~~serve for a term of five years. The term of the member serving~~
- 18 ~~from district 1 prior to April 11, 1991, shall expire on June 30,~~
- 19 ~~1994. The term of the member serving from district 4 prior to~~
- 20 ~~April 11, 1991, shall expire on June 30, 1995, and such member~~
- 21 ~~shall represent district 5 after April 11, 1991. The term of the~~

22 ~~member serving from district 5 prior to April 11, 1991, shall~~  
 23 ~~expire on June 30, 1995, and such member shall represent district 7~~  
 24 ~~after April 11, 1991. The term of the member serving from district~~  
 25 ~~6 prior to April 11, 1991, shall expire on June 30, 1991. The term~~  
 26 ~~of the member serving from district 7 shall expire on June 30,~~  
 27 ~~1994, and such member shall represent district 6 after April 11,~~  
 1 ~~1991. The term of the member serving from district 3 prior to~~  
 2 ~~April 11, 1991, shall expire on June 30, 1992. The term of the~~  
 3 ~~member serving from district 2 prior to April 11, 1991, shall~~  
 4 ~~expire on June 30, 1993. The term of the member serving for former~~  
 5 ~~district 1 shall expire on June 30, 2004. The term of the member~~  
 6 ~~-serving for former district 2 shall expire on June 30, 2003. The~~  
 7 ~~term of the member serving for former district 3 shall expire on~~  
 8 ~~June 30, 2002. The term of the member serving for former district~~  
 9 ~~4 shall expire on June 30, 2001. The term of the member serving~~  
 10 ~~for former district 5 shall expire on June 30, 2005. The member~~  
 11 ~~-serving for former district 6 will assume the role of serving for~~  
 12 ~~new district 6 and his or her term shall expire on June 30, 2004.~~  
 13 ~~The member serving for former district 7 will assume the role of~~  
 14 ~~14 serving for new district 7 and his or her term shall expire on June~~  
 15 ~~30, 2005. As the terms of office of the appointees expire, members~~  
 16 ~~16 serving on the effective date of this act expire as provided in~~  
 17 ~~17 this section, their successors shall be appointed to serve for~~  
 18 ~~terms of five years and until their successors are appointed and~~  
 19 ~~qualified. Terms of office shall commence on July 1. A member~~  
 20 ~~appointed to fill a vacancy, occurring before the expiration of the~~  
 21 ~~term of a member separated from the board for any cause, shall be~~  
 22 ~~appointed for the remainder of the term of the member whose office~~  
 23 ~~has been so vacated in the same manner as his or her predecessor.".~~  
 24 2. Renumber the remaining sections, correct the internal  
 25 references, and correct the repealer accordingly.

Senators Wehrbein, Schrock, Bromm, Robak, and Aguilar filed the following amendment to LB 536:

AM1989

(Amendments to E & R amendments, AM7118)

- 1 1. Strike section 8.
- 2 2. On page 1, lines 5 and 6, strike "sections 7 and 8"
- 3 and insert "section 7".
- 4 3. On page 3, line 13, strike "twenty" and insert
- 5 "eighteen".
- 6 4. On page 6, line 27, strike the new matter.
- 7 5. On page 9, line 14, strike "2008" and insert "2003";
- 8 and in line 16 after the period insert "For any sale or delivery of
- 9 corn or grain sorghum occurring on or after October 1, 2003, and
- 10 before October 1, 2009, the tax is four-tenths cent per bushel for
- 11 corn and four-tenths cent per hundredweight for grain sorghum.".
- 12 6. On page 12, strike the new matter in lines 19 through
- 13 21 and insert ";

- 14 (d) For each of fiscal years 2001-02 and 2002-03,  
 15 \$2,500,000; and  
 16 (e) For each of fiscal years 2003-04 through 2008-09,  
 17 \$2,400,000".  
 18 7. Renumber the remaining section accordingly.

### VISITORS

Visitors to the Chamber were 13 students and sponsors from St. Pauls Lutheran School, West Point; 4 high school students and teacher from New Horizon Christian School, Auburn; 45 sixth grade students and teachers from Edison Elementary School, Omaha; and 41 fourth through sixth grade students and teachers from Giltner Public School.

### RECESS

At 12:00 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., Speaker Kristensen presiding.

### ROLL CALL

The roll was called and all members were present except Senators McDonald and D. Pederson who were excused; and Senator Landis who was excused until he arrives.

### AMENDMENT - Print in Journal

Senator Raikes filed the following amendment to LB 305:  
 AM1575

(Amendments to Standing Committee amendments, AM1406)

- 1 1. On page 4, lines 25 through 27, strike the new matter
- 2 and reinstate the stricken matter; and in line 26 strike the
- 3 reinstated "(21)", show as stricken, and insert "(22)".
- 4 2. On page 5, lines 1 and 2, strike the new matter and
- 5 reinstate the stricken matter.
- 6 3. On page 17, line 21, after "dividing" insert "the
- 7 difference of"; in line 22 strike the new matter and reinstate the
- 8 stricken matter and after "for" insert "all local systems in"; in
- 9 line 23 after "grouping" insert "minus the total teacher salary
- 10 enhancement allowances for all local systems in the cost grouping".
- 11 4. On page 18, line 7, reinstate the stricken matter;
- 12 and in line 11 after "total" insert "adjusted".
- 13 5. On page 38, line 7, strike "ten" and insert "twenty";
- 14 strike beginning with "nine" in line 10 through the second "Fund"
- 15 in line 11 and insert "one million dollars from the General Fund to

16 the Cash Reserve Fund"; in line 13 strike "thirteen" and insert 17 "three"; and strike lines 15 through 17.

### GENERAL FILE

**LEGISLATIVE BILL 852.** Title read. Considered.

The Special Committee amendment, AM1875, found on page 1916, was adopted with 30 ayes, 5 nays, 11 present and not voting, and 3 excused and not voting.

Senator Coordsen withdrew his pending amendment, AM1677, printed separately and referred to on page 1801.

Senator Burling renewed his pending amendment, AM1955, found on page 1934.

### PRESIDENT MAURSTAD PRESIDING

Senator Thompson asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Smith requested a record vote on the Burling amendment.

Voting in the affirmative, 9:

Burling	Cunningham	Dierks	Engel	Erdman
Jones	Kremer	Smith	Tyson	

Voting in the negative, 30:

Aguilar	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Foley	Hartnett	Hilgert
Jensen	Kristensen	Maxwell	Pedersen, Dw.	Preister
Price	Raikes	Redfield	Robak	Schimek
Schrock	Suttle	Vrtiska	Wehrbein	Wickersham

Present and not voting, 6:

Baker	Hudkins	Janssen	Kruse	Quandahl
Stuhr				

Excused and not voting, 4:

Landis	McDonald	Pederson, D.	Thompson
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The Burling amendment lost with 9 ayes, 30 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 37 ayes, 3 nays, 6 present and not voting, and 3 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB 852:  
AM2013

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. (1) The Legislature adopts the legislative
- 4 districts identified in the map entitled Erdman Legislative
- 5 Proposal--AM2013. Such map shall be kept on file in the office of
- 6 the Clerk of the Legislature.
- 7 (2) The legislative districts have been drawn pursuant to
- 8 information taken from the 2000 TIGER/Line files published by the
- 9 United States Department of Commerce, Bureau of the Census."

Senator Wehrbein filed the following amendment to LB 536:  
AM2015

(Amendments to AM1978)

- 1 1. Insert the following new amendments:
- 2 "1. Strike section 8.
- 3 2. On page 1, lines 5 and 6, strike 'sections 7 and 8'
- 4 and insert 'section 7'.
- 5 3. On page 3, line 13, strike 'twenty' and insert
- 6 'eighteen'.
- 7 4. On page 6, line 27, strike the new matter.
- 8 6. On page 9, line 14, strike '2008' and insert '2003';
- 9 and in line 16 after the period insert 'For any sale or delivery of
- 10 corn or grain sorghum occurring on or after October 1, 2003, and
- 11 before October 1, 2009, the tax is four-tenths cent per bushel for
- 12 corn and four-tenths cent per hundredweight for grain sorghum.'.
- 13 7. On page 12, strike the new matter in lines 19 through
- 14 21 and insert ';
- 15 (d) For each of fiscal years 2001-02 and 2002-03,
- 16 \$2,500,000; and
- 17 (e) For each of fiscal years 2003-04 through 2008-09,
- 18 \$2,400,000'.
- 19 8. Renumber the remaining amendment accordingly."

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 209.** Introduced by Education Committee: Raikes, 25, Chairperson; Coordsen, 32; Maxwell, 9; Price, 26; Stuhr, 24; Suttle, 10; Wickersham, 49.

**PURPOSE:** The state supports three need-based grant programs, the State Scholarship Award Program, the Scholarship Assistance Program, and the Postsecondary Education Award Program. Funds from these programs are

allocated to postsecondary educational institutions located in Nebraska for the purpose of providing assistance with college expenses to students with substantial financial need. The purpose of this study is to examine the allocation and distribution of the three need-based grant programs, including:

- (1) A review of legislative intent for the programs;
- (2) An evaluation of the adequacy of the programs in meeting unmet student need;
- (3) Consideration of methods and formulae used for distribution and allocation of aid in other states; and
- (4) Review of other relevant information and analysis.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 210.** Introduced by Education Committee: Raikes, 25, Chairperson; Coordsen, 32; Maxwell, 9; Price, 26; Stuhr, 24; Suttle, 10; Wickersham, 49.

PURPOSE: To study the determination of formula needs pursuant to the Tax Equity and Educational Opportunities Support Act.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 211.** Introduced by Education Committee: Raikes, 25, Chairperson; Coordsen, 32; Maxwell, 9; Price, 26; Stuhr, 24; Suttle, 10; Wickersham, 49.

PURPOSE: To study issues related to the reorganization of school districts.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 212.** Introduced by Education Committee: Raikes, 25, Chairperson; Coordsen, 32; Maxwell, 9; Price, 26; Stuhr, 24; Suttle, 10; Wickersham, 49.

**PURPOSE:** To study issues related to the education of students in extreme poverty.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 213.** Introduced by Education Committee: Raikes, 25, Chairperson; Coordsen, 32; Maxwell, 9; Price, 26; Stuhr, 24; Suttle, 10; Wickersham, 49.

**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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 214.** Introduced by McDonald, 41.

**PURPOSE:** This study is to examine Nebraska's absentee ballot procedures. The study may include, but shall not be limited to:

- (1) Whether the increase in absentee ballot usage by the public affects the counting and reporting of ballot results;
- (2) Whether the current request forms, return deadlines, and security procedures are adequate to protect confidentiality in light of the increased number of absentee ballots cast;
- (3) What purpose is served by the grace period for returning absentee ballots after the polls have closed;
- (4) Whether the absentee ballot counting board is the best methodology for counting absentee ballots now that the number of ballots has increased significantly; and

(5) Whether the current methodology for counting absentee ballots serves the best interests of Nebraska voters.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 215.** Introduced by McDonald, 41.

PURPOSE: This study is to examine issues of eligibility for political office for employees of political subdivisions as raised by the Nebraska Supreme Court in *State ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W. 2d 403 (1991). The study should cover employees of all political subdivisions of the state.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 216.** Introduced by Coordsen, 32.

PURPOSE: According to the Benefit Review Study of the Nebraska Retirement Systems prepared in August 2000 by Buck Consultants, the current state employee retirement plan lacks competitiveness and fails to satisfy the Nebraska Retirement Systems Committee's standards for benefit adequacy. The benefit review study recommended the system be improved by increasing the plan contribution rates, adding a defined benefit element, and adding a Guaranteed Income Option for retiring employees. LB 801 was introduced to provide supplemental retirement benefits to certain state employees and meets the recommendations of the Benefit Review Study of the Nebraska Retirement Systems.

Legislation similar to LB 801 has been introduced since 1995, with no action being taken. This year an actuarial study was conducted which provides information that should be utilized while it is current. In addition, the recent study of the Legislature's Compensation Plan by the National Conference of State Legislatures identified turnover of legislative staff as a critical issue.



This study shall continue the review of the supplemental retirement benefit provided in LB 801 and the proposed amendments. This study shall also examine implementation issues, including the feasibility of setting up the plan within the Legislative Council pursuant to state statute and internal policies.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 217.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27.

**PURPOSE:** To study the collective bargaining process for all public employees of the State of Nebraska. The study shall include, but not be limited to, an investigation into the following:

(1) The process used for impasse resolution by the various bargaining groups in the state;

(2) The utilization of the special master by various bargaining groups; and

(3) The cost associated with utilizing a special master and the Commission of Industrial Relations.

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

1. That the Business and Labor Committee and the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall conduct public hearings.

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 218.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27.

**PURPOSE:** To study Nebraska's veterans homes. The study shall include, but not be limited to, the following:

(1) Whether the administrative structure of the veterans homes allows satisfactory delivery of services to residents;

(2) The issues and policies regarding state employee staff, including matters of recruitment, pay, working conditions, and morale;

- (3) The proper level of funding for the veterans homes operations;
- (4) The use of pooled labor in the veterans homes and whether the use of such contracted employees is cost efficient for the state and how it effects direct care;
- (5) The salaries paid to direct care staff, and whether such wages are competitive with wages paid in the private sector in an effort to improve retention rates; and
- (6) The turnover rate of direct care staff and all the reasons surrounding the turnover rate. The study shall include whether the turnover rate has reduced since the July 1 enactment of the wage shift differentials and the elimination of the Tech 1 positions, as well as other administrative efforts.

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

1. That a committee comprised of members from the Appropriations Committee, the Business and Labor Committee, the Government, Military and Veterans Affairs Committee, and the Health and Human Services Committee shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 219.** Introduced by Preister, 5.

**PURPOSE:** The purpose of the study is to examine the recycling of hazardous wastes into fertilizers. This practice introduces dozens of toxic metals and chemicals into farms, lawns, and garden soils--including toxic substances such as lead and mercury. Many crops extract these toxic metals from the soil causing these toxins to enter the food supply and put people's health at risk. Current fertilizer labeling laws do not require listing toxic metals that are not essential to plant and crop growth. The study shall include, but not be limited to, an investigation into the following:

(1) An examination of whether or not fertilizers sold and used in Nebraska contain hazardous wastes;

(2) An examination of the costs and benefits of banning the use of hazardous waste for manufacturing fertilizers;

(3) An analysis of whether or not expanded right-to-know provisions should be enacted for all hazardous wastes contained in fertilizer;

(4) An examination of whether or not hazardous wastes contained in fertilizers should no longer be exempt from treatment, storage, and disposal tracking requirements; and

(5) A review of federal law and other states' statutes regarding hazardous wastes in fertilizers.

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

1. That the Agriculture, Natural Resources, and Health and Human Services 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 conduct public hearings to provide for public comment.

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 220.** Introduced by Nebraska Retirement Systems Committee: Bruning, 3, Chairperson; Bourne, 8; Erdman, 47; Stuhr, 24; Wehrbein, 2; Wickersham, 49.

**PURPOSE:** The purpose of this resolution is to study the state and county retirement plans. It is the intent of the Nebraska Retirement Systems Committee of the Legislature to analyze the provisions of Legislative Bills 687, 379, and 801 (2001) as they pertain to a change in the current benefits received by state employees. More specifically, the committee shall work with actuaries and the appropriate agencies to determine whether a defined benefit element can be introduced into the state plan and shall determine the fiscal impact of such change in the benefit. The study shall include an analysis of the alternatives available to the committee for addressing the inequities in the retirement benefit that plan members will receive due to their inability to participate in the retirement systems early in their careers with the state. The study shall further determine if there is a fiscally sound means to provide a supplemental insurance benefit to retired plan members that meets their needs, including prescription drug coverage, during their years of retirement prior to qualifying for medicare coverage.

Because the state and county retirement plans are both defined contribution plans and offer similar benefits to the plan members, and based upon the General Principles of Sound Retirement Planning, the study shall determine the feasibility of providing enhanced benefits not only to state employees but to county employees as well.

Should the study reveal that it is possible to do so, the appropriate amendments shall be prepared for introduction during the subsequent legislative session.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall consist of representatives from the Legislative Fiscal Office and the Nebraska Public Employees Retirement Systems and the actuary and members of the Nebraska Retirement Systems Committee of the Legislature.

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 221.** Introduced by Bruning, 3.

**PURPOSE:** The purpose of this resolution is to review the provisions of LB 686 (2001). This legislation proposed that several changes be made to the actuarial funding methods used by the Public Employees Retirement Board in the valuation of the School Retirement System of the State of Nebraska, the Nebraska State Patrol Retirement System, and the Nebraska Judges Retirement System, and that the Nebraska Public Employees Retirement Systems merge several separate funds and accounts in the School Retirement System. In general, it is the purpose of this interim study to determine whether such changes are feasible. More specifically, the study shall include a review as to whether or not various accounts in the school plan may be collapsed into one fund, including the accounts that are used to hold employer contributions, employee contributions, state contributions, and the account from which member retirement benefits are paid, and an analysis regarding a change in the actuarial valuation method in the three retirement plans, with future valuations being made using the "Entry Age Actuarial Cost Method".

Should the study reveal that it is possible to make the recommended changes, the appropriate amendments will be prepared for introduction during the subsequent legislative session.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall consist of representatives from the Legislative Fiscal Office, the Nebraska Public Employees Retirement Systems, and the members of the Nebraska Retirement Systems Committee and the committee's actuary.
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 222.** Introduced by Bruning, 3.

**PURPOSE:** The purpose of this resolution is to review the provisions of LB 407 (2001). LB 407 proposes to make several administrative changes to the Retirement System for Nebraska Counties, the School Retirement System of the State of Nebraska, and the State Employees Retirement System of the State of Nebraska, administered by the Public Employees Retirement Board. More specifically, the following proposals will be examined:

- (1) Whether the membership provisions in the state, county, and school plans should be modified to include both active and inactive members;
- (2) Whether the standards for beginning and continuing participation in the state and county plans should be added, including clarifications on beginning contributions and continuing contributions without a break for purposes of termination;

(3) A review of the process of determining who should be contributing each year to the school plan and modifying it so that it is clearer who should be making contributions to the retirement plan each year;

(4) Whether the granting of service credit in the school plan should be modified from an annual to a monthly basis, even though service is still recorded on an annual basis in the school plan; and

(5) Whether the status of substitute school employees should be clarified in order to distinguish them from permanent employees who fill in for other absent regular school employees.

Should the study reveal that it is possible to make the recommended changes, the appropriate amendments will be prepared for introduction during the subsequent legislative session.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall consist of representatives from the Legislative Fiscal Office, the Nebraska Public Employees Retirement Systems, and the members of the Nebraska Retirement Systems Committee and the committee's actuary.

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 223.** Introduced by Bourne, 8.

**PURPOSE:** As the State of Nebraska has a compelling interest in promoting public safety, this study shall examine the quality of life for railroad employees and how current working conditions and environment affect those employees. Although the nation's railroad company employees are covered by rules and regulations of the Federal Railroad Administration (FRA), which establishes an hourly maximum work period, it fails to guarantee a cumulative weekly maximum that governs employees' working hours.

The FRA has sought authority in Congress to issue regulations specifically relating to fatigue under the hours of service; however, Congress has not deemed it appropriate to do so, thereby giving the states authority to promulgate and adopt any rule, regulation, or order that is not covered by federal law, rule, or regulation.

The interim study shall include:

(1) A review of current state and federal regulations and statutes to identify any barriers and recommend changes to provide, facilitate, and equalize railroad employee opportunities across the State of Nebraska;

An examination of the following issues, including:

(a) The implications of railroad companies requiring employees who operate a train or locomotive to be on duty or available for duty unless at least 72 consecutive hours have passed or to be on duty or available for duty

for any portion of each of the previous seven consecutive days;

(b) Mandatory versus voluntary staffing options;

(c) Any issue relating to employee safety and the provisions of law or company policies under which railroad employees operate; and

(d) Any additional issues deemed pertinent to the complete review and analysis of railroad safety;

(3) Public hearings in Omaha, Lincoln, North Platte, and Alliance to provide for public comment and discussion, while allowing interested parties to participate in the legislative process; and

(4) Upon conclusion of this study and following all public hearings, a written report issued by the committee to the members of the Legislature by October 1, 2001. The report shall contain all findings, including all comments, suggestions, and recommendations submitted at the public hearings across the state. The report shall also include draft language deemed appropriate for pending legislation in the 2002 Legislative Session in order to provide all interested parties sufficient time to review and analyze the forthcoming proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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, as set forth in this resolution.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 224.** Introduced by Bromm, 23.

PURPOSE: Currently the Game and Parks Commission has seven members. The purpose of this study is to examine the possibility of increasing the Game and Parks Commission to eight members.

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

1. That 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 225.** Introduced by Hartnett, 45.

PURPOSE: A continuing matter of statewide controversy and debate is the lack of representation on municipal decisionmaking bodies by the citizens who reside in areas subject to municipal control and regulation which are

located outside of the boundaries of the municipalities. Under Nebraska law, cities and villages exercise jurisdiction for a number of purposes over areas outside of their boundaries. In addition to planning and zoning regulations, subdivision regulations, and building codes, these individuals are also subject to some police power regulations, including nuisance laws. The citizens who live in that area often pay higher fees or taxes as the result of the municipal action on the construction, improvement, or expansion of some utility facilities, but they lack any representation on the governing body of the municipality or any real influence over the course of debate or the final decision on these matters of vital importance to them.

Municipal decisions involving expansions of facilities that provide water, sewer, gas, or solid waste disposal services can have a significant influence on the cost and quality of life of the residents both inside and outside city limits, but the nonresidents have little or no voice in the process and often find themselves paying higher fees for the same service than do residents.

The purpose of this study will be to investigate the full range of powers granted to municipalities (both cities and villages) which involve jurisdiction over residents in areas outside of municipal boundaries, determine how widespread is the exercise of these powers and the extent of their reach, and determine if these powers are necessary or appropriate and how best to provide for more involvement in the exercise of these powers by the people residing in these areas.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 226.** Introduced by Hartnett, 45.

**PURPOSE:** In past years, the Urban Affairs Committee has reviewed several pieces of legislation which have sought to use neighborhood or homeowner associations as basic mechanisms for providing citizen input to governing bodies of political subdivisions, for funneling basic information back to their members, as potential recipients of governmental assistance, and as organizing bodies for local improvement efforts.

In the 2001 legislative session, the committee considered LB 323 and LB 742, both of which sought to provide express legal standing for neighborhood associations to engage in community improvement activities funded through the receipt of state grants or through the collection of local fees or taxes.

The purpose of this study will be to investigate neighborhood associations and homeowner associations, to determine how widespread their usage is, what areas of the state they exist in, what forms they generally take, how

they are constituted, what missions and roles they generally serve for their members and communities, and what function they could serve in mediating between citizens and their governmental bodies.

Additionally, the committee would continue to study the issues raised by LB 323 and LB 742 and would endeavor to determine if either or both could be implemented, with appropriate amendments, to accomplish their stated goals in a manner consistent with good public policy.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 227.** 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 the building or construction of structures. Under state law, cities and villages that adopt building codes are required to adopt the Uniform Building Code although they 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 the existing building codes. LB 811 was introduced by the Urban Affairs Committee in the 2000 legislative session to amend the state building code to reflect these developments. Resulting comment and testimony from local building officials and other interested parties have revealed the need for further review of the proposed changes and investigation of the potential consequences of adoption of some of the specialized codes which are a part of the family of codes involved. This study would address these issues and determine whether and in what fashion the state building code should be amended, whether cities and villages should adopt some or all of the 2000 International Codes as their building codes, what other options are available to cities and villages, and what state laws need to be amended to accommodate any changes.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.



Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 228.** 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 (as proposed in LR 20CA, heard by the committee in the 2001 legislative session).

While this list is not comprehensive, it summarizes some of the key issues in local municipal government operation, issues 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 one or more representative working groups of such officials to advance the purposes of this study.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 229.** Introduced by Hartnett, 45.

**PURPOSE:** This study will provide the opportunity for the Urban Affairs Committee to investigate and review matters and issues arising during the interim which and within its jurisdiction and which may be the subject of bills to be introduced in the 2002 legislative session. This would provide the opportunity for a careful review of proposed legislation and the drafting of such legislation before time constraints and the pace of legislative activity makes studied review more problematic. This process has also served to facilitate review of bills during the session and has helped the committee avoid the need for committee amendments which slow down the consideration of bills by the full legislature.

The study will involve:

(1) A review of legislation considered by the Urban Affairs Committee during the 2001 legislative session which was either indefinitely postponed or held by the committee to determine what other further action by the committee might be warranted with regard to the particular subjects of the individual bills;

(2) A review of problems, concerns, or legislation proposed for introduction by senators or other parties for study, technical discussion, or conceptual refinement before the start of the 2002 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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 230.** Introduced by Hartnett, 45.

**PURPOSE:** During the 1999 and 2001 legislative sessions, the Urban Affairs Committee considered the Limited Purpose Sanitary and Improvement District Act, a bill to authorize the creation of special purpose sanitary and improvement districts that would continue to exist within the boundaries of an annexing municipality following annexation for the purpose of maintaining nondedicated streets and roadways that were not constructed in accordance with municipal standards and other "green areas" and "outlots" that the municipality does not intend to maintain.

The legislation dealt broadly with the issue of municipal annexation and the financial responsibilities that a municipality must assume for development that occurred prior to that date. The legislation also raised the larger policy question of the appropriate mechanism for financing that development at the time of development in the light of the future assumption of financial responsibility for that development following annexation.

The purpose of this study will be to focus more closely upon the policy issues and practical problems raised by the Limited Purpose Sanitary and Improvement District Act, identify the amendments necessary to properly enact the legislation, and investigate other possible mechanisms for financing new development beyond municipal boundaries. Among the mechanisms to be investigated will be the use of impact fees and other similar strategies that the committee may find from reviewing such activities in other states. The study shall also review current annexation statutes to determine if changes should be made in the light of the issues raised by this

study.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 231.** Introduced by Hartnett, 45.

PURPOSE: Nebraska currently is one of only three states in the nation that offers no tax incentive to promote the preservation of historic properties, 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.

To remedy that situation, LR 14CA was introduced in the 2001 Legislative Session to provide the constitutional authorization for the Legislature to craft a statutory program to provide an exemption from property taxes for the portion of the value of a qualifying property which is attributable to improvements designed primarily to renovate, rehabilitate, or preserve the property. A qualifying property would have to be one of historical significance.

Lingering questions about the cost, efficacy, and potential parameters of such a program require additional study before the Revenue Committee takes final action on such an amendment.

This study would compile additional information on similar programs and strategies adopted in other states for providing economic and tax incentives, review the experience of those states in terms of program cost and effectiveness, and craft potential enabling legislation for such a program in Nebraska if the proposed constitutional amendment proposal was adopted. Efforts will also be undertaken to determine what sorts of property should be included in such program, the extent to which historical districts should qualify, and the interest of property owners and local communities in supporting and participating in such a program.

The study will be conducted in cooperation with the Nebraska State Historical Society.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 232.** Introduced by Hartnett, 45.

**PURPOSE:** To determine which cities and villages in Nebraska do not currently have access to natural gas service, to determine why such service is not being provided, to determine what barriers exist to providing such service, and to analyze the existing situation and determine if there is an appropriate role for the state in removing existing barriers to such service or in helping such municipalities to obtain natural gas service and what state resources may be available to assist in this process.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 233.** Introduced by Hartnett, 45.

**PURPOSE:** The purpose of this study will be to assess the impact of the changes made to the Nebraska State Patrol Retirement System during the past two legislative sessions with regard to COLA adjustments and to provide an opportunity to inquire into the current status of the benefits to be provided to long-term retirees to determine if additional adjustments should be made. The study will seek to receive additional information from retirees and to determine the most appropriate legislative action for the Legislature in the 2002 legislative session to insure adequate retirement benefits for such retirees.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 234.** 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.

Over the course of the past three legislative sessions, several bills have been introduced for the purpose of extending the authority now granted only to Douglas County to use some or all of the locally collected lodging tax revenue for capital improvements on visitors attractions and facilities in other counties. With regard to each proposal, concerns were raised about the potential detrimental impact of such activities in different parts of the state.

The discussion surrounding LB 732 in the 2001 legislative session has revealed new interest in providing additional revenue for local tourism activities, the need to provide funding for facility improvements, and the importance of maintaining a secure, dedicated revenue stream for promotional activities.

This study would investigate the current status of the local lodging tax, the amount of revenue it generates, and the manner in which that revenue is used. It would endeavor to determine the appropriate statutory rationale 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. Additionally, the study would endeavor to determine what additional sources of funding would be appropriate for local tourism activities and what other states in similar circumstances are doing to meet their own local needs.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 235.** Introduced by Landis, 46.

**PURPOSE:** This study shall examine those statutory mechanisms that exist or that may be needed to allow neighborhood property owners to make the same kind of self-directed investments in their properties that are already accorded to business property owners and property owners organized in homeowners associations. This study shall include, but is not limited to, a review of the Business Improvement District Act.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 236.** Introduced by Landis, 46.

**PURPOSE:** This study is to examine the applicability of "need and necessity" certification throughout the transportation entities regulated by the Public Service Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST 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 237.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Hartnett, 45; Janssen, 15; Raikes, 25; Redfield, 12.

**PURPOSE:** This study is to examine the implementation of LB 271 that was enacted in 1999 and became fully operable in 2001. That bill implemented a constitutional amendment approved by the people calling for the taxation of public property that is not used for a public purpose. The study is to examine rules and regulations of the Department of Property Assessment and Taxation and how the different counties have dealt with the issue both procedurally and substantively. Finally, the study is to determine the need for more uniform treatment of publicly owned property between counties, if any.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**GENERAL FILE**

**LEGISLATIVE BILL 851.** Title read. Considered.

The Special Committee amendment, AM1876, found on page 1867, was

considered.

Senator Bromm offered the following amendment to the Special Committee amendment:

AM2025

(Amendments to Special Committee amendments, AM1876)

- 1 1. Strike amendments 1 and 2 and insert the following
- 2 new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 'Section 1. Section 32-504, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 32-504. Based on the ~~1990~~ 2000 Census of Population by
- 8 the United States Department of Commerce, Bureau of the Census, the
- 9 State of Nebraska is hereby divided into three districts for
- 10 electing Representatives in the Congress of the United States, and
- 11 each district shall be entitled to elect one representative. The
- 12 limits and designations of the three districts shall be as follows:
- 13 (1) The first district shall contain the counties of
- 14 Richardson, Nemaha, Otoe, ~~Cass~~, Johnson, Pawnee, ~~Gage~~, Lancaster,
- 15 Saunders, ~~Saline~~, Seward, York, Butler, Dodge, Washington, Colfax,
- 16 Madison, Burt, Stanton, Cuming, Thurston, Wayne, Cedar, Dixon, and
- 17 Dakota, ~~and that part of Cass Sarpy County not included in the~~
- 18 ~~second district, and that part of Gage County not included in the~~
- 19 ~~third district;~~
- 20 (2) The second district shall contain ~~the counties of~~
- 21 Douglas ~~County~~ and ~~Sarpy~~ and that part of ~~Cass Sarpy County which~~
- 22 ~~includes the North Plattsmouth precinct and the city of Plattsmouth~~
- 23 ~~beginning at the intersection of the Douglas-Sarpy County line and~~
- 24 ~~1 South 180th Street, south on South 180th Street and continuing~~
- 25 ~~2 south on a north-south line extending south from South 180th Street~~
- 26 ~~3 to the Burlington Northern Santa Fe Railroad right-of-way, east~~
- 27 ~~4 along the Burlington Northern Santa Fe Railroad right-of-way to~~
- 28 ~~5 South 156th Street, south on South 156th Street to Giles Road, east~~
- 29 ~~6 on Giles Road to South 144th Street, south on South 144th Street to~~
- 30 ~~7 Interstate Highway 80, northeast on Interstate Highway 80 to South~~
- 31 ~~8 132nd Street, south on South 132nd Street to Giles Road, east on~~
- 32 ~~9 Giles Road and continuing east along an east-west line extending~~
- 33 ~~10 east from Giles Road to the intersection of the southern corporate~~
- 34 ~~11 city limits of the city of La Vista, follow the southern corporate~~
- 35 ~~12 city limits of the city of La Vista east and south to the~~
- 36 ~~13 intersection of the eastern corporate city limits of the city of~~
- 37 ~~14 Papillion, follow the eastern corporate city limits of the city of~~
- 38 ~~15 Papillion south to the southern corporate city limits of the city~~
- 39 ~~16 of Papillion, follow the southern corporate city limits of the city~~
- 40 ~~17 of Papillion east and north to West Papillion Creek, east along~~
- 41 ~~18 West Papillion Creek to 66th Street, south on 66th Street to~~
- 42 ~~19 Cedardale Road, east on Cedardale Road to South 60th Street, south~~
- 43 ~~20 on South 60th Street to Maass Road, follow Maass Road east then~~

21 southwest to the northern boundary of Census Block 2008, follow  
 22 such boundary east to the eastern boundary of Census Block 2009,  
 23 north then east along such boundary to the corporate city limits of  
 24 the city of Bellevue, south along the corporate city limits of the  
 25 city of Bellevue to an east-west line extending east from Fox Ridge  
 26 Drive, east along such line to South 25th Street, north on South  
 27 25th Street to Nottingham Drive, east on Nottingham Drive to South  
 1 24th Street, north on South 24th Street to Lynnwood Drive, follow  
 2 Lynnwood Drive east then south to South 20th Street, south on South  
 3 20th Street to Spencer Street, southeast on Spencer Street to  
 4 Tregaron Drive, northeast on Tregaron Drive to U.S. Highway 75,  
 5 south on U.S. Highway 75 to the Sarpy-Cass County line, east along  
 6 the Sarpy-Cass County line to the Nebraska-Iowa state line, north  
 7 along the Nebraska-Iowa state line to the Douglas-Sarpy County  
 8 line, and west along the Douglas-Sarpy County line to the point of  
 9 beginning; and

10 (3) The third district shall contain the counties of  
 11 Jefferson, Saline, Thayer, Fillmore, Polk, Platte, Pierce, Knox,  
 12 Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Webster,  
 13 Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd, Garfield,  
 14 Valley, Sherman, Buffalo, Kearney, Franklin, Harlan, Phelps,  
 15 Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha, Rock,  
 16 Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,  
 17 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,  
 18 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box  
 19 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that  
 20 part of Gage County beginning at the intersection of the  
 21 Gage-Lancaster County line and Southwest 2nd Road, south on  
 22 Southwest 2nd Road to the creek, southeast along the creek to U.S.  
 23 Highway 77, south on U.S. Highway 77 to South 12th Street, south on  
 24 South 12th Street to East Buckeye Road, east on East Buckeye Road  
 25 to South 82nd Road, south on South 82nd Road to East Chestnut Road,  
 26 east on East Chestnut Road to South 120th Road, south on South  
 27 120th Road to East Pickrell Road, east on East Pickrell Road to the  
 1 Gage-Johnson County line, south along the Gage-Johnson County line  
 2 to the Gage-Pawnee County line, south along the Gage-Pawnee County  
 3 line to the Nebraska-Kansas state line, west along the  
 4 Nebraska-Kansas state line to the Gage-Jefferson County line, north  
 5 along the Gage-Jefferson County line to the Gage-Saline County  
 6 line, east then north along the Gage-Saline County line to the  
 7 Gage-Lancaster County line, and east along the Gage-Lancaster  
 8 County line to the point of beginning.

9 Sec. 2. Section 32-505, Reissue Revised Statutes of  
 10 Nebraska, is amended to read:

11 32-505. ~~The precincts and cities mentioned in section~~  
 12 ~~32-504 are the precincts and cities set out in the 1990 Census of~~  
 13 ~~Population~~ The descriptions of districts in section 32-504 are  
 14 taken from the 2000 TIGER/Line files published by the United States  
 15 Department of Commerce, Bureau of the Census.



16 Sec. 3. Original sections 32-504 and 32-505, Reissue  
17 Revised Statutes of Nebraska, are repealed.'."

Senator Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

**SPEAKER KRISTENSEN PRESIDING**

Pending.

**MESSAGES FROM THE GOVERNOR**

May 14, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 539e, 540e, 541e, 666e, 666Ae, and 849 were received in my office on May 8, 2001. Engrossed Legislative Bill 538e was received in my office on May 10, 2001.

These bills were signed by me on May 14, 2001, and delivered to the Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

May 14, 2001

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

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter, I am returning LB 543 with my signature and with line-item reductions. The General Fund amounts vetoed in LB 543 total 6.1 million dollars for fiscal year 2001-02 and 6.7 million dollars for fiscal year 2002-03. In addition, I have reduced the fiscal year 2002-03 transfer from the Securities Act Cash Fund to the General Fund provided for in LB 543, Section 268, by 14.0 million dollars. A list of the individual vetoes is included as an attachment to this letter.

I again commend the Appropriations Committee and the entire Legislature for the hard work and serious consideration that has been given to the

budget bills. You have met obligations created by previous Legislatures and addressed the highest priorities of Nebraska. We are in agreement on the vast majority of budget decisions.

The slowing growth of the national and Nebraska economy requires us to be especially diligent and cautious regarding the State budget. The recent downward revisions in the forecasts of net general fund receipts resulted in your recommendation to eliminate my effort to provide additional property tax relief through the community college aid formula and resulted in your recommendation for additional borrowing from the State cash reserve fund to finance the next biennial budget. Our response must include additional spending restraint and also reduce our reliance on borrowed fund to meet continuing obligations.

I have reduced \$80,000 General Funds in each year of the biennium from the Supreme Court in order to reflect your decision to finance county court audits in the Auditor of Public Accounts (State Auditor) budget. I have also reduced by one-half the amounts above my recommendations added to the Supreme Court budget for special salary adjustments for court reporters, probation staff, and additional probation employees. The remaining amounts are greater than provided to other State agencies. A priority allocation of the remaining amounts that does not create additional obligations in the future can be determined by the Court.

The General Fund appropriation to the Department of Education's Administrative and Support program had been increased to provide funding for a variety of educational leadership, policy setting, technical assistance, and administrative activities. I am reducing the amounts for several items added above my recommendations by one-half and encourage the Commissioner of Education and the State Board of Education to direct the remaining amounts in a manner that satisfies the needs or enhances the performance of our current education programs. I have vetoed specific earmarking amounts related to these items to allow this discretion for the Commissioner of Education. I have not reduced the additional appropriations of 2.7 million dollars for each year of the biennium that we have included for the Attracting Excellence to Teaching program.

I have vetoed appropriations to the Department of Health and Human Services that would initiate new programs or expand programs in fiscal year 2001-02. This includes \$100,000 in both fiscal years of the biennium for LB 288 which remains in the Appropriations Committee. I have vetoed the administrative funding added for fiscal years 2001-02 and 2002-03 for managing a proposed Medicaid waiver to provide additional coverage for substance abuse services as envisioned in LB 344 which remains in the Appropriations Committee. I have vetoed the fiscal year 2002-03 direct services funding for the envisioned Medicaid waiver but have not reduced the \$445,187 General Funds or \$667,187 Federal Funds added for fiscal year 2002-03. The administrative funds are not needed to enhance our existing Medicaid program. The necessary analysis, preparation, and federal

approval of a Medicaid waiver for substance abuse services cannot be properly completed for implementation beginning with fiscal year 2001-02. We will work closely with the Appropriations Committee and Health and Human Services Committee prior to a final determination to submit this Medicaid waiver for federal approval and implementation in fiscal year 2002-03.

My recommendations to the Legislature for both the 1999-2001 and 2001-2003 budget biennium's have included additional funding for older Nebraskans. My recommendations this biennium included an increase of \$500,000 General Funds for fiscal year 2001-02 and \$750,000 for fiscal year 2002-03 for service coordination, in-home, emergency response, and family caregiver assistance. I have reduced the additional \$244,153 General Funds each year that has been included above my recommendations. I have not reduced the \$732,458 in additional federal expenditure authority included each year to allow Nebraska to obtain federal government funding for family caregiver assistance.

LB 543 includes an additional \$400,000 General Funds each year, a 67 percent increase, for mass transit aid above the amount requested by the Department of Roads and included in my recommendations. My veto reduces this increase by \$200,000 General Funds each year. Also, included in LB 543 is an additional 3.5 million dollars General Funds each year, a 161 percent increase, for the Resources Development Fund. I have reduced this increase by \$1,750,000 General Funds each year of the biennium. The remaining amount will be available to assist in the financing of additional water conservation and development projects.

My line-item reduction to the Game and Parks Commission and the Library Commission is one-half of the amount of General Funds added above my original budget recommendations. My vetoes of General Fund appropriations for the Equal Opportunity Commission, Arts Council, and Foster Care Review Board return those agencies to the amounts included in my original budget recommendations. Additional cash and federal fund expenditure authority added for the Game and Parks Commission, Equal Opportunity Commission, and Foster Care Review Board are not reduced. All of these agencies are adequately financed for the 2001-03 biennium.

I have vetoed \$60,000 General Funds in the Commission on Law Enforcement and Criminal Justice designated for a Substance Abuse Task Force provided for in LB 228 which remains in the Appropriations Committee.

For the University of Nebraska I have allowed for additional General Fund appropriations above my original recommendation by \$662,793 in fiscal year 2001-02 and \$1,926,163 in fiscal year 2002-03 to provide for increased employee corresponding benefits and rural health residencies. My line-item reductions have reduced the General Fund appropriations by \$228,000 in fiscal year 2001-02 and \$1,056,000 in fiscal year 2002-03. The University

increases 6.4 percent or 24.9 million General Fund dollars in fiscal year 2001-02 and increases 6.7 percent or 27.8 million General Fund dollars in fiscal year 2002-03 after these reductions.

My veto reductions at the Nebraska State Colleges allow for General Fund increases of 9.2 percent in fiscal year 2001-02 and 9.1 percent in fiscal year 2002-03. This represents an increase of \$621,876 in fiscal year 2001-02 and \$1,124,707 in fiscal year 2002-03 above my original recommendations. This additional funding is primarily related to additional salary costs from collective bargaining, employee benefit costs, and instructional equipment replacement. The line-item reductions amount to \$621,000 General Funds in fiscal year 2001-02 and \$1,124,000 in fiscal year 2002-03.

The line-item reductions to the student financial aid programs administered by the Coordinating Commission for Postsecondary Education allow for a combined total increase of \$1,275,000 General Funds for fiscal year 2001-02 and a total of \$1,432,500 General Funds in fiscal year 2002-03. Student financial aid programs administered by the Commission will increase by 25.2 percent over the biennium. My reductions are \$975,000 General Funds in fiscal year 2001-02 and \$817,500 General Funds in fiscal year 2002-03.

The additional spending restraint represented by my line-item reductions in LB 543 is needed as we work to fashion a final budget for the next biennium. In addition, we must be prepared to reduce our reliance on borrowed funds to meet our continuing obligations. Therefore, I have reduced the fiscal year 2002-03 15.5 million dollar transfer from the Securities Act Cash Fund to the General Fund by 14 million dollars.

I appreciate your hard work. I urge you to sustain these reductions in LB 543.

Sincerely,  
(Signed) Mike Johanns  
Governor

Attachment

May 14, 2001

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 542 with my signature and with certain line-item reductions.

At this time it does not appear financially or programmatically prudent to attempt to move the archival/storage space of the Nebraska State Historical Society from its "R" Street Headquarters Building. The only additional study needed on the Headquarters building is one that defines and identifies the costs of only the improvements necessary to address fire, life safety, codes, and ADA accessibility issues, as well as modernization of electrical, mechanical, and ventilation systems. I am therefore leaving in \$50,000 of the \$200,000 State Building Funds appropriated for fiscal year 2001-02 to revise the current program statement to include such an option. Improvements identified in this option that are beyond those mentioned above, shall be proposed from other than State Funds. I am therefore eliminating all the remaining funding in fiscal year 2001-02, along with the \$500,000 State Building Funds appropriated for fiscal year 2002-03.

The appropriation for the Five Units of Level 4 Housing at the Youth Rehabilitation and Treatment Center in Kearney states that "...all statutory requirements of the state building division of the Department of Administrative Services be met for this project before work begins. " I have therefore left \$50,000 State Building Funds in fiscal year 2001-02 to allow the required program statement to be completed. The remaining \$2,050,000 State Building Funds has been line-item reduced in the same fiscal year. The \$2,100,000 State Building Fund appropriation for fiscal year 2002-03 remains unchanged.

The State Building Funds appropriated for the Engineering Building Renovation for the College of Public Affairs and Community Services at the University of Nebraska at Omaha have been stricken in their entirety. This includes State Building Funds of \$500,000 in fiscal year 2001-02, \$2,500,000 in fiscal year 2002-03 and \$9,250,000 in the future biennium. This funding simply cannot be accommodated within the constraints of the next budget biennium. It also creates an unacceptably large future commitment.

I urge you to sustain my veto reductions.

Sincerely,  
(Signed) Mike Johanns  
Governor

Attachment

## Veto Amounts by Legislative Bill, Agency and Program

Agency #	Agency Name	Program #	Fund	FY 01/02 Veto Amount	FY 02/03 Veto Amount
<b><u>Legislative Bill 543</u></b>					
05	Supreme Court	052	General	214,000	217,000
05	Supreme Court	067	General	640,000	640,000
13	Education	025	General	219,500	238,000
25	HHS - Services	033	General	100,000	100,000
26	HHS - Finance	341	General	54,813	54,813
26	HHS - Finance	341	Federal	54,813	54,813
26	HHS - Finance	348	General	445,187	0
26	HHS - Finance	348	Federal	667,187	0
26	HHS - Finance	571	General	244,153	244,153
27	Roads	305	General	200,000	200,000
29	Natural Resources	307	General	1,750,000	1,750,000
33	Game and Parks	336	General	17,000	15,000
33	Game and Parks	617	General	90,000	92,000
34	Library Commission	302	General	87,000	99,000
48	Coordinating Commission	499	General	325,000	272,500
48	Coordinating Commission	500	General	325,000	272,500
48	Coordinating Commission	650	General	325,000	272,500
50	State Colleges	048	General	621,000	1,124,000
51	University	781	General	228,000	1,056,000
67	Equal Opportunity	059	General	11,552	2,499
69	Arts Council	326	General	41,710	24,095
69	Arts Council	328	General	37,110	37,110
70	Foster Care Review Board	116	General	16,082	0
78	Crime Commission	198	General	60,000	0
		Subtotal	General	6,052,107	6,711,170
			Federal	722,000	54,813
				<u>6,774,107</u>	<u>6,765,983</u>
<b><u>Legislative Bill 542</u></b>					
25	HHS - Services	942	General	2,050,000	0
51	University	996	General	500,000	2,500,000
54	Historical Society	958	General	150,000	500,000
		Subtotal	General	2,700,000	3,000,000
		<b>Total</b>	<b>General</b>	<b>8,752,107</b>	<b>9,711,170</b>
			<b>Federal</b>	<b>722,000</b>	<b>54,813</b>
			<b>Grand Total</b>	<b><u>9,474,107</u></b>	<b><u>9,765,983</u></b>

In addition, the FY 2002-03 \$15.5 million transfer from the Securities Act Cash Fund to the General Fund provided for in LB 543, Section 268, is reduced by \$14,000,000.

## RESOLUTIONS

### **LEGISLATIVE RESOLUTION 238.** Introduced by Raikes, 25.

**PURPOSE:** This study shall examine the implementation of new federal guidelines for the funding of after-school programs. The study shall include review of (1) the effectiveness of after-school programs in reducing crime, teenage pregnancy, and drop-out rates, (2) Nebraska's current four 21st Century Learning Centers providing after-school programs to students in Nebraska, and (3) increased federal funding for after-school programs to promote state program development.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **LEGISLATIVE RESOLUTION 239.** Introduced by Jones, 43; Erdman, 47.

**PURPOSE:** A recent study by the Bureau of Economic Analysis created a listing of two hundred fifty counties which had the lowest per capita income nationally. Ten Nebraska counties appear on this listing, including seven in the lowest twenty-five counties. These Nebraska counties are all small, most having less than one thousand inhabitants. These counties want to reverse the trend exemplified by the study and help residents improve their financial standing, but have found it difficult to determine what state assistance might be available. The purpose of this study is to review what can be done by the state to help small Nebraska counties dealing with very low per capita incomes.

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

1. That the Government, Military and Veterans Affairs Committee and Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committees shall upon the conclusion of their study make a report of the findings, together with any recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **LEGISLATIVE RESOLUTION 240.** Introduced by Burling, 33.

**PURPOSE:** The purpose of this study is to determine if reform to Nebraska statutes regarding the availability of "no-fault divorce" would be beneficial in altering the deleterious effects of divorce in Nebraska. Many studies have linked no-fault divorce with the steep rise in the rate of divorce over the last thirty years. Currently, statistics reflect a correlation between higher divorce rates and the increase of poverty, the number of state wards, mental illness, and suicide, both on the state level and nationwide. The monetary ripple effects of this rise are felt not only by families directly affected by divorce, but are also absorbed by the Health and Human Services System, the state corrections system, and ultimately the taxpayers of the State of Nebraska.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 241.** Introduced by Connealy, 16.

**PURPOSE:** To study the film industry in Nebraska, to look at incentives other states are offering filmmakers, and to look at ways that Nebraska can become more "film friendly". The primary focus of the study will be to find ways to increase economic development in this state by attracting the film industry.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 242.** Introduced by Connealy, 16.

**PURPOSE:** To study incentives for ethanol use given by other states, specifically in Iowa and Minnesota. The purpose is to review how other states have increased the use of ethanol-blended fuel and used incentives for retailers to sell more ethanol.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.



2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 243.** Introduced by Bromm, 23; Chambers, 11.

**PURPOSE:** During the discussion of LB 659, 2001, the DNA Testing Act, the issue arose regarding the three-year limitation for filing a motion for a new trial based on a claim of innocence involving evidence other than DNA. The purpose of this study is to examine the issue in detail.

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

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### GENERAL FILE

**LEGISLATIVE BILL 851.** The Bromm pending amendment, AM2025, found in this day's Journal, to the Special Committee amendment, was renewed.

Senator Beutler 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 Bromm moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Bruning requested a record vote on the Bromm amendment.

Voting in the affirmative, 27:

Aguilar	Baker	Brashear	Bromm	Bruning
Burling	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hudkins	Jensen	Jones
Kremer	Kristensen	Pedersen, Dw.	Price	Quandahl
Redfield	Schrock	Smith	Stuhr	Tyson
Vrtiska	Wehrbein			

Voting in the negative, 17:

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Beutler	Bourne	Byars	Chambers	Connealy
Coordsen	Hartnett	Hilgert	Janssen	Kruse
Landis	Preister	Robak	Schimek	Suttle
Thompson	Wickersham			

Present and not voting, 3:

Brown            Maxwell            Raikes

Excused and not voting, 2:

McDonald      Pederson, D.

The Bromm amendment was adopted with 27 ayes, 17 nays, 3 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

**SENATOR CUDABACK PRESIDING**

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

**SELECT FILE**

**LEGISLATIVE BILL 243.** Senator Beutler withdrew his specific pending amendment, FA119, found on page 1177.

Readvanced to Final Reading.

**MOTION - Return LB 243 to Select File**

Senator Schrock moved to return LB 243 to Select File for his specific pending amendment, AM1348, found on page 1660.

The Schrock motion to return prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 243.** The Schrock specific pending amendment, AM1348, found on page 1660, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

### GENERAL FILE

**LEGISLATIVE BILL 465.** The Standing Committee amendment, AM0376, printed separately and referred to on page 693 and considered on page 1911, was renewed.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wehrbein withdrew his pending amendment, AM1977, found on page 1944.

Senators Wickersham and Wehrbein offered the following amendment to the Standing Committee amendment:

AM2027

- 1 1. In the Standing Committee amendments, AM0376, strike  
2 sections 1 and 2 and all amendments thereto and insert the  
3 following new sections:  
4 "Sec. 2. Section 77-5003, Revised Statutes Supplement,  
5 2000, is amended to read:  
6 77-5003. (1) The Tax Equalization and Review Commission  
7 is created. The Tax Commissioner has no supervision, authority, or  
8 control over the actions or decisions of the commission relating to  
9 its duties prescribed by law. The commission shall have three  
10 commissioners, one from each congressional district, who are and  
11 beginning on and after January 1, 2002, the commission shall have  
12 four commissioners, one at-large commissioner shall be appointed in  
13 addition to the commissioners serving on the effective date of this  
14 act. All commissioners shall be appointed by the Governor with the  
15 approval of a majority of the members of the Legislature. One of  
16 the commissioners shall be designated by the Governor as  
17 chairperson.
- 18 (2) The term of the commissioner from district 1 expires  
19 two years after the first appointment under this section, the term  
20 of the commissioner from district 2 expires four years after the  
21 first appointment under this section, and the term of the  
22 commissioner from district 3 expires six years after the first  
23 appointment under this section. The initial term of the at-large  
24 commissioner expires on January 1, 2008. After the initial terms  
1 of the commissioners are completed, each term shall be for six  
2 years. Upon the expiration of his or her term of office, a  
3 commissioner shall continue to serve until his or her successor has  
4 been appointed.
- 5 (3) The Governor shall designate one commissioner, who is  
6 a licensed attorney, to serve as the chairperson of the commission  
7 from January 1, 2002, through December 31, 2003. Beginning on

8 January 1, 2004, the commission shall designate pursuant to rule  
9 and regulation its chairperson on a two-year, rotating basis among  
10 the commissioners who are licensed attorneys.

11 (4) A commissioner may be removed by the Governor for  
12 misfeasance, malfeasance, or willful neglect of duty or other cause  
13 after notice and a public hearing unless notice and hearing are  
14 expressly waived in writing by the commissioner.

15 Sec. 3. Section 77-5004, Revised Statutes Supplement,  
16 2000, as amended by section 19, Legislative Bill 170,  
17 Ninety-seventh Legislature, First Session, 2001, is amended to  
18 read:

19 77-5004. (1) Each commissioner shall be a qualified  
20 voter, ~~taxpayer~~, and resident of the state and, for each  
21 commissioner representing a congressional district, a resident of  
22 the district he or she represents.

23 (2) Each commissioner shall devote his or her full time  
24 and efforts to the discharge of his or her duties and shall not  
25 hold any other office under the laws of this state, any city or  
26 county in this state, or the United States Government while serving  
27 on the commission. Each commissioner shall possess:

1 (a) Appropriate knowledge of terms commonly used in or  
2 related to real property appraisal and of the writing of appraisal  
3 reports;

4 (b) Adequate knowledge of depreciation theories, cost  
5 estimating, methods of capitalization, and real property appraisal  
6 mathematics;

7 (c) An understanding of the principles of land economics,  
8 appraisal processes, and problems encountered in the gathering,  
9 interpreting, and evaluating of data involved in the valuation of  
10 real property, including complex industrial properties and  
11 mass-appraisal techniques;

12 (d) Knowledge of the law relating to taxation, civil and  
13 administrative procedure, due process, and evidence in Nebraska;

14 (e) Any certification or training required to become a  
15 registered real estate appraiser as set forth in section

16 76-2229.01. If a commissioner has not received such certification  
17 or training prior to his or her appointment, such certification or

18 training shall be completed within one year after the appointment  
19 At least thirty hours of successfully completed class hours in

20 courses of study, approved by the Real Estate Appraiser Board,  
21 which relate to appraisal and which include a fifteen-hour course

22 in the Uniform Standards of Professional Appraisal Practice. If a  
23 commissioner has not received such training prior to his or her

24 appointment, such training shall be completed within one year after  
25 appointment; and

26 (f) Such other qualifications and skills as reasonably  
27 may be requisite for the effective and reliable performance of the  
1 commission's duties.

2 (3) One commissioner shall possess any certification or

3 training required to become a licensed real estate appraiser as set  
4 forth in section 76-2230.

5 (4) ~~Prior to January 1, 2002, the The~~ chairperson, and on  
6 and after January 1, 2002, at least two commissioners, shall have  
7 been engaged in the practice of law in the State of Nebraska for at  
8 least five years, which may include prior service as a judge, and  
9 shall be currently admitted to practice before the Nebraska Supreme  
10 Court.

11 (4) (5) No commissioner or employee of the commission  
12 shall hold any position of profit or engage in any occupation or  
13 business interfering with or inconsistent with his or her duties as  
14 a commissioner or employee. A person is not eligible for  
15 appointment and may not hold the office of commissioner or be  
16 appointed by the commission to or hold any office or position under  
17 the commission if he or she holds any official office or position.

18 (5) ~~During each year of his or her term, each~~  
19 commissioner (6)(a) Each commissioner who meets the requirements of  
20 subsection (4) of this section on or after January 1, 2002, shall  
21 annually attend a seminar or class of at least two days' duration,  
22 sponsored by a recognized assessment or appraisal organization, in  
23 each of these areas: Utility and railroad appraisal; appraisal of  
24 complex industrial properties; and mass appraisal, residential or  
25 agricultural appraisal, or assessment administration.

26 (b) Each commissioner who does not meet the requirements  
27 of subsection (4) of this section on or after January 1, 2002,  
1 shall within two years after his or her appointment attend at least  
2 thirty hours of instruction that constitutes training for judges or  
3 administrative law judges.

4 (6) (7) The commissioners shall be considered employees  
5 of the state for purposes of sections 81-1301 to 81-1391 and  
6 84-1601 to 84-1615.

7 (7) (8) The commissioners shall be reimbursed as  
8 prescribed in sections 81-1174 to 81-1177 for their actual and  
9 necessary expenses in the performance of their official duties  
10 pursuant to the Tax Equalization and Review Commission Act.  
11 Mileage expenses incurred while traveling in the line of duty to  
12 and from a commissioner's primary residence to the commission  
13 office as well as living expenses for any commissioner whose  
14 residence is located more than eighty miles from the commission  
15 office shall be reimbursed by the state if:

16 (a) The commission has adopted and promulgated rules and  
17 regulations establishing guidelines for allowable reimbursement of  
18 mileage and living expenses, except that the reimbursement rate for  
19 mileage shall not exceed the rate established by the Department of  
20 Administrative Services pursuant to section 81-1176;

21 (b) The commissioner complies with the request procedures  
22 for reimbursement set forth in such guidelines; and

23 (c) The total amounts authorized for reimbursement of  
24 such mileage and living expenses in any fiscal year shall not cause

25 the total expenses to exceed the total funds appropriated to the  
26 program established for commissioners' expenses.".

27 2. In the Landis amendment, AM1755, strike section 3.

1 3. Renumber the remaining sections and correct the  
2 repealer accordingly.

The Wickersham-Wehrbein amendment was adopted with 29 ayes, 0 nays,  
16 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29  
ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

### **PRESIDENT MAURSTAD PRESIDING**

Senator Hartnett renewed his pending amendment, AM1948, found on page  
1914.

Senators Bromm, Robak, and Janssen asked unanimous consent to be  
excused. No objections. So ordered.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 17 present and  
not voting, and 7 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not  
voting, and 7 excused and not voting.

### **AMENDMENTS - Print in Journal**

Senator Hartnett filed the following amendment to LB 809:  
AM2022

(Amendments to E & R amendments, AM7076)

1 1. Insert the following new section:  
2 "Sec. 7. Section 18-1740, Reissue Revised Statutes of  
3 Nebraska, as amended by section 2, Legislative Bill 31,  
4 Ninety-seventh Legislature, First Session, 2001, is amended to  
5 read:  
6 18-1740. (1) All permanently issued permits for  
7 handicapped or disabled parking authorized by sections 18-1736 to  
8 18-1741.07 shall be issued for a period ending on September 30 of  
9 the third year after the date of issuance and shall expire on that  
10 date, ~~except that an application for the renewal of a permit~~  
11 ~~filed with the issuing city or village clerk or designated county~~  
12 ~~official within thirty days after the date of its expiration shall~~  
13 ~~be deemed to have been filed prior to the date of its expiration.~~  
14 ~~The possession of an expired but otherwise valid handicapped~~  
15 ~~parking permit within thirty days after the date of its expiration~~  
16 ~~shall serve as a full and complete defense in any action for a~~  
17 ~~handicapped parking infraction resulting from the absence of a~~  
18 ~~handicapped parking permit arising during that thirty-day period.~~

- 19 (2) All permits authorized under sections 18-1736 to  
 20 18-1741.07 for temporarily handicapped or disabled parking shall be  
 21 issued for a period ending not more than six months after the date  
 22 of issuance but may be renewed one time for a period not to exceed  
 23 six months. For the renewal period, there shall be submitted an  
 1 additional application with proof of a handicap or disability."  
 2 2. On page 7, line 23; and page 10, line 13, after  
 3 "permit" insert ", except that renewal permits shall not be issued  
 4 sooner than ten days prior to the date of expiration".  
 5 3. On page 8, strike beginning with "mail" in line 5  
 6 through "number" in line 7, show as stricken, and insert "provide  
 7 the basic issuing data"; and strike the new matter beginning with  
 8 "The" in line 10 through line 12.  
 9 4. On page 10, strike line 27 and insert "shall provide  
 10 the basic issuing data to the clerk or".  
 11 5. On page 11, strike line 1.  
 12 6. On page 12, line 12, after "show" insert "the  
 13 expiration date and"; and in line 16 after the period insert "The  
 14 expiration date information shall be distinctively color-coded so  
 15 as to identify by color the year in which the permit is due to  
 16 expire".  
 17 7. On page 19, line 26, strike the last "and" and insert  
 18 "to"; and in line 27 strike "and" and insert "to".  
 19 8. On page 20, line 7, strike the last "and" and insert  
 20 "to"; and in line 9 strike "and" and insert "to".  
 21 9. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendment to LB 536:  
 FA255

Amend AM1978

In lines 4 and 5, strike "at which time" and insert "and", and in line 5 after  
 "shall", insert "immediately"

Senator Brashear filed the following amendment to LB 851:  
 AM2024

(Amendments to Special Committee amendments, AM1876)

- 1 1. Strike amendments 1 and 2 and insert the following  
 2 new amendment:  
 3 "1. Strike the original sections and all amendments  
 4 thereto and insert the following new sections:  
 5 'Section 1. Section 32-504, Reissue Revised Statutes of  
 6 Nebraska, is amended to read:  
 7 32-504. Based on the 1990 2000 Census of Population by  
 8 the United States Department of Commerce, Bureau of the Census, the  
 9 State of Nebraska is hereby divided into three districts for  
 10 electing Representatives in the Congress of the United States, and  
 11 each district shall be entitled to elect one representative. The  
 12 limits and designations of the three districts shall be as follows:  
 13 (1) The first district shall contain the counties of

14 Richardson, Nemaha, Otoe, ~~Cass~~, Johnson, Pawnee, Gage, Lancaster,  
 15 Saunders, Saline, Seward, ~~York~~, Butler, Dodge, Washington, Colfax,  
 16 ~~Madison~~, Burt, Stanton, Cuming, Thurston, Wayne, ~~Cedar~~, ~~Dixon~~, and  
 17 Dakota, and that part of Cass Sarpy County not included in the  
 18 second district, and that part of Madison County not included in  
 19 the third district;

20 (2) The second district shall contain ~~the counties of~~  
 21 Douglas County and Sarpy and that part of Cass Sarpy County which  
 22 includes the North Plattsmouth precinct and the city of Plattsmouth  
 23 beginning at the intersection of the Douglas-Sarpy County line and  
 1 South 180th Street, south on South 180th Street and continuing  
 2 south on a north-south line extending south from South 180th Street  
 3 to the Burlington Northern Santa Fe Railroad right-of-way, east  
 4 along the Burlington Northern Santa Fe Railroad right-of-way to  
 5 South 156th Street, south on South 156th Street to Giles Road, east  
 6 on Giles Road to South 144th Street, south on South 144th Street to  
 7 Interstate Highway 80, northeast on Interstate Highway 80 to South  
 8 132nd Street, south on South 132nd Street to Giles Road, east on  
 9 Giles Road and continuing east along an east-west line extending  
 10 east from Giles Road to the intersection of the southern corporate  
 11 city limits of the city of La Vista, follow the southern corporate  
 12 city limits of the city of La Vista east and south to the  
 13 intersection of the eastern corporate city limits of the city of  
 14 Papillion, follow the eastern corporate city limits of the city of  
 15 Papillion south to the southern corporate city limits of the city  
 16 of Papillion, follow the southern corporate city limits of the city  
 17 of Papillion east and north to West Papillion Creek, east along  
 18 West Papillion Creek to 66th Street, south on 66th Street to  
 19 Cedardale Road, east on Cedardale Road to South 60th Street, south  
 20 on South 60th Street to Maass Road, follow Maass Road east then  
 21 southwest to the northern boundary of Census Block 2008, follow  
 22 such boundary east to the eastern boundary of Census Block 2009,  
 23 north then east along such boundary to the corporate city limits of  
 24 the city of Bellevue, south along the corporate city limits of the  
 25 city of Bellevue to an east-west line extending east from Fox Ridge  
 26 Drive, east along such line to South 25th Street, north on South  
 27 25th Street to Nottingham Drive, east on Nottingham Drive to South  
 1 24th Street, north on South 24th Street to Lynnwood Drive, follow  
 2 Lynnwood Drive east then south to South 20th Street, south on South  
 3 20th Street to Spencer Street, southeast on Spencer Street to  
 4 Tregaron Drive, northeast on Tregaron Drive to U.S. Highway 75,  
 5 south on U.S. Highway 75 to the Sarpy-Cass County line, east along  
 6 the Sarpy-Cass County line to the Nebraska-Iowa state line, north  
 7 along the Nebraska-Iowa state line to the Douglas-Sarpy County  
 8 line, and west along the Douglas-Sarpy County line to the point of  
 9 beginning; and

10 (3) The third district shall contain the counties of  
 11 Jefferson, Thayer, Fillmore, Polk, Platte, Pierce, Knox, Cedar,  
 12 Dixon, Antelope, Boone, Nance, Merrick, Hamilton, York, Clay,



13 Nuckolls, Webster, Adams, Hall, Howard, Greeley, Wheeler, Holt,  
 14 Boyd, Garfield, Valley, Sherman, Buffalo, Kearney, Franklin,  
 15 Harlan, Phelps, Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya  
 16 Paha, Rock, Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red  
 17 Willow, Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith,  
 18 Perkins, Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill,  
 19 Box Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that  
 20 part of Madison County beginning at the intersection of the  
 21 Madison-Pierce County line and 549th Avenue, south on 549th Avenue  
 22 to 841st Street, west on 841st Street to 547th Avenue, south on  
 23 547th Avenue to 839th Road, west on 839th Road to Sherwood Road,  
 24 west on Sherwood Road to State Highway 121, south on State Highway  
 25 121 to 835th Road, west on 835th Road to 541st Avenue, south on  
 26 541st Avenue to 824th Road, west on 824th Road to 540th Avenue,  
 27 south on 540th Avenue to the Madison-Platte County line, west along  
 1 the Madison-Platte County line to the Madison-Boone County line,  
 2 north along the Madison-Boone County line to the Madison-Antelope  
 3 County line, north along the Madison-Antelope County line to the  
 4 Madison-Pierce County line, and east along the Madison-Pierce  
 5 County line to the point of beginning.

6 Sec. 2. Section 32-505, Reissue Revised Statutes of  
 7 Nebraska, is amended to read:

8 32-505. ~~The precincts and cities mentioned in section~~  
 9 ~~32-504 are the precincts and cities set out in the 1990 Census of~~  
 10 ~~Population~~ The descriptions of districts in section 32-504 are  
 11 taken from the 2000 TIGER/Line files published by the United States  
 12 Department of Commerce, Bureau of the Census.

13 Sec. 3. Original sections 32-504 and 32-505, Reissue  
 14 Revised Statutes of Nebraska, are repealed.'".

Senator Wickersham filed the following amendment to LB 852:  
 AM2036

(Amendments to Special Committee amendments, AM1875)

- 1 1. On page 61, line 18, strike "and", show as stricken,
- 2 reinstate the stricken "Arthur", and after the reinstated "Arthur"
- 3 insert ", and".
- 4 2. On page 62, line 1, after "Sheridan," insert "and"
- 5 and strike "and Arthur".

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 244.** Introduced by Hartnett, 45.

PURPOSE: As the Urban Affairs Committee has reviewed and approved various statutory changes involving the several classes of municipalities, it has become increasingly difficult to gather all the various references to the same subject involving the different cities and villages to insure that the changes are made consistently and that inconsistent treatment is avoided.

The purpose of this study will be to review the various statutes dealing

with cities and villages of all classes and determine if major or minor changes in codification are possible or desirable to bring about more brevity and clarity and to facilitate the search for relevant statutes on subjects related to municipal government.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 245.** Introduced by Hartnett, 45.

**PURPOSE:** Over the course of the past three legislative sessions, several bills have been introduced for the purpose of reducing or eliminating the county inheritance tax and providing different mechanisms for minimizing the financial impact of the lost tax revenue on the counties. Efforts to advance the proposals have suffered from a lack of data on the full impact of the lost revenue on the counties as well as on the appropriate role of the state in making up for the loss.

This study would research the potential revenue loss (by quantifying the amount of the inheritance tax receipts over a reasonable period of time) and develop one or more proposals for eliminating or minimizing the loss.

In addition, based on the identified revenue loss and proposed federal law changes, the committee would identify the most efficacious approach to reducing or eliminating the inheritance tax.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 246.** Introduced by Preister, 5.

**PURPOSE:** The purpose of this study is to conduct a review of the environmental audit statutes which were enacted four years ago. The review shall include, but not be limited to, an investigation of the following:

(1) A review of the current federal Environmental Protection Agency environmental audit policy as well as other states' environmental audit policies;

(2) An analysis of how the environmental audit statutes have been used in

Nebraska and whether the uses are consistent with the original intent of the act;

(3) A review of state agencies' authority under the act and whether this authority should be modified or expanded;

(4) An examination of whether the environmental audit statutes have created any incompatibility with federal programs, and if so, what changes need to be made to make state statutes compatible with federal programs;

(5) An analysis of whether the public's health, safety, and access to information are adequately protected; and

(6) A review of any impacts to the environment as a result of application of the environmental audit statutes.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee conduct public hearings to provide for public comment.

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 247.** Introduced by Preister, 5; Hilgert, 7; Thompson, 14; Suttle, 10; Chambers, 11; Beutler, 28; Price, 26.

**PURPOSE:** The purpose of this study is to identify ways to reduce childhood environmental lead poisoning in Nebraska. Lead poisoning can lead to death or coma at extremely high levels and, at somewhat lower levels, will cause adverse effects on the central nervous system and kidneys. Lead poisoning can cause decreased intelligence, reading and language development problems, and slower sensory-motor and delayed early cognitive development. At higher levels it can cause adverse effects on the central nervous system or lead to death. In addition, elevated lead levels have been linked to violent tendencies and disruptive behavior in children. It is one of the most common and yet most preventable pediatric health problems today.

In 1998 only 6% of Nebraska's children under the age of six were reported tested for elevated blood-lead levels. In the same year, one in five children tested in Douglas County had lead blood levels which are 4 times the national average. In children tested east of 45th Street in Omaha, 22% to 35% showed abnormally high lead levels. Out of 343 child-care facilities sampled in 1999-2000 in this same area, 71 had one or more samples exceeding the health-based action level.

More recently, a national study found that children exposed to lead levels now considered safe scored substantially lower on intelligence tests, averaging 11.1 points lower on the Stanford-Binet IQ test.

Although testing has increased in Omaha, testing elsewhere in the state

remains low. This lack of testing persists despite current policy which requires that every child receiving a Medicaid Health Check examination must be screened for elevated blood lead levels at least at ages 12 months and 24 months.

The study shall include, but not be limited to, an investigation into the following:

(1) A determination of the percentage of Medicaid children who are currently being tested for elevated blood-lead levels and a review of adequacy of services made available to children with elevated blood-lead levels;

(2) An analysis of the fiscal impact on the state regarding medical expenses and other expenses related to disturbed or violent behavior in children as a result of untreated lead poisoning in children;

(3) A review of other states' policies regarding testing of children for blood-lead levels and public education programs which have been successful in communicating the importance of testing; and

(4) A review of elevated blood-lead levels in the state and analysis of the possible sources of the lead, including an examination of how to reduce lead emissions in these areas.

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

1. That the Health and Human Services Committee, Natural Resources Committee, and Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall conduct public hearings to provide for public comment.

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 248.** Introduced by Schimek, 27.

PURPOSE: To study and examine issues related to service delivery of natural gas within a municipal county.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 249.** Introduced by Beutler, 28.

**PURPOSE:** To study the issues presented in LB 626, Ninety-seventh Legislature, First Session, 2001. LB 626 proposes new language that would require all full-time private employees performing services under a contract with the state for personal services to be paid a minimum wage of at least \$8.19 for employees who receive health care benefits, and at least \$9.01 for employees who do not receive health care benefits. The personal contracts under which employees are performing are those valued at \$75,000 or more per year between a private entity and a state agency, other than the University of Nebraska or any other agency established by the Constitution of Nebraska.

The study shall include, but not be limited to, an examination of the following:

(1) The number of contracts for personal services, by agency, and the number of employees working under those contracts that would be affected by passage of LB 626;

(2) The impact of LB 626 on the negotiation process between state agencies and private contractors;

(3) The impact of LB 626 upon private businesses contracting with the state to provide personal services, assuming that contract rates will not be increased to account for the living wage; and

(4) The potential fiscal impact of LB 626 if contract rates were to be increased to cover the increases in wage rates required to be paid by private contractors.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 250.** Introduced by Jensen, 20.

**PURPOSE:** The purpose of this study is to examine issues raised by the introduction and passage of legislation relating to the licensure and regulation of distributors of mail-order contact lenses.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 251.** Introduced by Redfield, 12.

**PURPOSE:** When municipalities, through the use of eminent domain, assume ownership of utilities previously owned by private entities, taxable property is removed from the tax rolls. This results in a shift of property tax burden among taxpayers and a loss of property tax revenue to other political subdivisions, such as counties, school districts, natural resources districts, and community colleges. Also, state aid formulas to counties, natural resources districts, and municipalities under Neb. Rev. Stat. sections 77-27,137, 77-27,137.02, and 77-27,139.03, respectively, are based upon property taxes levied, and state aid formulas to schools are based, in part, upon the amount of property available for taxation. Removal of large amounts of property from the tax rolls in this manner skews state aid formulas.

When political subdivisions construct utility infrastructure to compete with existing utilities, the value of the existing utility's infrastructure is diminished or destroyed. This results in similar revenue issues as with direct condemnation.

When the power of eminent domain is exercised to take ownership of and subsequently operate utilities, other taxable transactions may become exempt from sales or use tax and income generated by the utility becomes exempt from income tax.

The purpose of this study is to examine how property tax, state revenue, and state aid formulas are impacted by municipalities' use of the power of eminent domain over utilities. Also, the study shall review how property tax, state revenue, and state aid formulas are impacted by political subdivisions' construction of utility infrastructure to compete with existing utilities. Further, the study shall include recommendations, if any, to correct any negative impact, such as adjustments of state aid formulas to include property previously taxed or taxation of proprietary functions of municipalities.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**VISITORS**

Visitors to the Chamber were 34 students and sponsors from Lincoln Christian School; Doug Johnson from Wausa and Kelly Hodson from Osmond; 12 seventh grade students and teacher from Shickley Public School; and 75 fourth grade students and teachers from Holling Heights Elementary School, Omaha.

The Doctor of the Day was Dr. Julie Jacobsen-Lindstrom from Broken Bow.

**ADJOURNMENT**

At 5:05 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, May 15, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTY-FIRST DAY - MAY 15, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****EIGHTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 15, 2001

**PRAYER**

The prayer was offered by Susan Gillies, American Baptist Churches of Nebraska, 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 McDonald and D. Pederson who were excused; and Senators Brown, Cunningham, Dierks, Hartnett, Hilgert, Maxwell, Dw. Pedersen, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 2013, line 21, after "43" insert "; Erdman, 47".  
The Journal for the eightieth day was approved as corrected.

**STANDING COMMITTEE REPORTS****Education**

**LEGISLATIVE BILL 431.** Indefinitely postponed.  
**LEGISLATIVE BILL 478.** Indefinitely postponed.  
**LEGISLATIVE BILL 576.** Indefinitely postponed.

(Signed) Ron Raikes, 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 1909: Board of Emergency Medical Services - Ronald F. Balthazor; Child Abuse Prevention Fund Board - Kevin Benesch and Peter Tulipana; and Foster Care Review Board - Weston Andre-Henn and Barbara Heckman.

Voting in the affirmative, 35:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Engel	Erdman
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Price	Quandahl
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska

Voting in the negative, 0.

Present and not voting, 4:

Foley	Preister	Raikes	Wehrbein
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Excused and not voting, 10:

Brown	Cunningham	Dierks	Hartnett	Hilgert
Maxwell	McDonald	Pedersen, Dw.	Pederson, D.	Wickersham

The appointments were confirmed with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 851.** Senator Schimek moved to bracket until May 31, 2001.

Senator Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

### PRESIDENT MAURSTAD PRESIDING

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Smith 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 22 ayes, 3 nays, and 24 not voting.

Senator Bromm requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 25:

Aguilar	Baker	Bromm	Bruning	Burling
Cudaback	Cunningham	Dierks	Engel	Erdman

Foley	Hudkins	Jensen	Jones	Kremer
Kristensen	Pedersen, Dw.	Price	Quandahl	Redfield
Schrock	Smith	Stuhr	Tyson	Wehrbein

Voting in the negative, 17:

Beutler	Bourne	Byars	Chambers	Connealy
Coordsen	Hilgert	Janssen	Kruse	Landis
Preister	Robak	Schimek	Suttle	Thompson
Vrtiska	Wickersham			

Present and not voting, 4:

Brown	Hartnett	Maxwell	Raikes
-------	----------	---------	--------

Excused and not voting, 3:

Brashear	McDonald	Pederson, D.
----------	----------	--------------

The motion to cease debate prevailed with 25 ayes, 17 nays, 4 present and not voting, and 3 excused and not voting.

Senator Schimek withdrew her motion to bracket.

Pending.

The Chair declared the call raised.

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

#### **Correctly Reengrossed**

The following bill was correctly reengrossed: LB 243.

(Signed) Philip Erdman, Chairperson

### **STANDING COMMITTEE REPORT Business and Labor**

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

Commission on Industrial Relations  
Brenda Council

VOTE: Aye: Senators Connealy, Vrtiska, Hartnett, Preister, and Schimek.  
Nay: None. Absent: Senators Chambers and Dierks.

(Signed) Matt Connealy, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 851.** Senator Schimek moved to bracket until May 22, 2001.

Senators Vrtiska and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

### **SENATOR CUDABACK PRESIDING**

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

### **VISITORS**

Visitors to the Chamber were 36 fourth grade students and teachers from Mockingbird Elementary School, Omaha; Debbie Walker from Dublin, Ireland; Senator Quandahl's son, Scott, 70 fourth grade students, and teachers from J. Sterling Morton Elementary School, Omaha; Royce Schweitzer from Heartland Community School, Henderson; and Brittany and Deb Stone-Haga and Jacki and Lauren Buettner from Kearney.

### **RECESS**

At 11:48 a.m., on a motion by Senator Robak, 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 McDonald and D. Pederson who were excused; and Senators Cunningham, Jones, Landis, Price, Robak, Tyson, and Vrtiska who were excused until they arrive.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 252.** Introduced by Foley, 29.

WHEREAS, Brayden McLaughlin has earned the rank of Eagle Scout, that organization's highest rank; and

WHEREAS, Brayden McLaughlin has been active in Boy Scout Troop 54, Cathedral of the Risen Christ, in Lincoln, Nebraska, since March 1994; and

WHEREAS, for his Eagle Scout project, Brayden McLaughlin planned, obtained specifications, and acquired necessary permits and permission to landscape a flower garden on the grounds of the Mother House of Christ The King Nuns at Denton, Nebraska; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Brayden McLaughlin has achieved great success as an exemplary member of the Scouting program and has represented his troop and community with excellence; and

WHEREAS, a Court of Honor ceremony will be held on Sunday, June 10, 2001, at the Cathedral of the Risen Christ Catholic Church, at which time Brayden McLaughlin will receive his Eagle Scout medal.

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

1. That the Legislature commends Brayden McLaughlin for his dedication, hard work, and perseverance in obtaining his Eagle Scout rank.
2. That a copy of this resolution be sent to Brayden McLaughlin.

Laid over.

### **NOTICE OF COMMITTEE HEARINGS** **Agriculture**

Tuesday, May 22, 2001

1:10 PM

Nolan Berry - Dry Bean Commission

(Signed) Merton L. Dierks, Chairperson

### **Health and Human Services**

Wednesday, May 23, 2001

1:00 PM

Jill Shea - Board of Emergency Medical Services

(Signed) Jim Jensen, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 851.** The Schimek pending motion, found in this day's Journal, to bracket until May 22, 2001, was renewed.

Senator Schimek withdrew her motion to bracket.

Senator Brashear withdrew his pending amendment, AM2024, found on page 2021.

The Special Committee amendment, AM1876, found on page 1867 and considered on page 2004, was renewed.

The Special Committee amendment, as amended, was adopted with 27 ayes, 10 nays, 5 present and not voting, and 7 excused and not voting.

Senator Bromm offered the following amendment:

AM1993

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 32-504, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-504. Based on the ~~1990~~ 2000 Census of Population by
- 6 the United States Department of Commerce, Bureau of the Census, the
- 7 State of Nebraska is hereby divided into three districts for
- 8 electing Representatives in the Congress of the United States, and
- 9 each district shall be entitled to elect one representative. The
- 10 limits and designations of the three districts shall be as follows:
- 11 (1) The first district shall contain the counties of
- 12 Richardson, Nemaha, Otoe, ~~Cass~~, Johnson, Pawnee, ~~Gage~~, Lancaster,
- 13 Saunders, ~~Saline~~, Seward, York, Butler, Dodge, Washington, Colfax,
- 14 Madison, Burt, Stanton, Cuming, Thurston, Wayne, Cedar, Dixon, and
- 15 Dakota, ~~and that part of Cass Sarpy County not included in the~~
- 16 second district, and that part of Gage County not included in the
- 17 third district;
- 18 (2) The second district shall contain ~~the counties of~~
- 19 Douglas County and Sarpy and that part of Cass Sarpy County which
- 20 includes the North Plattsmouth precinct and the city of Plattsmouth
- 21 beginning at the intersection of the Douglas-Sarpy County line and
- 22 South 180th Street, south on South 180th Street and continuing
- 23 south on a north-south line extending south from South 180th Street
- 24 to the Burlington Northern Santa Fe Railroad right-of-way, east
- 1 along the Burlington Northern Santa Fe Railroad right-of-way to
- 2 South 156th Street, south on South 156th Street to Giles Road, east
- 3 on Giles Road to South 144th Street, south on South 144th Street to
- 4 Interstate Highway 80, northeast on Interstate Highway 80 to South
- 5 132nd Street, south on South 132nd Street to Giles Road, east on
- 6 Giles Road and continuing east along an east-west line extending
- 7 east from Giles Road to the intersection of the southern corporate
- 8 city limits of the city of La Vista, follow the southern corporate
- 9 city limits of the city of La Vista east and south to the
- 10 intersection of the eastern corporate city limits of the city of
- 11 Papillion, follow the eastern corporate city limits of the city of
- 12 Papillion south to the southern corporate city limits of the city
- 13 of Papillion, follow the southern corporate city limits of the city
- 14 of Papillion east and north to West Papillion Creek, east along
- 15 West Papillion Creek to 66th Street, south on 66th Street to
- 16 Cedardale Road, east on Cedardale Road to South 60th Street, south
- 17 on South 60th Street to Maass Road, follow Maass Road east then

18 southwest to the northern boundary of Census Block 2008, follow  
 19 such boundary east to the eastern boundary of Census Block 2009,  
 20 north then east along such boundary to the corporate city limits of  
 21 the city of Bellevue, south along the corporate city limits of the  
 22 city of Bellevue to an east-west line extending east from Fox Ridge  
 23 Drive, east along such line to South 25th Street, north on South  
 24 25th Street to Nottingham Drive, east on Nottingham Drive to South  
 25 24th Street, north on South 24th Street to Lynnwood Drive, follow  
 26 Lynnwood Drive east then south to South 20th Street, south on South  
 27 20th Street to Spencer Street, southeast on Spencer Street to  
 1 Tregaron Drive, northeast on Tregaron Drive to U.S. Highway 75,  
 2 south on U.S. Highway 75 to the Sarpy-Cass County line, east along  
 3 the Sarpy-Cass County line to the Nebraska-Iowa state line, north  
 4 along the Nebraska-Iowa state line to the Douglas-Sarpy County  
 5 line, and west along the Douglas-Sarpy County line to the point of  
 6 beginning; and

7 (3) The third district shall contain the counties of  
 8 Jefferson, Saline, Thayer, Fillmore, Polk, Platte, Pierce, Knox,  
 9 Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Webster,  
 10 Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd, Garfield,  
 11 Valley, Sherman, Buffalo, Kearney, Franklin, Harlan, Phelps,  
 12 Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha, Rock,  
 13 Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,  
 14 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,  
 15 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box  
 16 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that  
 17 part of Gage County beginning at the intersection of the  
 18 Gage-Lancaster County line and Southwest 2nd Road, south on  
 19 Southwest 2nd Road to the creek, southeast along the creek to U.S.  
 20 Highway 77, south on U.S. Highway 77 to South 12th Street, south on  
 21 South 12th Street to East Buckeye Road, east on East Buckeye Road  
 22 to South 82nd Road, south on South 82nd Road to East Chestnut Road,  
 23 east on East Chestnut Road to South 120th Road, south on South  
 24 120th Road to East Pickrell Road, east on East Pickrell Road to the  
 25 Gage-Johnson County line, south along the Gage-Johnson County line  
 26 to the Gage-Pawnee County line, south along the Gage-Pawnee County  
 27 line to the Nebraska-Kansas state line, west along the  
 1 Nebraska-Kansas state line to the Gage-Jefferson County line, north  
 2 along the Gage-Jefferson County line to the Gage-Saline County  
 3 line, east then north along the Gage-Saline County line to the  
 4 Gage-Lancaster County line, and east along the Gage-Lancaster  
 5 County line to the point of beginning.

6 Sec. 2. Section 32-505, Reissue Revised Statutes of  
 7 Nebraska, is amended to read:  
 8 32-505. ~~The precincts and cities mentioned in section~~  
 9 ~~32-504 are the precincts and cities set out in the 1990 Census of~~  
 10 ~~Population~~ The descriptions of districts in section 32-504 are  
 11 taken from the 2000 TIGER/Line files published by the United States  
 12 Department of Commerce, Bureau of the Census.

13 Sec. 3. Original sections 32-504 and 32-505, Reissue  
14 Revised Statutes of Nebraska, are repealed."

Senator Bromm withdrew his amendment.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Aguilar	Baker	Brashear	Bromm	Bruning
Burling	Byars	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hilgert
Hudkins	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	Pedersen, Dw.	Price	Quandahl
Raikes	Redfield	Schrock	Smith	Stuhr
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 1:

Chambers

Present and not voting, 12:

Beutler	Bourne	Brown	Connealy	Hartnett
Janssen	Preister	Robak	Schimek	Suttle
Thompson	Wickersham			

Excused and not voting, 3:

Landis            McDonald      Pederson, D.

Advanced to E & R for review with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

### AMENDMENTS - Print in Journal

Senator Bourne filed the following amendment to LB 851:  
AM1995

(Amendments to Special Committee amendments, AM1876)

- 1 1. Strike amendments 1 and 2 and insert the following
- 2 new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 "Section 1. Section 32-504, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 32-504. Based on the ~~1990~~ 2000 Census of Population by
- 8 the United States Department of Commerce, Bureau of the Census, the
- 9 State of Nebraska is hereby divided into three districts for
- 10 electing Representatives in the Congress of the United States, and



11 each district shall be entitled to elect one representative. The  
 12 limits and designations of the three districts shall be as follows:

13 (1) The first district shall contain the counties of  
 14 Richardson, Nemaha, Otoe, ~~Cass~~, Johnson, Pawnee, Gage, Lancaster,  
 15 Saunders, Saline, Seward, York, Butler, Dodge, Washington, Colfax,  
 16 ~~Madison~~, Burt, Stanton, Cumming, Thurston, Wayne, Cedar, Dixon, and  
 17 Dakota, and that part of ~~Cass~~ Sarpy County not included in the  
 18 second district, and that part of Platte County beginning at the  
 19 intersection of the Platte-Stanton County line and 145th Avenue,  
 20 south on 145th Avenue and continuing south along a north-south line  
 21 extending south from 145th Avenue to the intersection of an  
 22 east-west line extending west from County Road L, east along such  
 23 line to the Platte-Colfax County line, north along the  
 1 Platte-Colfax County line to the Platte-Stanton County line, and  
 2 west along the Platte-Stanton County line to the point of  
 3 beginning;

4 (2) The second district shall contain the counties of  
 5 Douglas County and Sarpy and that part of ~~Cass~~ Sarpy County which  
 6 includes the North Plattsmouth precinct and the city of Plattsmouth  
 7 beginning at the intersection of the Douglas-Sarpy County line and  
 8 South 144th Street, south on South 144th Street to Capehart Road,  
 9 east on Capehart Road to the intersection of a north-south line  
 10 extending north from South 120th Street, south along such line to  
 11 South 120th Street, south on South 120th Street to Mitchell Road,  
 12 east on Mitchell Road to South 108th Street, north on South 108th  
 13 Street to Platteview Road, east on Platteview Road to Hidden Valley  
 14 Road, east on Hidden Valley Road to South 75th Street, north on  
 15 South 75th Street to Platteview Road, east on Platteview Road to  
 16 South 57th Street, south on South 57th Street to Zwiebel Creek,  
 17 follow Zwiebel Creek south to Merrill Mission Road, northeast on  
 18 Merrill Mission Road to La Platte Road, east on La Platte Road to  
 19 U.S. Highway 75, south on U.S. Highway 75 to the Sarpy-Cass County  
 20 line, east along the Sarpy-Cass County line to the Nebraska-Iowa  
 21 state line, north along the Nebraska-Iowa state line to the  
 22 Douglas-Sarpy County line, and west along the Douglas-Sarpy County  
 23 line to the point of beginning; and

24 (3) The third district shall contain the counties of  
 25 Jefferson, Thayer, Fillmore, Polk, ~~Platte~~, ~~Madison~~, Pierce, Knox,  
 26 Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Webster,  
 27 Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd, Garfield,  
 1 Valley, Sherman, Buffalo, Kearney, Franklin, Harlan, Phelps,  
 2 Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha, Rock,  
 3 Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,  
 4 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,  
 5 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box  
 6 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that  
 7 part of Platte County not included in the first district.  
 8 Sec. 2. Section 32-505, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

- 10 32-505. ~~The precincts and cities mentioned in section~~  
 11 ~~32-504 are the precincts and cities set out in the 1990 Census of~~  
 12 ~~Population~~ The descriptions of districts in section 32-504 are  
 13 taken from the 2000 TIGER/Line files published by the United States  
 14 Department of Commerce, Bureau of the Census.  
 15 Sec. 3. Original sections 32-504 and 32-505, Reissue  
 16 Revised Statutes of Nebraska, are repealed.'."

Senator Schimek filed the following amendment to LB 851:  
 AM2037

(Amendments to Special Committee amendments, AM1876)

- 1 1. Strike amendments 1 and 2 and insert the following  
 2 new amendment:  
 3 "1. Strike the original sections and all amendments  
 4 thereto and insert the following new section:  
 5 'Section 1. (1) The Legislature adopts the congressional  
 6 districts identified in the map entitled Schimek Proposal  
 7 A--AM2037. Such map shall be kept on file in the office of the  
 8 Clerk of the Legislature.  
 9 (2) The districts have been drawn pursuant to information  
 10 taken from the 2000 TIGER/Line files published by the United States  
 11 Department of Commerce, Bureau of the Census.'."

Senator Bourne filed the following amendment to LB 851:  
 AM1996

(Amendments to Special Committee amendments, AM1876)

- 1 1. Strike amendments 1 and 2 and insert the following  
 2 new amendment:  
 3 "1. Strike the original sections and all amendments  
 4 thereto and insert the following new sections:  
 5 'Section 1. Section 32-504, Reissue Revised Statutes of  
 6 Nebraska, is amended to read:  
 7 32-504. Based on the ~~1990~~ 2000 Census of Population by  
 8 the United States Department of Commerce, Bureau of the Census, the  
 9 State of Nebraska is hereby divided into three districts for  
 10 electing Representatives in the Congress of the United States, and  
 11 each district shall be entitled to elect one representative. The  
 12 limits and designations of the three districts shall be as follows:  
 13 (1) The first district shall contain the counties of  
 14 Richardson, Nemaha, Otoe, Cass, Johnson, Pawnee, Gage, Lancaster,  
 15 Saunders, Saline, Seward, York, Butler, Dodge, Washington, Colfax,  
 16 ~~Madison~~, Burt, Stanton, Cuming, Thurston, Wayne, Cedar, Dixon, and  
 17 Dakota, ~~and that part of Cass~~ Sarpy County not included in the  
 18 second district, and that part of Platte County not included in the  
 19 third district;  
 20 (2) The second district shall contain ~~the counties of~~  
 21 Douglas County and Sarpy ~~and that part of Cass~~ Sarpy County ~~which~~  
 22 ~~includes the North Plattsmouth precinct and the city of Plattsmouth~~  
 23 beginning at the intersection of the Douglas-Sarpy County line and

1 South 144th Street, south on South 144th Street to Capehart Road,  
2 east on Capehart Road to the intersection of a north-south line  
3 extending north from South 120th Street, south along such line to  
4 South 120th Street, south on South 120th Street to Mitchell Road,  
5 east on Mitchell Road to South 108th Street, north on South 108th  
6 Street to Platteview Road, east on Platteview Road to Hidden Valley  
7 Road, east on Hidden Valley Road to South 75th Street, north on  
8 South 75th Street to Platteview Road, east on Platteview Road to  
9 South 57th Street, south on South 57th Street to Zwiebel Creek,  
10 follow Zwiebel Creek south to Merrill Mission Road, northeast on  
11 Merrill Mission Road to La Platte Road, east on La Platte Road to  
12 U.S. Highway 75, south on U.S. Highway 75 to the Sarpy-Cass County  
13 line, east along the Sarpy-Cass County line to the Nebraska-Iowa  
14 state line, north along the Nebraska-Iowa state line to the  
15 Douglas-Sarpy County line, and west along the Douglas-Sarpy County  
16 line to the point of beginning; and

17 (3) The third district shall contain the counties of  
18 Jefferson, Thayer, Fillmore, Polk, ~~Platte~~, Madison, Pierce, Knox,  
19 Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Webster,  
20 Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd, Garfield,  
21 Valley, Sherman, Buffalo, Kearney, Franklin, Harlan, Phelps,  
22 Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha, Rock,  
23 Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,  
24 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,  
25 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box  
26 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that

27 part of Platte County beginning at the intersection of the  
1 Platte-Stanton County line and 145th Avenue, south on 145th Avenue  
2 to State Highway 91, east on State Highway 91 to the intersection  
3 of a north-south line extending north from East 44th Avenue, south  
4 along such line to the intersection of an east-west line extending  
5 east from 205th Avenue, west along such line to the intersection of  
6 a north-south line extending north from East 32nd Avenue, south  
7 along such line to the intersection of an east-west line extending  
8 west from County Road L, east along such line to the intersection  
9 of a north-south line extending north from East 36th Avenue, south  
10 along such line to 98th Street, west on 98th Street to East 29th  
11 Avenue, south on East 29th Avenue to 83rd Street, east on 83rd  
12 Street to East 44th Avenue, south on East 44th Avenue and  
13 continuing south on a north-south line extending south from East  
14 44th Avenue to the Platte-Butler County line, west along the  
15 Platte-Butler County line to the Platte-Polk County line, west  
16 along the Platte-Polk County line to the Platte-Merrick County  
17 line, north then west along the Platte-Merrick County line to the  
18 Platte-Nance County line, north then west along the Platte-Nance  
19 County line to the Platte-Boone County line, north along the  
20 Platte-Boone County line to the Platte-Madison County line, east  
21 along the Platte-Madison County line to the Platte-Stanton County  
22 line, and east along the Platte-Stanton County line to the point of

23 beginning.

24 Sec. 2. Section 32-505, Reissue Revised Statutes of

25 Nebraska, is amended to read:

26 32-505. ~~The precincts and cities mentioned in section~~

27 ~~32-504 are the precincts and cities set out in the 1990 Census of~~

1 ~~Population~~ The descriptions of districts in section 32-504 are

2 taken from the 2000 TIGER/Line files published by the United States

3 Department of Commerce, Bureau of the Census.

4 Sec. 3. Original sections 32-504 and 32-505, Reissue

5 Revised Statutes of Nebraska, are repealed.'."

Senator Bourne filed the following amendment to LB 851:

AM1994

(Amendments to Special Committee amendments, AM1876)

1 1. Strike amendments 1 and 2 and insert the following

2 new amendment:

3 "1. Strike the original sections and all amendments

4 thereto and insert the following new sections:

5 'Section 1. Section 32-504, Reissue Revised Statutes of

6 Nebraska, is amended to read:

7 32-504. Based on the ~~1990~~ 2000 Census of Population by

8 the United States Department of Commerce, Bureau of the Census, the

9 State of Nebraska is hereby divided into three districts for

10 electing Representatives in the Congress of the United States, and

11 each district shall be entitled to elect one representative. The

12 limits and designations of the three districts shall be as follows:

13 (1) The first district shall contain the counties of

14 Richardson, Nemaha, Otoe, ~~Cass~~, Johnson, Pawnee, Gage, Lancaster,

15 Saunders, Saline, Seward, York, Butler, Dodge, Washington, Colfax,

16 ~~Madison~~, Burt, Stanton, Cuming, Thurston, Wayne, Cedar, Dixon, and

17 Dakota, ~~and that part of Cass~~ Sarpy County not included in the

18 second district, ~~and that part of Polk County not included in the~~

19 third district;

20 (2) The second district shall contain ~~the counties of~~

21 Douglas County and Sarpy and that part of Cass Sarpy County which

22 includes the North Plattsmouth precinct and the city of Plattsmouth

23 beginning at the intersection of the Douglas-Sarpy County line and

1 South 144th Street, south on South 144th Street to Capehart Road,

2 east on Capehart Road to the intersection of a north-south line

3 extending north from South 120th Street, south along such line to

4 South 120th Street, south on South 120th Street to Mitchell Road,

5 east on Mitchell Road to South 108th Street, north on South 108th

6 Street to Platteview Road, east on Platteview Road to Hidden Valley

7 Road, east on Hidden Valley Road to South 75th Street, north on

8 South 75th Street to Platteview Road, east on Platteview Road to

9 South 57th Street, south on South 57th Street to Zwiebel Creek,

10 follow Zwiebel Creek south to Merrill Mission Road, northeast on

11 Merrill Mission Road to La Platte Road, east on La Platte Road to

12 U.S. Highway 75, south on U.S. Highway 75 to the Sarpy-Cass County

13 line, east along the Sarpy-Cass County line to the Nebraska-Iowa  
 14 state line, north along the Nebraska-Iowa state line to the  
 15 Douglas-Sarpy County line, and west along the Douglas-Sarpy County  
 16 line to the point of beginning; and

17 (3) The third district shall contain the counties of  
 18 Jefferson, Thayer, Fillmore, ~~Polk~~, Platte, Madison, Pierce, Knox,  
 19 Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Webster,  
 20 Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd, Garfield,  
 21 Valley, Sherman, Buffalo, Kearney, Franklin, Harlan, Phelps,  
 22 Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha, Rock,  
 23 Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,  
 24 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,  
 25 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box  
 26 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that  
 27 part of Polk County beginning at the intersection of the  
 1 Polk-Platte County line and a north-south line extending north from  
 2 the intersection of County Road 44 and County Road V, south on  
 3 County Road V to County Road 31, east on County Road 31 to County  
 4 Road W, south on County Road W to County Road 22, west on County  
 5 Road 22 to County Road V, and south on County Road V to the  
 6 Polk-York County line, west along the Polk-York County line to the  
 7 Polk-Hamilton County line, north along the Polk-Hamilton County  
 8 line to the Polk-Merrick County line, northeast along the  
 9 Polk-Merrick County line to the Polk-Platte County line, and east  
 10 along the Polk-Platte County line to the point of beginning.

11 Sec. 2. Section 32-505, Reissue Revised Statutes of  
 12 Nebraska, is amended to read:

13 32-505. ~~The precincts and cities mentioned in section~~  
 14 ~~32-504 are the precincts and cities set out in the 1990 Census of~~  
 15 ~~Population~~ The descriptions of districts in section 32-504 are  
 16 taken from the 2000 TIGER/Line files published by the United States  
 17 Department of Commerce, Bureau of the Census.

18 Sec. 3. Original sections 32-504 and 32-505, Reissue  
 19 Revised Statutes of Nebraska, are repealed.'."

Senator Schimek filed the following amendment to LB 851:  
 AM2038

(Amendments to Special Committee amendments, AM1876)

1 1. Strike amendments 1 and 2 and insert the following  
 2 new amendment:

3 "1. Strike the original sections and all amendments  
 4 thereto and insert the following new section:

5 'Section 1. (1) The Legislature adopts the congressional  
 6 districts identified in the map entitled Schimek Proposal  
 7 B--AM2038. Such map shall be kept on file in the office of the  
 8 Clerk of the Legislature.

9 (2) The districts have been drawn pursuant to information  
 10 taken from the 2000 TIGER/Line files published by the United States  
 11 Department of Commerce, Bureau of the Census.'."

Senators Byars, Thompson, and Coordsen filed the following amendment to LB 851:

AM2041

(Amendments to Special Committee amendments, AM1876)

- 1 1. Strike amendments 1 and 2 and insert the following
- 2 new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new section:
- 5 'Section 1. (1) The Legislature adopts the congressional
- 6 districts identified in the map entitled Byars Proposal--AM2041.
- 7 Such map shall be kept on file in the office of the Clerk of the
- 8 Legislature.
- 9 (2) The districts have been drawn pursuant to information
- 10 taken from the 2000 TIGER/Line files published by the United States
- 11 Department of Commerce, Bureau of the Census.'".

Senator Schimek filed the following amendment to LB 851:

AM2039

(Amendments to Special Committee amendments, AM1876)

- 1 1. Strike amendments 1 and 2 and insert the following
- 2 new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new section:
- 5 'Section 1. (1) The Legislature adopts the congressional
- 6 districts identified in the map entitled Schimek Proposal
- 7 C--AM2039. Such map shall be kept on file in the office of the
- 8 Clerk of the Legislature.
- 9 (2) The districts have been drawn pursuant to information
- 10 taken from the 2000 TIGER/Line files published by the United States
- 11 Department of Commerce, Bureau of the Census.'".

Senator Brashear filed the following amendment to LB 851:

AM2006

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 32-504, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-504. Based on the ~~1990~~ 2000 Census of Population by
- 6 the United States Department of Commerce, Bureau of the Census, the
- 7 State of Nebraska is hereby divided into three districts for
- 8 electing Representatives in the Congress of the United States, and
- 9 each district shall be entitled to elect one representative. The
- 10 limits and designations of the three districts shall be as follows:
- 11 (1) The first district shall contain the counties of
- 12 Richardson, Nemaha, Otoe, Cass, Johnson, Pawnee, Gage, Lancaster,
- 13 Saunders, Saline, Seward, ~~York~~, Butler, Dodge, Washington, Colfax,
- 14 ~~Madison~~, Burt, Stanton, Cuming, Thurston, Wayne, ~~Cedar~~, ~~Dixon~~, and
- 15 Dakota, and that part of Cass Sarpy County not included in the
- 16 second district, and that part of Madison County not included in

17 the third district;

18 (2) The second district shall contain ~~the counties of~~  
 19 Douglas County and Sarpy and that part of Cass Sarpy County which  
 20 includes the North Plattsmouth precinct and the city of Plattsmouth  
 21 beginning at the intersection of the Douglas-Sarpy County line and  
 22 South 180th Street, south on South 180th Street and continuing  
 23 south on a north-south line extending south from South 180th Street  
 24 to the Burlington Northern Santa Fe Railroad right-of-way, east  
 1 along the Burlington Northern Santa Fe Railroad right-of-way to  
 2 South 156th Street, south on South 156th Street to Giles Road, east  
 3 on Giles Road to South 144th Street, south on South 144th Street to  
 4 Interstate Highway 80, northeast on Interstate Highway 80 to South  
 5 132nd Street, south on South 132nd Street to Giles Road, east on  
 6 Giles Road and continuing east along an east-west line extending  
 7 east from Giles Road to the intersection of the southern corporate  
 8 city limits of the city of La Vista, follow the southern corporate  
 9 city limits of the city of La Vista east and south to the  
 10 intersection of the eastern corporate city limits of the city of  
 11 Papillion, follow the eastern corporate city limits of the city of  
 12 Papillion south to the southern corporate city limits of the city  
 13 of Papillion, follow the southern corporate city limits of the city  
 14 of Papillion east and north to West Papillion Creek, east along  
 15 West Papillion Creek to 66th Street, south on 66th Street to  
 16 Cedardale Road, east on Cedardale Road to South 60th Street, south  
 17 on South 60th Street to Maass Road, follow Maass Road east then  
 18 southwest to the northern boundary of Census Block 2008, follow  
 19 such boundary east to the eastern boundary of Census Block 2009,  
 20 north then east along such boundary to the corporate city limits of  
 21 the city of Bellevue, south along the corporate city limits of the  
 22 city of Bellevue to an east-west line extending east from Fox Ridge  
 23 Drive, east along such line to South 25th Street, north on South  
 24 25th Street to Nottingham Drive, east on Nottingham Drive to South  
 25 24th Street, north on South 24th Street to Lynnwood Drive, follow  
 26 Lynnwood Drive east then south to South 20th Street, south on South  
 27 20th Street to Spencer Street, southeast on Spencer Street to  
 1 Tregaron Drive, northeast on Tregaron Drive to U.S. Highway 75,  
 2 south on U.S. Highway 75 to the Sarpy-Cass County line, east along  
 3 the Sarpy-Cass County line to the Nebraska-Iowa state line, north  
 4 along the Nebraska-Iowa state line to the Douglas-Sarpy County  
 5 line, and west along the Douglas-Sarpy County line to the point of  
 6 beginning; and

7 (3) The third district shall contain the counties of  
 8 Jefferson, Thayer, Fillmore, Polk, Platte, Pierce, Knox, Cedar,  
 9 Dixon, Antelope, Boone, Nance, Merrick, Hamilton, York, Clay,  
 10 Nuckolls, Webster, Adams, Hall, Howard, Greeley, Wheeler, Holt,  
 11 Boyd, Garfield, Valley, Sherman, Buffalo, Kearney, Franklin,  
 12 Harlan, Phelps, Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya  
 13 Paha, Rock, Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red  
 14 Willow, Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith,

15 Perkins, Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill,  
 16 Box Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that  
 17 part of Madison County beginning at the intersection of the  
 18 Madison-Pierce County line and 549th Avenue, south on 549th Avenue  
 19 to 841st Street, west on 841st Street to 547th Avenue, south on  
 20 547th Avenue to 839th Road, west on 839th Road to Sherwood Road,  
 21 west on Sherwood Road to State Highway 121, south on State Highway  
 22 121 to 835th Road, west on 835th Road to 541st Avenue, south on  
 23 541st Avenue to 824th Road, west on 824th Road to 540th Avenue,  
 24 south on 540th Avenue to the Madison-Platte County line, west along  
 25 the Madison-Platte County line to the Madison-Boone County line,  
 26 north along the Madison-Boone County line to the Madison-Antelope  
 27 County line, north along the Madison-Antelope County line to the  
 1 Madison-Pierce County line, and east along the Madison-Pierce  
 2 County line to the point of beginning.  
 3 Sec. 2. Section 32-505, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 32-505. ~~The precincts and cities mentioned in section~~  
 6 ~~32-504 are the precincts and cities set out in the 1990 Census of~~  
 7 ~~Population The descriptions of districts in section 32-504 are~~  
 8 ~~taken from the 2000 TIGER/Line files published by the United States~~  
 9 ~~Department of Commerce, Bureau of the Census.~~  
 10 Sec. 3. Original sections 32-504 and 32-505, Reissue  
 11 Revised Statutes of Nebraska, are repealed."

### SELECT FILE

**LEGISLATIVE BILL 536.** Senator Chambers moved to recommit to the Agriculture Committee.

Senator Schimek 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 14 ayes, 1 nay, and 34 not voting.

The Chambers motion to recommit to the Agriculture Committee failed with 2 ayes, 36 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers moved to reconsider the vote on his motion to recommit LB 536 to the Agriculture Committee.

Senators Brashear and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.



**SENATOR DW. PEDERSEN PRESIDING**

Senator Bromm 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 13 ayes, 0 nays, and 36 not voting.

Senator Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 3:

Chambers	Price	Raikes
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Voting in the negative, 37:

Aguilar	Baker	Bourne	Bruning	Burling
Byars	Connealy	Coordsen	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Quandahl	Redfield	Robak	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein			

Present and not voting, 3:

Cudaback	Schimek	Wickersham
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Excused and not voting, 6:

Beutler	Brashear	Bromm	Brown	McDonald
Pederson, D.				

The Chambers motion to reconsider failed with 3 ayes, 37 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Wickersham moved to recommit LB 536 to the Revenue Committee.

Senators Cunningham, Landis, Coordsen, Schimek, Janssen, and Price asked unanimous consent to be excused until they return. No objections. So ordered.

**PRESIDENT MAURSTAD PRESIDING**

Senator Bourne asked unanimous consent to be excused until he returns. No

objections. So ordered.

Pending.

**APPROPRIATIONS COMMITTEE REPORT  
ON LB 542 AND 543**

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line-item vetoes contained in LBs 542 and 543.

By majority vote, the Appropriations Committee recommends overrides of vetoes as listed below.

	<u>LB 542</u>	FY2001-02	FY2002-03
UNO-CPACS engineering building renovations		500,000	0

	<u>LB 543</u>	FY2001-02	FY2002-03
HHS Finance-Family Caregivers match		244,153	244,153
Natural Resources-Development Fund		0	1,750,000
Library Comm-aid		87,000	99,000
Coord Comm-SSAP aid		0	272,500
Coord Comm-SAP aid		0	272,500
Coord Comm-PEAP aid		0	272,500
State Colleges-operations		0	1,124,000
Crime Comm-substance abuse task force		60,000	0

(Signed) Roger R. Wehrbein, Chair  
Appropriations Committee

**NOTICE OF COMMITTEE HEARING  
Natural Resources**

Tuesday, May 22, 2001

8:00 AM

Vaughn Blum - Environmental Quality Council

Terry Zahn - Environmental Quality Council

(Signed) Ed Schrock, Chairperson

**AMENDMENTS - Print in Journal**

Senator Preister filed the following amendment to LB 329:  
AM1982

(Amendments to AM1912)

1. 1. On page 49, strike lines 9 through 14, show the old 2 matter as stricken, and renumber the remaining subdivisions 3 accordingly.

Senator Wehrbein filed the following amendment to LB 536:  
(Amendment, AM2054, 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 640A:  
AM2001

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated (1) \$420,000
- 4 from the General Fund for FY2001-02 and (2) \$420,000 from the
- 5 General Fund for FY2002-03 to the Department of Health and Human
- 6 Services Finance and Support, for Program 316 -- Predisposition
- 7 Detention Costs, to aid in carrying out the provisions of
- 8 Legislative Bill 640, Ninety-seventh Legislature, First Session,
- 9 2001.
- 10 There is included in the appropriation to this program
- 11 for FY2001-02 \$420,000 General Funds for state aid, which shall
- 12 only be used for such purpose. There is included in the
- 13 appropriation to this program for FY2002-03 \$420,000 General Funds
- 14 for state aid, 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 Sec. 2. There is hereby appropriated (1) \$1,420,000 from
- 19 the General Fund for FY2001-02 and (2) \$3,430,000 from the General
- 20 Fund for FY2002-03 to the Department of Health and Human Services
- 21 Finance and Support, for Program 324, to aid in carrying out the
- 22 provisions of Legislative Bill 640, Ninety-seventh Legislature,
- 23 First Session, 2001.
- 24 There is included in the appropriation to this program
- 1 for FY2001-02 \$1,420,000 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 FY2002-03 \$3,430,000 General
- 4 Funds for state aid, which shall only be used for such purpose.
- 5 No expenditures for permanent and temporary salaries and
- 6 per diems for state employees shall be made from funds appropriated
- 7 in this section.
- 8 Sec. 3. There is hereby appropriated (1) \$250,000 from
- 9 the General Fund for FY2001-02 and (2) \$250,000 from the General
- 10 Fund for FY2002-03 to the Nebraska Commission on Law Enforcement
- 11 and Criminal Justice, for Program 155, to aid in carrying out the
- 12 provisions of Legislative Bill 640, Ninety-seventh Legislature,
- 13 First Session, 2001.
- 14 There is included in the appropriation to this program
- 15 for FY2001-02 \$250,000 General Funds for state aid, which shall
- 16 only be used for such purpose. There is included in the
- 17 appropriation to this program for FY2002-03 \$250,000 General Funds
- 18 for state aid, which shall only be used for such purpose.
- 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. 4. The appropriation to the Department of Health  
23 and Human Services Finance and Support, for Program 316 --  
24 Predisposition Detention Costs, contained in Legislative Bill 543,  
25 Ninety-seventh Legislature, First Session, 2001, is null and void.  
26 Sec. 5. Since an emergency exists, this act takes effect  
27 when passed and approved according to law."

Senator Beutler filed the following amendments to LB 435:

AM1728

(Amendments to Standing Committee amendments, AM0524)

- 1 1. On page 2, line 9, after the last occurrence of
- 2 "railroad" insert "on the effective date of this act".

AM1732

(Amendments to Standing Committee amendments, AM0524)

- 1 1. On page 3, line 16, after "after" insert "written".

AM1737

(Amendments to Standing Committee amendments, AM0524)

- 1 1. On page 2, line 16, after "(4)" insert "Railroad
- 2 means a carrier of persons or property upon cars, other than
- 3 streetcars, operated upon stationary rails and any other type of
- 4 corporation owned or controlled by a railroad or any other type of
- 5 corporation which owns or controls a railroad;
- 6 (5)"; in line 22 strike "(5)" and insert "(6)"; and in
- 7 line 26 strike "(6)" and insert "(7)".

AM1731

(Amendments to Standing Committee amendments, AM0524)

- 1 1. On page 6, line 1, before "The" insert "(1)"; and
- 2 after line 7 insert the following new subsection:
- 3 "(2) The Agricultural Suppliers Lease Protection Act
- 4 shall not apply to any agricultural tenant, or any subsequent
- 5 agricultural tenant on the same railroad land, unless such
- 6 agricultural tenant has filed of record against such railroad land,
- 7 in the office of the register of deeds in the county in which such
- 8 railroad land is located, prior to July 1, 2004, a notice giving
- 9 the exact legal description of the railroad land and stating that
- 10 the railroad land is subject to the act.".

AM1736

(Amendments to Standing Committee amendments, AM0524)

- 1 1. On page 3, line 6, after "value" insert ", unless the
- 2 lessor sells the leased property or uses the property for uses
- 3 other than those uses allowed an agricultural tenant under
- 4 subdivision (1) of section 3 of this act".

AMI730

(Amendments to Standing Committee amendments, AM0524)

- 1 1. On page 3, line 1, after "land" insert ", after the
- 2 effective date of this act".

AMI733

(Amendments to Standing Committee amendments, AM0524)

- 1 1. On page 3, line 6, after "value" insert ", unless the
- 2 lessor sells the leased property".

**SELECT FILE**

**LEGISLATIVE BILL 536.** The Wickersham pending motion, found in this day's Journal, to recommit to the Revenue Committee, was renewed.

Senator Cudaback 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 19 ayes, 1 nay, and 29 not voting.

Senator Wickersham requested a roll call vote on his motion to recommit to the Revenue Committee.

Voting in the affirmative, 6:

Hartnett	Price	Raikets	Redfield	Suttle
Wickersham				

Voting in the negative, 33:

Aguilar	Baker	Brown	Bruning	Burling
Byars	Connealy	Cunningham	Dierks	Engel
Erdman	Foley	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Quandahl
Schimiek	Schrock	Smith	Stuhr	Thompson
Tyson	Vrtiska	Wehrbein		

Present and not voting, 2:

Chambers	Robak
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Excused and not voting, 8:

Beutler	Bourne	Brashear	Bromm	Coordsen
Cudaback	McDonald	Pederson, D.		

The Wickersham motion to recommit to the Revenue Committee failed with

6 ayes, 33 nays, 2 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 Wickersham motion to recommit LB 536 to the Revenue Committee.

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

Senator Dierks moved to invoke cloture on LB 536, pursuant to Rule 7, Section 10.

Senator Dierks moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Dierks motion to invoke cloture prevailed with 38 ayes, 7 nays, and 4 excused and not voting.

The Chambers motion to reconsider the vote on the Wickersham motion to recommit to the Revenue Committee failed with 6 ayes, 37 nays, 2 present and not voting, and 4 excused and not voting.

The Chambers pending amendment, FA254, found on page 1971, to the Coordsen pending amendment, lost with 8 ayes, 30 nays, 7 present and not voting, and 4 excused and not voting.

The Coordsen pending amendment, AM1978, found on page 1934 and considered on page 1971, was adopted with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 35:

Aguilar	Baker	Beutler	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Maxwell
Pedersen, Dw.	Preister	Quandahl	Robak	Schrock
Smith	Stuhr	Tyson	Vrtiska	Wehrbein

Voting in the negative, 8:

Chambers	Landis	Price	Raikes	Redfield
Suttle	Thompson	Wickersham		

Present and not voting, 2:

Brown Schimek

Excused and not voting, 4:

Bourne Brashear McDonald Pederson, D.

Advanced to E & R for engrossment with 35 ayes, 8 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

#### **MOTIONS - Print in Journal**

The Appropriations Committee filed the following motion to LB 543: Pursuant to Rule 6, Section 14, to override the Governor's line-item vetoes to LB 543 contained in:

1. Section 115, Agency 26, Department of Health and Human Services, Program 571, for the Family Caregivers General Fund match.
2. Section 127, Agency 29, Department of Natural Resources, Program 307, for FY 2002-03 only, for Nebraska Resources Development Fund aid.
3. Section 150, Agency 34, Library Commission, Program 302, for aid to libraries.
4. Section 166, Agency 48, Coordinating Commission for Postsecondary Education, Program 499, for FY 2002-03 only, for SSAP aid.
5. Section 167, Agency 48, Coordinating Commission for Postsecondary Education, Program 500, for FY 2002-03 only, for SAP aid.
6. Section 169, Agency 48, Coordinating Commission for Postsecondary Education, Program 650, for FY 2002-03 only, for PEAP aid.
7. Section 170, Agency 50, Board of Trustees, Nebraska State Colleges, Program 48, for FY 2002-03 only, for State College operations.
8. Section 231, Agency 78, Nebraska Commission on Law Enforcement, Program 198, for the substance abuse task force.

The Appropriations Committee filed the following motion to LB 542: Pursuant to Rule 6, Section 14, to override the Governor's line-item vetoes to LB 542 contained in:

1. Section 47, Agency 51, University of Nebraska, Program 996, for Fiscal Year 2001-02 only, for the UNO-CPACS engineering building renovations.

**AMENDMENT - Print in Journal**

Senator Wickersham filed the following amendment to LB 305:  
AM2053

(Amendments to Standing Committee amendments, AM1406)

- 1 1. Insert the following new section:
- 2 "Sec. 11. (1) On or before December 15, 2001, the State
- 3 Department of Education shall distribute one hundred fifty dollars
- 4 for each adjusted formula student used in the certification of
- 5 state aid for the 2001-02 school fiscal year to any school district
- 6 which:
- 7 (a) Is part of at least one local system which has a
- 8 general fund common levy greater than or equal to ninety-seven
- 9 cents for the 2001-02 school fiscal year;
- 10 (b) Has an average teacher salary as defined by the
- 11 department for school fiscal year 2000-01 that is below the
- 12 statewide average for such school fiscal year;
- 13 (c) Has an average increase in teacher salaries from
- 14 school fiscal year 1998-99 to school fiscal year 2000-01 equal to
- 15 or greater than the statewide average increase in teacher salaries
- 16 for such period. The average increase in teacher salaries shall be
- 17 measured as a percentage using as a base the salaries for school
- 18 fiscal year 1998-99 for teachers who were employed by the district
- 19 in school fiscal year 1998-99 and continue to be employed by the
- 20 district in school fiscal year 2000-01 and comparing the base to
- 21 the salaries for such teachers for school fiscal year 2000-01; and
- 22 (d) Is part of at least one local system receiving
- 23 equalization aid for school fiscal year 2001-02.
- 1 (2) Districts receiving salary supplements shall report
- 2 to the department on or before November 1, 2002, on a form
- 3 prescribed by the department, how the salary supplements were
- 4 spent. If any portion of the salary supplements was not spent on
- 5 the salaries of full-time teachers, then beginning with the
- 6 February 2003 state aid payment, state aid shall be withheld until
- 7 an amount equal to the portion of the salary supplements not spent
- 8 as provided in this section has been repaid to the state through
- 9 such withholding. If a district that receives salary supplements
- 10 fails to report to the department how the salary supplements were
- 11 spent, then beginning with the February 2003 state aid payment,
- 12 state aid shall be withheld until the entire amount of salary
- 13 supplements received by such district has been repaid to the state
- 14 through such withholding."
- 15 2. On page 4, line 18, strike "9" and all amendments
- 16 thereto and insert "11".
- 17 3. Renumber the remaining sections accordingly.

**VISITORS**

Visitors to the Chamber were fifth and sixth grade students and teachers



from Elgin Public School; and Brian Beeman from Scottsbluff.

**ADJOURNMENT**

At 6:32 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Wednesday, May 16, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-SECOND DAY - MAY 16, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**EIGHTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 16, 2001

**PRAYER**

The prayer was offered by Senator Jones.

**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 McDonald and D. Pederson who were excused; and Senators Brown and Landis who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-first day was approved.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 114 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 114.

**MOTION - Return LB 366 to Select File**

Senator Chambers moved to return LB 366 to Select File for the following specific amendment:

FA256

Strike the enacting clause.

Senators Cudaback, Jones, and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers withdrew his motion to return.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 366.

A BILL FOR AN ACT relating to counties; to amend section 23-114.03, Revised Statutes Supplement, 2000; to change provisions relating to zoning and nonfarm buildings; 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, 43:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Kremer	Kristensen	Kruse
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 1:

Chambers

Excused and not voting, 5:

Cudaback	Jones	Landis	McDonald	Pederson, D.
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### LEGISLATIVE BILL 598.

A BILL FOR AN ACT relating to juveniles; to amend section 43-408, Reissue Revised Statutes of Nebraska, and section 43-3602, Revised Statutes Supplement, 2000; to change provisions relating to determination of placement and treatment services; to provide for an examination of juvenile evaluation practices and a report; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Kremer	Kristensen
Kruse	Maxwell	Pedersen, Dw.	Preister	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 1:

Price

Excused and not voting, 5:

Cudaback	Jones	Landis	McDonald	Pederson, D.
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTION - Return LB 667 to Select File**

Senator Chambers moved to return LB 667 to Select File for the following specific amendment:

FA257

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 667 with 38 ayes, 2 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 667.** With Emergency.

A BILL FOR AN ACT relating to water; to amend sections 46-602.01,

46-636, 46-1209, 46-1210, 46-1213, 46-1214, 46-1229, 46-1233, 46-1235, 46-1238, 46-1239, 46-1240, 46-1241, 71-5301.01, 71-5304, 71-5304.02, 71-5307, 71-5309, 71-5310, and 81-1505, Reissue Revised Statutes of Nebraska, sections 2-3254, 46-230, 46-602, 46-604, 46-606, 46-637, 46-656.25, 46-1011, 46-1204.01, 46-1224, 61-210, 71-5301, 71-5302, 71-5303, 71-5304.01, 71-5305, 71-5305.02, 71-5306, 71-5308, 71-5311, 71-5311.01, 71-5315, 71-5316, 71-5318, 71-5322, and 71-5324, Revised Statutes Supplement, 2000, and sections 46-1202 and 46-1214.01, Reissue Revised Statutes of Nebraska, as amended by sections 2 and 6, respectively, Legislative Bill 133, Ninety-seventh Legislature, First Session, 2001; to redefine a term and change provisions relating to public water systems; to redefine terms, change provisions, and change penalties relating to water well registration; to change provisions relating to pumping for irrigation purposes; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

McDonald      Pederson, D.

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

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 667A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 667, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Landis	Maxwell	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, 1:

Kruse

Excused and not voting, 2:

McDonald      Pederson, D.

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

### **MOTION - Return LB 692 to Select File**

Senator Chambers moved to return LB 692 to Select File for the following specific amendment:

FA258

Strike the enacting clause.

### **SPEAKER KRISTENSEN PRESIDING**

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 692 with 35 ayes, 2 nays, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 692.** With Emergency.

A BILL FOR AN ACT relating to health care funding; to amend sections 71-1626 and 71-1627, Reissue Revised Statutes of Nebraska, and sections 68-1526, 71-6050, 71-7605, 71-7606, 71-7607 to 71-7609, 71-7611, and 71-7614, Revised Statutes Supplement, 2000; to change provisions relating to local public health departments, the Nebraska Lifespan Respite Services Program, and the Nebraska Health Care Funding Act; to change and eliminate provisions relating to use of funds, grants, loan guarantees, and reports; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; to outright repeal sections 71-7606.01 and 71-7613, Revised Statutes Supplement, 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, 47:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

McDonald      Pederson, D.

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

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 692A.** With Emergency.



A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 692, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Landis            McDonald            Pederson, D.

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

### **MOTION - Return LB 773 to Select File**

Senator Chambers moved to return LB 773 to Select File for the following specific amendment:

FA259

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 773 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 773.**

A BILL FOR AN ACT relating to operating vehicles, watercraft, or aircraft while impaired; to amend sections 28-1465, 28-1466, 28-1470, 28-1471, 28-1473, 28-1474, 37-1254.01, 37-1254.03, 37-1254.05, 37-1254.08, 60-4,163, 60-4,168, 60-4,182, and 81-1822, Reissue Revised Statutes of Nebraska, and sections 37-1254.02, 60-6,196, 60-6,197, and 60-6,201, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to chemical analysis of breath or body fluid samples as prescribed; to change provisions relating to prior convictions and operator's license suspensions as prescribed; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Maxwell	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, 1:

Chambers

Excused and not voting, 3:

Landis            McDonald            Pederson, D.

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 781.**

A BILL FOR AN ACT relating to livestock; to provide principles for application in civil actions relating to collisions between a motor vehicle and an animal 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, 46:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Landis            McDonald        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 833 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 833.** With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 9-812, 79-1001, 79-1003, 79-1009, 79-1018.01, and 79-1310, Revised Statutes Supplement, 2000; to change distribution of educational funds and distance education provisions; to change provisions relating to enrollment option program state aid under the Tax Equity and Educational Opportunities Support 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, 46:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Landis            McDonald        Pederson, D.

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

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 366, 598, 667, 667A, 692, 692A, 773, 781, and 833.

#### **UNANIMOUS CONSENT - Member Excused**

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

#### **SELECT FILE**

**LEGISLATIVE BILL 536A.** Senator Chambers moved to indefinitely postpone.

#### **SENATOR CUDABACK PRESIDING**

Senators Brashear, Maxwell, Kruse, Hilgert, and Bruning 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 7 ayes, 0 nays, and 42 not voting.

The Chambers motion to indefinitely postpone failed with 2 ayes, 33 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers offered the following amendment:  
FA260

1. In line 2, strike "3,000,000" and insert "one dollar"; and strike lines 4-6.

Senators Foley and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved to recommit LB 536A to the Revenue Committee.

Pending.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 16, 2001, at 11:30 a.m., were the following: LBs 366, 598, 667e, 667A, 692e, 692Ae, 773, 781, and 833e.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

### **VISITORS**

Visitors to the Chamber were 66 eighth grade students and teacher from Auburn Middle School; 56 fourth grade students and teachers from Skyline Elementary School, Elkhorn; 40 fourth grade students and teacher from Gates Elementary School, Grand Island; Joel and Nick Long from Omaha; Senator Erdman's mother, Cathy, from Bayard and grandparents, Mike and Margaret Erdman from Washington State; 23 preschoolers and sponsors from the Federal Building Day Care, Lincoln; 60 fourth grade students and teacher from St. Michaels Elementary School, Hastings; Senator Cudaback's mother, Lena, from Riverdale, sister, Jane Rumbeck, from Amherst, niece, Jodi Rumbeck, and Meg Cuca from Lincoln; 12 sixth through eighth grade students and teacher from Platte Valley District #8, North Platte; and Polk County Republican Women from Stromsburg.

### **RECESS**

At 11:59 a.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 Senators

McDonald and D. Pederson who were excused; and Senators Dierks and Robak who were excused until they arrive.

### AMENDMENTS - Print in Journal

Senator Maxwell filed the following amendment to LB 305:  
(Amendment, AM2055, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Maxwell filed the following amendment to LB 305:  
(Amendment, AM2058, 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 Line-Item Veto on LB 542

Senator Wehrbein renewed the Appropriations Committee pending motion, found on page 2053, to override the Governor's line-item veto on LB 542, Section 47.

Senator Quandahl asked unanimous consent to be excused. No objections. So ordered.

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, 2:

Kruse            Robak

Voting in the negative, 34:

Aguilar	Baker	Bourne	Brashear	Bromm
Bruning	Burling	Chambers	Connealy	Coordsen
Cudaback	Cunningham	Engel	Erdman	Foley
Hudkins	Janssen	Jones	Kremer	Kristensen
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Raikes	Redfield	Schimek	Smith	Stuhr
Thompson	Tyson	Vrtiska	Wehrbein	

Present and not voting, 10:

Beutler	Brown	Byars	Dierks	Hartnett
Hilgert	Jensen	Schrock	Suttle	Wickersham

Excused and not voting, 3:

McDonald    Pederson, D.    Quandahl

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.

### **MOTION - Override Line-Item Vetoes on LB 543**

Senator Wehrbein renewed the Appropriations Committee pending motion, found on page 2053, to override the Governor's line-item vetoes on LB 543, Sections 115, 127, 150, 166, 167, 169, 170, and 231.

### **SPEAKER KRISTENSEN PRESIDING**

Senator Chambers offered the following amendment to the Appropriations Committee pending motion:

FA270

Amend Appropriations Committee recommendations:  
to strike Section 169 Agency 48 (PEAP aid)

Senators Brashear and Hudkins 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, 24:

Aguilar	Bourne	Bromm	Bruning	Cunningham
Engel	Erdman	Hartnett	Hilgert	Janssen
Kremer	Kruse	Landis	Maxwell	Pedersen, Dw.
Price	Redfield	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	

Present and not voting, 20:

Baker	Beutler	Brown	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Foley	Jensen	Jones	Kristensen	Preister
Raikes	Robak	Schimek	Tyson	Wickersham

Excused and not voting, 5:

Brashear	Hudkins	McDonald	Pederson, D.	Quandahl
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The Chambers amendment lost with 0 ayes, 24 nays, 20 present and not voting, and 5 excused and not voting.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers moved to reconsider the vote on his amendment, FA270.

Senator Smith asked unanimous consent to be excused until he returns. No objections. So ordered.

### **SENATOR CUDABACK PRESIDING**

Senators Kristensen and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Byars asked unanimous consent to be excused. No objections. So ordered.

The Chambers motion to reconsider failed with 1 aye, 12 nays, 27 present and not voting, and 9 excused and not voting.

Senator Chambers offered the following amendment to the Appropriations Committee pending motion:

FA271

Strike from the Appropriations Committee recommendations:

Section 166, Agency 48 (SSAP aid) - \$272,500

Section 167, Agency 48 (SAP aid) - \$272,500

Section 169, Agency 48 (PEAP aid) - \$272,500

The Chambers amendment lost with 0 ayes, 10 nays, 30 present and not voting, and 9 excused and not voting.

Pending.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 465A.** 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 465, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

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

#### **Correctly Engrossed**

The following bill was correctly engrossed: LB 536.

(Signed) Philip Erdman, Chairperson



**RESOLUTION****LEGISLATIVE RESOLUTION 253.** Introduced by Foley, 29.

WHEREAS, the forty-six sophomores, juniors, and seniors of the Southeast High School swim team have an average grade point of 4.01 on a 4.0 scale using weighted grades for advanced classes; and

WHEREAS, Coach Dave Peters has done a wonderful job of emphasizing academics as well as athletics; and

WHEREAS, the Journal Star honored thirteen Lincoln Southeast juniors and seniors as Academic All-State student athletes. The honorees included Kevin Masek, Gareth Merrifield, David Rowson, Kevin Pepperl, Ashtyn Beek, Ryan Blase, Jordan Bowling, Jason Bradford, Joe David, Kylie Hansen, Carly Knoell, Laura Tingle, and Tennyson Anseth; and

WHEREAS, Coach Peters should be recognized for his achievements.

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

1. That the Legislature commends Coach Dave Peters and the Lincoln Southeast swim team for their academic and athletic record.
2. That a copy of this resolution be sent to Coach Peters.

Laid over.

**MOTIONS - Override Line-Item Vetoes on LB 543**

Senator Chambers moved to reconsider the vote on his amendment, FA271, found in this day's Journal, to the Appropriations Committee pending motion, found on page 2053 and considered in this day's Journal, to override the Governor's line-item vetoes on LB 543, Sections 115, 127, 150, 166, 167, 169, 170, and 231.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

**SENATOR DW. PEDERSEN PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 7 ayes, 2 nays, and 40 not voting.

The Chambers motion to reconsider failed with 2 ayes, 37 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the Appropriations Committee pending motion:

FA272

Strike from the Appropriations Committee recommendations:

Section 127, Agency 29 (Nebraska Resources Development Fund aid) - \$1,750,000

### **SENATOR CUDABACK PRESIDING**

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Appropriations Committee pending motion:

FA273

Strike from the Appropriations Committee recommendations:

Section 166, Agency 48 (SSAP aid)

Section 169, Agency 48 (PEAP aid)

Senators Connealy and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Senators Bourne and Preister asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment lost with 2 ayes, 19 nays, 19 present and not voting, and 9 excused and not voting.

Senator Chambers moved to reconsider the vote on his amendment, FA273.

The Chambers motion to reconsider failed with 3 ayes, 27 nays, 11 present and not voting, and 8 excused and not voting.

Senator Wehrbein withdrew the Appropriations Committee pending motion, found on page 2053 and considered in this day's Journal, to override the Governor's line-item vetoes.

Senator Raikes moved to override the Governor's line-item vetoes in Section 44, State Department of Education, Program 25, of the earmarks for both FY 2001-02 and FY 2002-03 for the enrollment option program transportation reimbursement (pages 16 and 17) and the programs for learners with high ability (page 18).

Senator Raikes withdrew his motion to override the Governor's line-item vetoes.

Senator Wehrbein moved to override the Governor's line-item vetoes to LB 543 contained in:

1. Section 115, Agency 26, Department of Health and Human Services, Program 571, for the Family Caregivers General Fund match.

2. Section 127, Agency 29, Department of Natural Resources, Program 307, for FY 2002-03 only, for Nebraska Resources Development Fund aid.

3. Section 150, Agency 34, Library Commission, Program 302, for aid to libraries.

4. Section 170, Agency 50, Board of Trustees, Nebraska State Colleges, Program 48, for FY 2002-03 only, for State College operations.

5. Section 231, Agency 78, Nebraska Commission on Law Enforcement, Program 198, for the substance abuse task force.

Senator Wehrbein moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

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

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, 20:

Beutler	Bromm	Chambers	Connealy	Engel
Hartnett	Hilgert	Janssen	Kruse	Maxwell
Price	Raikes	Robak	Schimek	Schrock
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 21:

Aguilar	Baker	Brashear	Brown	Bruning
Burling	Coordsen	Cudaback	Cunningham	Dierks
Erdman	Foley	Jensen	Jones	Kremer
Kristensen	Landis	Redfield	Smith	Stuhr
Tyson				

Excused and not voting, 8:

Bourne	Byars	Hudkins	McDonald	Pedersen, Dw.
Pederson, D.	Preister	Quandahl		

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.

## MESSAGE FROM THE GOVERNOR

May 16, 2001

Patrick J. O'Donnell  
 Clerk of the Legislature  
 State Capitol, Room 2018  
 Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 692c and 692Ae were received in my office on May 16, 2001.

These bills were signed by me on May 16, 2001, and delivered to the Secretary of State.

Sincerely,  
 (Signed) Mike Johanns  
 Governor

## AMENDMENTS - Print in Journal

Senator Beutler filed the following amendments to LB 435:  
 AM2065

(Amendments to E & R amendments, AM7119)

- 1 1. On page 2, line 17, after "(4)" insert "Railroad
- 2 means a carrier of persons or property upon cars, other than
- 3 streetcars, operated upon stationary rails and any other type of
- 4 corporation owned or controlled by a railroad or any other type of
- 5 corporation which owns or controls a railroad;
- 6 (5)"; in line 23 strike "(5)" and insert "(6)"; and in
- 7 line 27 strike "(6)" and insert "(7)".

AM2062

(Amendments to E & R amendments, AM7119)

- 1 1. On page 3, line 17, after "after" insert "written".

AM2059

(Amendments to E & R amendments, AM7119)

- 1 1. On page 2, line 10, after the last occurrence of
- 2 "railroad" insert "on the effective date of this act".

AM2060

(Amendments to E & R amendments, AM7119)

- 1 1. On page 3, line 2, after "land" insert ", after the
- 2 effective date of this act".

AM2066

(Amendments to E & R amendments, AM7119)

- 1 1. On page 2, strike beginning with "Lease" in line 14
- 2 through "(4)" in line 17; in line 23 strike "(5)" and insert "(4)";
- 3 and in line 27 strike "(6)" and insert "(5)".

AM2061

(Amendments to E & R amendments, AM7119)

- 1 1. On page 6, line 2, before "The" insert "(1)"; and
- 2 after line 8 insert the following new subsection:
- 3 "(2) The Agricultural Suppliers Lease Protection Act
- 4 shall not apply to any agricultural tenant, or any subsequent
- 5 agricultural tenant on the same railroad land, unless such
- 6 agricultural tenant has filed of record against such railroad land,
- 7 in the office of the register of deeds in the county in which such
- 8 railroad land is located, prior to July 1, 2004, a notice giving
- 9 the exact legal description of the railroad land and stating that
- 10 the railroad land is subject to the act."

### VISITORS

Visitors to the Chamber were 30 fourth grade students from High Plains Elementary School, Hordville.

### ADJOURNMENT

At 6:58 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Thursday, May 17, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**EIGHTY-THIRD DAY - MAY 17, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****EIGHTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 17, 2001

**PRAYER**

The prayer was offered by Reverend Norma Vander-Meer, Bethany Evangelical Church, Lyons, 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 McDonald, D. Pederson, and Quandahl who were excused; and Senators Brown, Dierks, Landis, and Robak who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-second day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 17, 2001, 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

Kramer, David J.  
Nebraska Republican Party

**SELECT FILE**

**LEGISLATIVE BILL 853.** E & R amendment, AM7122, found on page 1982, was adopted.

Senator Beutler renewed his pending amendment, AM1992, found on page 1953.

The Beutler amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 855.** E & R amendment, AM7123, found on page 1982, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 856.** E & R amendment, AM7125, found on page 1982, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 854.** E & R amendment, AM7124, found on page 1982, was adopted.

Advanced to E & R for engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 172.** Title read. Considered.

The Standing Committee amendment, AM0784, found on page 915, was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

### ANNOUNCEMENT

The Chair announced tomorrow is Senator Engel's birthday.

### SELECT FILE

**LEGISLATIVE BILL 305.** E & R amendment, AM7121, found on page 1827, was adopted.

Senator Maxwell withdrew his pending amendments, AM1581, AM1769, and AM1997, printed separately and referred to on pages 1563, 1799, and 1967.

Senator Maxwell withdrew his pending amendment, AM1998, found on page 1967.



Senator Maxwell asked unanimous consent to replace his pending amendment, AM2058, printed separately and referred to on page 2068, with a substitute amendment. No objections. So ordered.

Senator Maxwell withdrew his pending amendment, AM2058, printed separately and referred to on page 2068.

Senator Maxwell renewed his substitute pending amendment, AM2055, printed separately and referred to on page 2068.

Senator Maxwell offered the following amendment to his pending amendment:

AM2088

(Amendments to AM2055)

- 1 1. Insert the following new sections:
- 2 "Sec. 8. Section 79-1007.01, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 79-1007.01. (1) ~~For school fiscal year 1998-99 and each~~
- 5 ~~school fiscal year thereafter, the~~ The adjusted formula students
- 6 for each local system shall be calculated by:
- 7 (a) Multiplying the formula students in each grade range
- 8 by the corresponding weighting factors to calculate the weighted
- 9 formula students for each grade range as follows:
- 10 (i) The weighting factor for kindergarten is five-tenths;
- 11 (ii) The weighting factor for grades one through six,
- 12 including full-day kindergarten, is one;
- 13 (iii) The weighting factor for grades seven and eight is
- 14 one and two-tenths; and
- 15 (iv) The weighting factor for grades nine through twelve
- 16 is one and four-tenths;
- 17 (b) Adding the weighted formula students for each grade
- 18 range to calculate the weighted formula students for the local
- 19 system; and
- 20 (c) Adjusting the weighted formula students by adding the
- 21 following demographic factors:
- 22 (i) The Indian-land factor shall equal 0.25 times the
- 23 average daily attendance of students who reside on Indian land as
- 1 reported by the United States Department of Education in
- 2 calculating the local system's payment pursuant to 20 U.S.C. 7701
- 3 et seq., as such sections existed on the effective date of this
- 4 act;
- 5 (ii) The limited English proficiency factor shall equal
- 6 0.25 times the formula students in the local system with limited
- 7 English proficiency as defined under rules and regulations of the
- 8 United States Department of Education promulgated pursuant to Title
- 9 VI of the Civil Rights Act of 1964, as such act existed on the
- 10 effective date of this act;
- 11 (iii) The department shall calculate the number of
- 12 formula students to whom the poverty factor shall apply. The

13 department shall calculate a ratio of the formula students to the  
14 total children under nineteen years of age residing in the local  
15 system and shall apply the ratio to the low-income children within  
16 the local system, in order to determine the number of low-income  
17 students within such local system. The number of children under  
18 nineteen years of age used in this calculation shall be derived  
19 from income tax information. The poverty factor shall equal the  
20 number of low-income students or the formula students qualified for  
21 free lunches or free milk under United States Department of  
22 Agriculture child nutrition programs, whichever is greater,  
23 multiplied by the following factors:

24 (A) 0 for the qualified formula students comprising the  
25 first five percent of the formula students in the local system;

26 (B) 0.05 for the qualified formula students comprising  
27 more than five percent and not more than ten percent of the formula  
1 students in the local system;

2 (C) 0.10 for the qualified formula students comprising  
3 more than ten percent and not more than fifteen percent of the  
4 formula students in the local system;

5 (D) 0.15 for the qualified formula students comprising  
6 more than fifteen percent and not more than twenty percent of the  
7 formula students in the local system;

8 (E) 0.20 for the qualified formula students comprising  
9 more than twenty percent and not more than twenty-five percent of  
10 the formula students in the local system;

11 (F) 0.25 for the qualified formula students comprising  
12 more than twenty-five percent and not more than thirty percent of  
13 the formula students in the local system; and

14 (G) 0.30 for the qualified formula students comprising  
15 more than thirty percent of the formula students in the local  
16 system; and

17 (iv) The extreme remoteness factor shall equal 0.125  
18 times the formula students in the local system for each local  
19 system that has fewer than two hundred formula students, more than  
20 six hundred square miles in the local system, less than  
21 three-tenths formula student per square mile in the local system,  
22 and more than twenty-five miles between the high school attendance  
23 center and the next closest high school attendance center on paved  
24 roads.

25 (2) The total adjusted formula students for each local  
26 system shall equal the weighted formula students plus the  
27 demographic factors, except that (a) for local systems qualifying  
1 for the extreme remoteness factor, the total adjusted formula  
2 students shall be greater than or equal to one hundred fifty  
3 adjusted formula students, (b) the total adjusted formula students  
4 for a local system shall not include the extreme remoteness factor  
5 or any adjustment to the adjusted formula students resulting from  
6 qualification for the extreme remoteness factor for the calculation  
7 of the average formula cost per student in each cost grouping

8 pursuant to ~~subdivision~~ subsection (2) of section 79-1007.02, and  
9 (c) the total adjusted formula students for a local system shall  
10 include the extreme remoteness factor and any adjustment to the  
11 adjusted formula students resulting from qualification for the  
12 extreme remoteness factor for the calculation of the local system's  
13 formula need pursuant to ~~subdivision~~ subsection (3) of section  
14 79-1007.02.

15 Sec. 9. Section 79-1007.02, Revised Statutes Supplement,  
16 2000, is amended to read:

17 79-1007.02. ~~For state aid calculated for school fiscal~~  
18 ~~year 1998-99 and each school fiscal year thereafter:~~

19 (1) Using data from the annual financial reports for the  
20 second school fiscal year immediately preceding the school fiscal  
21 year in which aid is to be paid, the annual statistical summary  
22 reports for the school fiscal year immediately preceding the school  
23 fiscal year in which aid is to be paid, the fall membership reports  
24 and supplements thereto for the school fiscal year immediately  
25 preceding the school fiscal year in which aid is to be paid, and  
26 the school district census as reported under sections 79-524 and  
27 79-578 for the second school fiscal year preceding the school

1 fiscal year in which aid is to be paid, the department shall divide  
2 the local systems into three cost groupings prior to the  
3 certification of state aid based upon the following criteria:

4 (a) The very sparse cost grouping will consist of local  
5 systems that have (i)(A) less than one-half student per square mile  
6 in each county in which each high school attendance center is  
7 located, based on the school district census, (B) less than one  
8 formula student per square mile in the local system, and (C) more  
9 than fifteen miles between the high school attendance center and  
10 the next closest high school attendance center on paved roads or  
11 (ii)(A) more than four hundred fifty square miles in the local  
12 system, (B) less than one-half student per square mile in the local  
13 system, and (C) more than fifteen miles between each high school  
14 attendance center and the next closest high school attendance  
15 center on paved roads;

16 (b) The sparse cost grouping will consist of local  
17 systems that do not qualify for the very sparse cost grouping but  
18 which meet the following criteria:

19 (i)(A) Less than two students per square mile in the  
20 county in which each high school is located, based on the school  
21 district census, (B) less than one formula student per square mile  
22 in the local system, and (C) more than ten miles between each high  
23 school attendance center and the next closest high school  
24 attendance center on paved roads;

25 (ii)(A) Less than one and one-half formula students per  
26 square mile in the local system and (B) more than fifteen miles  
27 between each high school attendance center and the next closest  
1 high school attendance center on paved roads;

2 (iii)(A) Less than one and one-half formula students per

3 square mile in the local system and (B) more than two hundred  
4 seventy-five square miles in the local system; or  
5 (iv)(A) Less than two formula students per square mile in  
6 the local system and (B) the local system includes an area equal to  
7 ninety-five percent or more of the square miles in the largest  
8 county in which a high school attendance center is located in the  
9 local system; and

10 (c) The standard cost grouping will consist of local  
11 systems that do not qualify for the very sparse or the sparse cost  
12 groupings.

13 For purposes of ~~subdivision (1) of this section~~ this  
14 subsection, if a local system did not operate and offer instruction  
15 in grades nine through twelve within the boundaries of the local  
16 system during the school fiscal year immediately preceding the  
17 school fiscal year in which aid is to be paid, the local system  
18 shall not be considered to have a high school attendance center. ;

19 (2) The department shall calculate the average formula  
20 cost per student in each cost grouping by dividing the total  
21 estimated general fund operating expenditures for the cost grouping  
22 by the total adjusted formula students for all local systems in the  
23 cost grouping. ~~For the calculation of state aid for school fiscal~~  
24 ~~year 1999-00 and for each school fiscal year thereafter, the~~ The  
25 average formula cost per student in each cost grouping shall not be  
26 recalculated for the final calculation of state aid pursuant to  
27 section 79-1065. The calculation of total adjusted formula

1 students for purposes of this ~~subdivision~~ subsection shall take  
2 into account the requirements of subsection (2) of section  
3 79-1007.01. The total estimated general fund operating  
4 expenditures for the cost grouping is equal to the total adjusted  
5 general fund operating expenditures for all local systems in the  
6 cost grouping multiplied by a cost growth factor. The cost growth  
7 factor for each cost grouping is equal to the sum of: (a) One; plus  
8 (b) the product of two times the ratio of the difference between  
9 the formula students attributable to the cost grouping without  
10 weighting or adjustment pursuant to section 79-1007.01 and the  
11 average daily membership attributable to the cost grouping for the  
12 most recently available complete data year divided by the average  
13 daily membership attributable to the cost grouping for the most  
14 recently available complete data year, except that the ratio shall  
15 not be less than zero; plus (c) the basic allowable growth rate  
16 pursuant to section 79-1025 for the school fiscal year in which the  
17 aid is to be distributed; plus (d) the basic allowable growth rate  
18 pursuant to section 79-1025 for the school fiscal year immediately  
19 preceding the school fiscal year in which the aid is to be  
20 distributed; plus (e) ~~one-half of any additional growth rate~~  
21 ~~allowed by special action of school boards for the school fiscal~~  
22 ~~year in which the aid is to be distributed as determined for the~~  
23 ~~school fiscal year immediately preceding the school fiscal year~~  
24 ~~when aid is to be distributed; plus (f) one-half of any additional~~

25 growth rate allowed by special action of the school boards for the  
26 school fiscal year immediately preceding the school fiscal year  
27 when the aid is to be distributed ; and one percent.

1 (3) Each local system's formula need will be equal to the  
2 local system's transportation allowance plus the local system's  
3 special receipts allowance plus the product of the local system's  
4 adjusted formula students multiplied by the average formula cost  
5 per student in the local system's cost grouping. The calculation  
6 of total adjusted formula students for purposes of this subdivision  
7 subsection shall take into account the requirements of subsection  
8 (2) of section 79-1007.01.

9 Sec. 10. Section 79-1029, Revised Statutes Supplement,  
10 2000, is amended to read:

11 79-1029. (1)(a) A Class II, III, IV, V, or VI district  
12 may exceed the basic allowable growth rate prescribed in section  
13 79-1025 upon an affirmative vote of at least seventy-five percent  
14 of the board. The Except as otherwise provided in subdivision (b)  
15 of this subsection, the total growth shall not exceed the  
16 applicable allowable growth percentage certified for the local  
17 system under section 79-1026 plus one percent.

18 (b) For Class II, III, IV, V, or VI districts which (a)  
19 are budgeting for the applicable school fiscal year an increase in  
20 salaries for first-year teachers of at least six percent and (b)  
21 are part of a local system which has below average spending for  
22 their cost grouping, based on the local system's adjusted general  
23 fund operating expenditures divided by the local system's formula  
24 students compared to the cost grouping aggregate adjusted general  
25 fund operating expenditures divided by the cost grouping aggregate  
26 formula students, the total growth shall not exceed the applicable  
27 allowable growth percentage certified for the local system under  
1 section 79-1026 plus three percent. A Class II, III, IV, V, or VI  
2 district may exceed the basic allowable growth rate by the  
3 applicable allowable growth percentage plus three percent as  
4 provided in this subdivision for only one school fiscal year during  
5 the period beginning with school fiscal year 2001-02 and ending  
6 with school fiscal year 2003-04.

7 (c) The vote shall be taken at a public meeting of the  
8 board following a special public hearing called for the purpose of  
9 receiving testimony on such proposed increase. The board shall  
10 give at least five calendar days' notice of such public hearing and  
11 shall publish such notice at least once in a newspaper of general  
12 circulation in the local system.

13 (2) A Class II, III, IV, V, or VI district may exceed the  
14 applicable allowable growth percentage prescribed in section  
15 79-1026 by an amount approved by a majority of legal voters voting  
16 on the issue at a primary, general, or special election called for  
17 such purpose upon the recommendation of the board or upon the  
18 receipt by the county clerk or election commissioner of a petition  
19 requesting an election signed by at least five percent of the legal

20 voters of the district. The recommendation of the board or the  
 21 petition of the legal voters shall include the amount and  
 22 percentage by which the board would increase its general fund  
 23 budget of expenditures for the ensuing school year over and above  
 24 the current year's general fund budget of expenditures. The county  
 25 clerk or election commissioner shall place the question on the  
 26 primary or general election ballot or call for a special election  
 27 on the issue after the receipt of such board recommendation or  
 1 legal voter petition. The election shall be held pursuant to the  
 2 Election Act or section 77-3444, and all costs for a special  
 3 election shall be paid by the district. A vote to exceed the  
 4 applicable allowable growth percentage may be approved on the same  
 5 question as a vote to exceed the levy limits provided in section  
 6 77-3444."  
 7 2. Amend the repealer, renumber the remaining sections,  
 8 and correct internal references accordingly.

### **SENATOR CUDABACK PRESIDING**

Senators Cunningham and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Kristensen asked unanimous consent to be excused. No objections. So ordered.

Pending.

### **REPORT OF THE EXECUTIVE BOARD**

#### 2001 Resolutions calling for an Interim Study

- LR 56 Interim study to review laws regarding private detectives, plain clothes investigators, and private security companies  
Government, Military and Veterans Affairs
- LR 63 Interim study to examine environmental and hydrological impacts of pumping water from the Platte River basin to the Missouri River basin  
Natural Resources
- LR 67 Interim study regarding licensure of deaf and hard of hearing interpreters  
Health and Human Services
- LR 68 Interim study to examine the effect of exempting military personnel from paying income tax for the period they do not live in the state  
Revenue

- LR 69 Interim study to examine the impact of environmental hazards on children and employees of child care facilities located near an environmental hazard  
Health and Human Services
- LR 70 Interim study to examine reimbursement options for counties relating to medical expenses for inmates in county correctional facilities  
Judiciary
- LR 71 Interim study to review laws governing assisted-living facilities  
Health and Human Services
- LR 72 Interim study to determine how to fund development and maintenance of an off-the-highway vehicle trail for use by all-terrain vehicles or dirtbikes  
Transportation and Telecommunications
- LR 73 Interim study to evaluate child care services  
Health and Human Services
- LR 74 Interim study to examine development of a statewide immunization registry  
Health and Human Services
- LR 75 Interim study to examine establishment of a statewide program of self-directed care for disabled persons who receive medicaid or medical assistance benefits  
Health and Human Services
- LR 76 Interim study to examine enactment of the Advanced Practice Registered Nurse Act  
Health and Human Services
- LR 77 Interim study to review work completed by the Nebraska Center for Nursing relating to the shortage of nurses  
Health and Human Services
- LR 78 Interim study to review adjustments to school state aid calculations to include the cost of transporting students to Lincoln for academic events and personnel training  
Education
- LR 79 Interim study to examine ways to grant incentives to businesses who have few employees who receive unemployment benefits after terminating employment  
Business and Labor
- LR 80 Interim study to examine the cash funds administered by the Dept.

of Agriculture  
Agriculture

- LR 81 Interim study to examine maintaining a contingency fund within or in conjunction with the Pesticide Administrative Cash Fund for extraordinary water monitoring activities  
Natural Resources/Appropriations/Agriculture
- LR 82 Interim study to examine statutes regarding exemptions due to changes in the federal bankruptcy statutes  
Judiciary
- LR 83 Interim study to examine penalties which would deter underage consumption of alcoholic beverages  
General Affairs
- LR 84 Interim study of the importation of alcoholic liquor into the state for personal use  
General Affairs
- LR 85 Interim study to conduct a state employee parking facility feasibility study  
Government, Military and Veterans Affairs
- LR 86 Interim study of the options available for the training of liquor retailers and their employees concerning preventing sales to minors  
General Affairs
- LR 87 Interim study of the options available to increase money distributed to the three designated beneficiaries of funding pursuant to the State Lottery Act  
General Affairs
- LR 88 Interim study of the effect of passage of LB 355, 1999, on insurance coverage for mental health conditions  
Banking, Commerce and Insurance
- LR 89 Interim study to examine Nebraska's income tax structure  
Revenue
- LR 90 Interim study to review placing a limit on the number of legislative bills a state senator may introduce each session  
Rules
- LR 91 Interim study to examine whether Nebraska should enact statutes regarding prompt payment of claims by health benefit carriers  
Banking, Commerce and Insurance
- LR 92 Interim study to examine whether Nebraska should enact



legislation to provide for regulatory requirements for Multiple Employer Welfare Association employee benefit plans  
Banking, Commerce and Insurance

- LR 93 Interim study to examine whether Nebraska should enact legislation to update laws regarding filing of agricultural statutory liens  
Banking, Commerce and Insurance
- LR 94 Interim study to determine whether Nebraska should enact the Uniform Trust Code  
Banking, Commerce and Insurance
- LR 95 Interim study to determine the status of school building structures  
Education
- LR 96 Interim study to examine the statutes regarding availability of adoption records  
Health and Human Services
- LR 97 Interim study of the alternatives available for increasing charitable gaming revenue and maintaining charitable gaming records more efficiently  
General Affairs
- LR 98 Interim study of the feasibility of reclassifying the liquor licensing system to simplify and streamline the process  
General Affairs
- LR 99 Interim study to review requiring noncustodial parents to continue child support payments for developmentally disabled children over nineteen years of age  
Health and Human Services
- LR 100 Interim study to assist in the creation of a task force to study developmental possibilities of a corridor between Lincoln and Omaha along Interstate 80  
Transportation and Telecommunications
- LR 101 Interim study to examine private service contracts entered into by state agencies  
Appropriations
- LR 102 Interim study to examine working conditions and the quality of life for railroad employees  
Business and Labor
- LR 103 Interim study of the process the State Claims Board utilizes to approve claims made against the State of Nebraska

## Business and Labor

- LR 104 Interim study of the managed care system for workers' compensation  
Business and Labor
- LR 105 Interim study of the safety inspection program on workers' compensation injuries and losses  
Business and Labor
- LR 106 Interim study of Nebraska's child labor laws  
Business and Labor
- LR 107 Interim study of issues requiring full-time employees performing services under certain contracts for personal services to be paid a minimum wage  
Business and Labor
- LR 108 Interim study to examine allowing unemployment insurance benefits for employees who voluntarily leave work to be with a child during the first year of life or first year of adoption  
Business and Labor
- LR 109 Interim study to conduct a review of the Remedial Action Plan Monitoring Act  
Natural Resources
- LR 110 Interim study to determine the effect of the loss of rail service on rural communities and shippers and the duties of the Nebr. Railway Council  
Transportation and Telecommunications
- LR 111 Interim study of laws and regulations governing delayed deposit services and debt management services licensed in Nebraska  
Banking, Commerce and Insurance
- LR 112 Interim study to examine possible prior notification alternatives regarding application of pesticides to lawns and indoors  
Agriculture
- LR 113 Interim study of the impact of the use of adjusted valuations in the equalization formula for state aid to schools  
Education
- LR 115 Interim study to examine the environmental impact of the disposal of computers along with other electronic equipment items  
Natural Resources
- LR 116 Interim study to examine the extent to which poverty affects

students' education  
Education

- LR 117 Interim study to examine lowering the population threshold requirement for the formation or continuing status of villages  
Urban Affairs
- LR 118 Interim study to seek solutions to barriers to the development of wind energy and to identify funding mechanisms to fund renewable energy  
Natural Resources
- LR 119 Interim study to clarify who is eligible to run for positions on the boards of educational service units comprising more than one county  
Education
- LR 120 Interim study to examine the Task Force for Building Renewal  
Building Maintenance
- LR 122 Interim study to examine who conducts school bus inspections and qualifications required of those who perform inspections  
Transportation and Telecommunications
- LR 123 Interim study to examine the prohibition of certain telephone solicitations  
Transportation and Telecommunications
- LR 124 Interim study of sales of alcoholic liquor in Whiteclay, Nebraska  
General Affairs
- LR 125 Interim study of the State Employees Collective Bargaining Act, specifically appeals by the exclusive collective bargaining agent or the employer of a Special Master ruling  
Appropriations
- LR 126 Interim study to examine enacting new statutory restrictions on predatory lending activities  
Banking, Commerce and Insurance
- LR 127 Interim study and comprehensive review of the telecommunications industry  
Transportation and Telecommunications
- LR 128 Interim study to examine occupation taxes  
Revenue
- LR 129 Interim study to examine the electronic payment of taxes  
Revenue

- LR 130 Interim study to examine the contents and layout of property tax statements  
Revenue
- LR 131 Interim study to look at how schools with declining enrollments are affected by decreases in state aid  
Education
- LR 132 Interim study of the use and construction of equipment storage buildings by the Dept. of Roads  
Appropriations
- LR 133 Interim study to explore policies to reduce air emissions from power plants and to achieve greater energy conservation and efficiency  
Natural Resources
- LR 134 Interim study to examine effects of environmental tobacco smoke on Nebraska's workforce  
Health and Human Services
- LR 135 Interim study of the effect that tax rate limitations place on school districts that are growing or have older facilities that require improvement in providing educational services  
Revenue
- LR 136 Interim study to examine whether the purchaser of a handgun should be subject to a background check prior to each purchase and possible elimination of the three-year certificate  
Judiciary
- LR 137 Interim study to examine issues relating to lead-based paint  
Health and Human Services
- LR 138 Interim study to examine rates paid to behavioral health providers through publicly-funded programs  
Health and Human Services
- LR 139 Interim study to develop recommendations concerning the issue of highway safety and driver distractions  
Transportation and Telecommunications
- LR 140 Interim study to review the impact of budget lid restrictions on political subdivisions  
Revenue
- LR 141 Interim study to examine current Nebraska statutes relating to local farm wineries  
General Affairs

- LR 142 Interim study to examine the feasibility of creating a joint regional airport between the municipalities of Lincoln and Omaha  
Transportation and Telecommunications
- LR 143 Interim study to examine the definition of adult family homes  
Health and Human Services
- LR 144 Interim study of the Thomas Fitzgerald Veterans' Home in Omaha  
Government, Military and Veterans Affairs
- LR 145 Interim study to examine Nebraska's overall tax structure  
Revenue
- LR 146 Interim study to determine the impact on the assessment of agricultural and horticultural land if assessment methodology is implemented  
Revenue
- LR 147 Interim study to monitor the administration and progress of the Uniform Sales and Use Tax Administration Act, commonly known as the Streamlined Sales and Use Tax System  
Revenue
- LR 148 Interim study of the provision of state and local governmental services through electronic means  
Government, Military and Veterans Affairs
- LR 149 Interim study of the current use of the Attorney General's Office by the Dept. of Roads in place of departmental legal counsel  
Judiciary
- LR 150 Interim study of the issues involved in making a prior conviction of either Class W misdemeanor, 60-6,196(DUI), or 60-6,197(implied consent), an enhancement for the sentencing of a current Class W misdemeanor offense  
Transportation and Telecommunications
- LR 151 Interim study of statutes regarding the testing for drugs and alcohol in persons operating motor vehicles, motorboats, and airplanes  
Transportation and Telecommunications
- LR 152 Interim study of questions surrounding the issuance of specialty license plates for nongovernmental organizations  
Transportation and Telecommunications
- LR 153 Interim study of current laws pertaining to maximum load limits, permissible loads by permit, and issuance of fees of over-limit permits  
Transportation and Telecommunications

- LR 154 Interim study of the progress of Nebraska's efforts in increasing the number of railroad crossing grade separations  
Transportation and Telecommunications
- LR 155 Interim study of statutes regarding the securing of loads transported by motor vehicles  
Transportation and Telecommunications
- LR 156 Interim study to examine the intent of LB 137, 1999, regarding access to certain job application materials of applicants for positions with public bodies  
Government, Military and Veterans Affairs
- LR 157 Interim study to determine whether there should be a designated patient bill of rights  
Health and Human Services
- LR 158 Interim study to examine recommendations of the National Safe KIDS Campaign regarding child passenger safety laws  
Transportation and Telecommunications
- LR 159 Interim study to examine the current amount of funding for the Nebr. Chronic Renal Disease Program  
Health and Human Services
- LR 160 Interim study to examine current statutes relating to the Greenbelt Law  
Revenue
- LR 161 Interim study to examine statutes relating to homestead exemptions  
Revenue
- LR 162 Interim study to examine the Rules of the Legislature relating to cloture motions  
Rules
- LR 163 Interim study to examine statutes relating to the impact of municipal annexation upon school districts and their boundaries  
Education
- LR 164 Interim study relating to organic farming  
Agriculture
- LR 165 Interim study to examine state policies relating to career and technical education programs  
Education
- LR 166 Interim study to examine statutes regarding ground water and surface water, including the transferring of water rights and use

## Natural Resources

- LR 167 Interim study to examine the need for a process that include citizen input in identifying significant water problems, associated policy issues and solutions  
Natural Resources
- LR 168 Interim study to examine the timelines required for construction inspections and final inspections for livestock waste control facilities by the Dept. of Environmental Quality  
Natural Resources
- LR 169 Interim study to examine whether to authorize natural resources districts to impose civil penalties for enforcement of the Nebr. Ground Water Management and Protection Act  
Natural Resources
- LR 170 Interim study to examine the benefits of establishing an advisory committee to assist the Governor in appointments to the Game and Parks Commission  
Natural Resources
- LR 171 Interim study to examine statutes relating to the regulation of drainage  
Natural Resources
- LR 172 Interim study to examine guidelines used to determine eligibility of funding for projects using the Nebr. Resources Development Fund  
Natural Resources
- LR 173 Interim study to examine whether the Dept. of Environmental Quality should be the lead agency for the Pesticide Act  
Natural Resources
- LR 174 Interim study to examine whether there should be a state-funded program for natural resources districts and communities to address nitrate contamination in public water systems  
Natural Resources
- LR 175 Interim study to determine the availability and costs of private insurance to meet financial responsibility requirements for commercial underground petroleum storage tank owners  
Natural Resources
- LR 176 Interim study to examine the effects of the cooperative agreement on the Platte River basin  
Natural Resources
- LR 177 Interim study to develop a program statement and transition plan

for transferring a correctional facility to the Office of Juvenile Services to develop a potential future sex offender treatment program  
Judiciary

- LR 178 Interim study to examine the use of employee's social security numbers by state agencies  
Government, Military and Veterans Affairs
- LR 179 Interim study to examine ways to clarify and improve the process of restoring a felon's right to vote  
Government, Military and Veterans Affairs
- LR 180 Interim study to examine the use of alternative board members on various boards and commissions  
Government, Military and Veterans Affairs
- LR 181 Interim study to examine implications of including a consent form on applications for drivers' licenses for persons eligible to register with the selective service  
Government, Military and Veterans Affairs
- LR 182 Interim study to provide a comprehensive review and analysis of the Nebr. Juvenile Code  
Judiciary
- LR 183 Interim study to conduct a comprehensive review of statutes on divorce, alimony, child support, and child custody  
Judiciary
- LR 184 Interim study to examine statutes limiting the budgeted reserves of school districts  
Revenue
- LR 185 Interim study of financing options and opportunities for implementing LB 446, 1999, the Nebr. Public Safety Wireless Communication System Act  
Transportation and Telecommunications
- LR 186 Interim study to recodify statutes relating to telecommunications  
Transportation and Telecommunications
- LR 187 Interim study to determine the powers of the Director of Administrative Services regarding allowing employees of certain agencies access to health insurance coverage  
Banking, Commerce and Insurance
- LR 188 Interim study to look at family practice residency programs funded by the state



## Appropriations

- LR 189 Interim study to examine statutes addressing the ability of injured workers to seek compensation for their injuries from negligent third parties  
Business and Labor
- LR 190 Interim study for purposes of planning and preparation for the studies of the correctional issues as described in LB 611, 2001  
Judiciary
- LR 191 Interim study to examine issues relating to extraterritorial jurisdiction of municipalities  
Urban Affairs
- LR 192 Interim study to consider the results of the study of the death penalty  
Judiciary
- LR 193 Interim study to review measures enacted to address growing market power disparity between the production and processing sectors of the agribusiness industry  
Agriculture
- LR 194 Interim study to examine the role of the University of Nebraska in addressing rural issues  
Agriculture
- LR 195 Interim study to examine feasibility of establishing a pork industry promotion program at the state level  
Agriculture
- LR 196 Interim study to examine provisions of the Domesticated Cervine Animal Act  
Agriculture
- LR 197 Interim study to incorporate the work completed by the Committee on Practice and Procedure and consider revision of statutes regarding a standard of notice pleading  
Judiciary
- LR 198 Interim study to consider issues of driver safety regarding drivers using cellular telephones or similar devices while driving  
Judiciary
- LR 199 Interim study to examine enforcement of traffic signals  
Judiciary
- LR 200 Interim study to examine taxation of agricultural machinery and

equipment  
Revenue

- LR 201 Interim study to determine whether Nebraska should change the age of majority from nineteen to eighteen years of age  
Judiciary
- LR 202 Interim study to examine health and human services issues  
Health and Human Services
- LR 203 Interim study to oversee the distribution and use of funding appropriated under the Nebraska Health Care Funding Act in LB 692, 2001  
Health and Appropriations
- LR 204 Interim study to examine issues relating to the privacy of information contained in various medical registries  
Health and Human Services
- LR 205 Interim study to examine performance of personal care services for disabled persons who are competent to self-direct their care  
Health and Human Services
- LR 206 Interim study to examine the occurrence and effect of medical errors  
Health and Human Services
- LR 207 Interim study to solicit public testimony relating to formulation of the planning and evaluation study directed by the Health and Human Services Committee in LB 692, 2001  
Health and Human Services
- LR 208 Interim study to examine out-of-home placement of state wards  
Health and Human Services
- LR 209 Interim study to examine allocation and distribution of the State Scholarship Award Program, the Scholarship Assistance Program, and the Postsecondary Education Award Program  
Education
- LR 210 Interim study of the determination of formula needs pursuant to the Tax Equity and Educational Opportunities Support Act  
Education
- LR 211 Interim study of issues related to the reorganization of school districts  
Education
- LR 212 Interim study of issues relating to the education of students in

extreme poverty  
Education

- LR 213 Interim study to review matters and issues within the jurisdiction of the Education Committee  
Education
- LR 214 Interim study to examine Nebraska's absentee ballot procedures  
Government, Military and Veterans Affairs
- LR 215 Interim study to examine issues of eligibility for political office for employees of political subdivisions  
Government, Military and Veterans Affairs
- LR 216 Interim study to continue the review of the supplemental retirement benefit provided in LB 801, 2001  
Executive Board
- LR 217 Interim study of the collective bargaining process for all public employees  
Business and Labor
- LR 218 Interim study of Nebraska's veterans homes  
Government, Military and Veterans Affairs
- LR 219 Interim study to examine the recycling of hazardous wastes into fertilizers  
Natural Resources
- LR 220 Interim study of the state and county retirement plans  
Nebraska Retirement Systems
- LR 221 Interim study to review provisions of LB 686, 2001, relating to changes to the actuarial funding methods used by the Public Employees Retirement Board  
Nebraska Retirement Systems
- LR 222 Interim study to review LB 407, 2001, regarding certain retirement plans administered by the Public Employees Retirement Board  
Nebraska Retirement Systems
- LR 223 Interim study to examine the quality of life for railroad employees and how working conditions and environment affect those employees  
Business and Labor
- LR 224 Interim study to examine increasing the Game and Parks Commission to eight members  
Natural Resources

- LR 225 Interim study to investigate the full range of powers granted to municipalities regarding jurisdiction over residents outside the boundaries  
Urban Affairs
- LR 226 Interim study to examine neighborhood associations and homeowner associations  
Urban Affairs
- LR 227 Interim study to examine amending the state building code and possible adoption of some or all of the 2000 International Codes  
Urban Affairs
- LR 228 Interim study to review statutes governing the structure and operations of various classes of municipalities  
Urban Affairs
- LR 229 Interim study to review matters and issues under the jurisdiction of the Urban Affairs Committee  
Urban Affairs
- LR 230 Interim study to examine policy issues raised by the Limited Purpose Sanitary and Improvement District Act  
Urban Affairs
- LR 231 Interim study to compile information on programs that offer tax incentives to promote preservation of historic properties  
Revenue
- LR 232 Interim study to determine which cities and villages in Nebraska do not currently have access to natural gas service  
Urban Affairs
- LR 233 Interim study to assess the impact of the changes made to the State Patrol Retirement Act regarding COLA adjustments  
Nebraska Retirement Systems
- LR 234 Interim study to investigate the current status of the local lodging tax  
Revenue
- LR 235 Interim study to examine statutory mechanisms to allow neighborhood property owners to make self-directed investments in their properties  
Urban Affairs
- LR 236 Interim study to examine the applicability of "need and necessity" certification throughout the transportation entities regulated by the Public Service Commission

## Transportation and Telecommunications

- LR 237 Interim study to examine implementation of LB 271, 1999, regarding taxation of public property that is not used for a public purpose  
Revenue
- LR 238 Interim study to examine the implementation of new federal guidelines for the funding of after-school programs  
Education
- LR 239 Interim study to review what can be done to help small Nebraska counties dealing with very low per capita incomes  
Revenue
- LR 240 Interim study to examine the statutes regarding no-fault divorce  
Judiciary
- LR 241 Interim study of the film industry in Nebraska  
Revenue
- LR 242 Interim study to examine incentives for ethanol use given by other states, specifically Iowa and Minnesota  
Revenue/Natural Resources
- LR 243 Interim study to examine the issue regarding the three-year limitation for filing a motion for a new trial based on a claim of innocence involving evidence other than DNA  
Judiciary
- LR 244 Interim study to review statutes dealing with cities and villages of all classes  
Urban Affairs
- LR 245 Interim study to research the potential revenue loss from reducing or eliminating the county inheritance tax  
Revenue
- LR 246 Interim study to review the environmental audit statutes  
Natural Resources
- LR 247 Interim study to identify ways to reduce childhood environmental lead poisoning  
Health and Human Services
- LR 248 Interim study to examine issues relating to service delivery of natural gas within a municipal county  
Urban Affairs

- LR 249 Interim study to examine issues requiring all full-time private employees performing services under a contract with the state for personal services to be paid a minimum wage  
Appropriations
- LR 250 Interim study to examine issues relating to the licensure and regulation of distributors of mail-order contact lenses  
Health and Human Services
- LR 251 Interim study to examine how property tax, state revenue, and state aid formulas are impacted by municipalities' use of eminent domain over utilities  
Revenue

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

### SELECT FILE

**LEGISLATIVE BILL 305.** The Maxwell pending amendment, AM2088, found in this day's Journal, to his pending amendment, AM2055, was renewed.

Senators Hartnett, Schrock, Tyson, Dierks, and Brashear 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 25 ayes, 1 nay, and 23 not voting.

Senator Maxwell moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Maxwell requested a record vote on his amendment.

Voting in the affirmative, 17:

Beutler	Bourne	Bromm	Brown	Bruning
Burling	Connealy	Engel	Erdman	Foley
Hilgert	Janssen	Kruse	Maxwell	Redfield
Suttle	Thompson			

Voting in the negative, 20:

Aguilar	Baker	Byars	Chambers	Hartnett
Hudkins	Jensen	Kremer	Landis	Pedersen, Dw.
Preister	Price	Raikes	Schimek	Smith
Stuhr	Tyson	Vrtiska	Wehrbein	Wickersham

Present and not voting, 4:

Coordsen      Cudaback      Jones      Robak

Excused and not voting, 8:

Brashear      Cunningham      Dierks      Kristensen      McDonald  
Pederson, D.      Quandahl      Schrock

The Maxwell amendment lost with 17 ayes, 20 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Bourne offered the following amendment to the Maxwell pending amendment:

AM2072

(Amendments to AM2055)

- 1 1. Insert the following new section:
- 2 "Sec. 8. Each school district shall reduce the number of
- 3 full-time equivalent administrators by ten percent from school
- 4 fiscal year 2001-02 to school fiscal year 2002-03 and by twenty
- 5 percent from school fiscal year 2001-02 to school fiscal year
- 6 2005-06 as reported on the 2001, 2002, and 2005 fall personnel
- 7 reports. The required reduction shall be calculated by (1)
- 8 multiplying the number of full-time equivalent administrators for
- 9 2001 by (a) 0.10 for 2002 and (b) 0.20 for 2005 and (2) rounding
- 10 the result down to the nearest whole number if the result of the
- 11 calculation in subdivision (1) of this section does not result in a
- 12 whole number.
- 13 A district that does not comply with this section shall
- 14 have one percent of the district's calculated state aid withheld
- 15 for each school fiscal year until the school fiscal year
- 16 immediately following the school fiscal year in which the
- 17 requirement is met. The withholding of state aid will begin in the
- 18 school fiscal year immediately following the school fiscal year for
- 19 which the requirement was not met. Fall personnel reports shall be
- 20 used to determine future compliance for school districts that do
- 21 not initially comply with this section. If a district is not in
- 22 compliance with the requirement for school fiscal year 2002-03 by
- 23 school fiscal year 2004-05, the one percent withholding of state
- 1 aid shall continue until the requirement for school fiscal year
- 2 2005-06 is met.
- 3 For purposes of this section, administrator means a
- 4 superintendent, an assistant superintendent, a special education
- 5 administrator or director, a staff development director, a
- 6 supervisor or director, a coordinator, an administrative assistant,
- 7 a principal, an assistant principal, or a business manager as
- 8 defined by the department for the fall personnel report."

- 9 2. On page 12, line 16, strike "section 7" and insert  
 10 "sections 7 and 8".  
 11 3. Renumber the remaining sections and correct internal  
 12 references accordingly.

### SENATOR COORDSEN PRESIDING

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

### SENATOR CUDABACK PRESIDING

Senators Vrtiska and Kremer asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Bourne withdrew his amendment.

Senators Bourne and Jensen offered the following amendment to the Maxwell pending amendment:  
 AM2074

(Amendments to AM2055)

- 1 1. Insert the following new section:  
 2 "Sec. 8. Section 79-1028, Revised Statutes Supplement,  
 3 2000, is amended to read:  
 4 79-1028. (1) A Class II, III, IV, V, or VI school  
 5 district may exceed the local system's allowable growth rate for  
 6 (a) expenditures in support of a service which is the subject of an  
 7 agreement or a modification of an existing agreement whether  
 8 operated by one of the parties to the agreement or an independent  
 9 joint entity or joint public agency, (b) expenditures to pay for  
 10 repairs to infrastructure damaged by a natural disaster which is  
 11 declared a disaster emergency pursuant to the Emergency Management  
 12 Act, (c) expenditures to pay for judgments, except judgments or  
 13 orders from the Commission of Industrial Relations, obtained  
 14 against a school district which require or obligate a school  
 15 district to pay such judgment, to the extent such judgment is not  
 16 paid by liability insurance coverage of a school district, (d)  
 17 expenditures to pay for sums agreed to be paid by a school district  
 18 to certificated employees in exchange for a voluntary termination  
 19 of employment, ~~or~~ (e) expenditures to pay for lease-purchase  
 20 contracts approved on or after July 1, 1997, and before July 1,  
 21 1998, to the extent the lease payments are not budgeted  
 22 expenditures for fiscal year 1997-98, or (f) expenditures to pay  
 23 for the percentage increase in energy costs over the energy costs  
 1 paid by the local system for school fiscal year 1999-00 in excess  
 2 of the basic allowable growth rate. For purposes of this  
 3 subsection, energy costs includes, but is not limited to,  
 4 electricity, natural gas, oil, gasoline, diesel fuel, or related  
 5 energy costs.



6 (2) A Class II, III, IV, V, or VI district may exceed its  
 7 applicable allowable growth rate by a specific dollar amount if the  
 8 district projects an increase in formula students in the district  
 9 over the current school year greater than twenty-five students or  
 10 greater than those listed in the schedule provided in this  
 11 subsection, whichever is less. Districts shall project increases  
 12 in formula students on forms prescribed by the department. The  
 13 state board shall approve, deny, or modify the projected increases.

14 Average daily 15 membership of 16 district	17 Projected increase 18 of formula students 19 by percentage
17 0 - 50	10
18 50.01 - 250	5
19 250.01 - 1,000	3
20 1,000.01 and over	1

21 The department shall compute the district's estimated  
 22 allowable budget per pupil using the budgeted general fund  
 23 expenditures found on the budget statement for the current school  
 24 year divided by the number of formula students in the current  
 25 school year and multiplied by the district's applicable allowable  
 26 growth rate. The resulting allowable budget per pupil shall be  
 27 multiplied by the projected formula students to arrive at the  
 1 estimated budget needs for the ensuing year. The department shall  
 2 allow the district to increase its general fund budget of  
 3 expenditures for the ensuing school year by the amount necessary to  
 4 fund the estimated budget needs of the district as computed  
 5 pursuant to this subsection. On or before April 1, 1999, and on or  
 6 before February 1 for each year thereafter, the department shall  
 7 make needed revisions in the applicable allowable growth rate of  
 8 districts which have been allowed additional growth pursuant to  
 9 this subsection to reflect the actual formula students of such  
 10 district and shall certify such revisions to each district.

11 (3) A Class II, III, IV, V, or VI district may exceed its  
 12 applicable allowable growth rate by a specific dollar amount if  
 13 construction, expansion, or alteration of district buildings will  
 14 cause an increase in building operation and maintenance costs of at  
 15 least five percent. The department shall document the projected  
 16 increase in building operation and maintenance costs and may allow  
 17 a Class II, III, IV, V, or VI district to exceed the local system's  
 18 applicable allowable growth percentage by the amount necessary to  
 19 fund such increased costs. The department shall compute the actual  
 20 increased costs for the school year and shall, if needed, modify  
 21 the local system's applicable allowable growth rate for the ensuing  
 22 school year.

23 (4) A Class II, III, IV, V, or VI district may exceed its  
 24 applicable allowable growth rate by a specific dollar amount if the  
 25 district demonstrates to the satisfaction of the state board that  
 26 it will exceed its applicable allowable growth rate as a result of  
 27 costs pursuant to the Retirement Incentive Plan authorized in

1 section 79-855 or the Staff Development Assistance authorized in  
 2 section 79-856. The department shall compute the amount by which  
 3 the increased cost of such program or programs exceeds the  
 4 district's applicable allowable growth rate and shall allow the  
 5 district to increase its general fund expenditures by such amount  
 6 for that fiscal year."  
 7 2. Renumber the remaining sections and correct internal  
 8 references and repealer accordingly.

Senator Erdman 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 16 ayes, 0 nays, and 33 not voting.

Senator Bourne requested a roll call vote on the Bourne-Jensen amendment.

Voting in the affirmative, 20:

Aguilar	Bourne	Bruning	Burling	Connealy
Cudaback	Erdman	Foley	Hilgert	Jensen
Jones	Kruse	Maxwell	Pedersen, Dw.	Preister
Smith	Stuhr	Suttle	Thompson	Tyson

Voting in the negative, 10:

Baker	Beutler	Bromm	Byars	Coordsen
Hudkins	Price	Raikes	Redfield	Wehrbein

Present and not voting, 9:

Brown	Chambers	Dierks	Engel	Hartnett
Janssen	Schimek	Schrock	Wickersham	

Excused and not voting, 10:

Brashear	Cunningham	Kremer	Kristensen	Landis
McDonald	Pederson, D.	Quandahl	Robak	Vrtiska

The Bourne-Jensen amendment lost with 20 ayes, 10 nays, 9 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Suttle offered the following amendment to the Maxwell pending amendment:

FA274

Amend AM2055

Delete Section 2

Senator Engel asked unanimous consent to be excused. No objections. So ordered.

The Suttle amendment lost with 3 ayes, 18 nays, 17 present and not voting, and 11 excused and not voting.

Pending.

### SELECT COMMITTEE REPORTS Enrollment and Review

**LEGISLATIVE BILL 852.** Placed on Select File as amended.

E & R amendment to LB 852:

AM7127

- 1 1. In the Special Committee amendments, AM1875:
- 2 a. On page 9, lines 8, 9, and 10; page 13, lines 19 and
- 3 20; and page 16, line 27, strike all occurrences of "Hanscomb" and
- 4 insert "Hanscom";
- 5 b. On page 9, strike beginning with "intersection" in
- 6 line 17 through line 19 and insert "western boundary of Bellevue
- 7 4-4 Precinct, follow such boundary north to";
- 8 c. On page 12, line 16; page 13, line 26; page 20, lines
- 9 3 and 4; page 24, line 13; page 26, line 7; page 29, line 4; page
- 10 58, line 12; and page 59, lines 14 and 15, strike all occurrences
- 11 of "Iowa-Nebraska" and insert "Nebraska-Iowa";
- 12 d. On page 19, line 20, strike both occurrences of
- 13 "Sorensen" and insert "Sorenson"; in line 22 strike ", north"; and
- 14 in line 23 strike "along such line";
- 15 e. On page 25, line 8, strike "northern" and insert
- 16 "northernmost";
- 17 f. On page 29, line 21, strike the second "on" and
- 18 insert "along";
- 19 g. On page 37, line 2, strike "northeast" and insert
- 20 "east";
- 21 h. On page 47, line 12, strike the second "to" and
- 22 insert "and continuing west along"; in line 13 strike ", west along
- 23 such"; and in line 14 strike "line";
- 24 i. On page 49, strike beginning with "the" in line 10
- 1 through "line" in line 12 and insert "Harney Street, west along an
- 2 east-west line extending west from the intersection of South 163rd
- 3 Street and Harney Street";
- 4 j. On page 50, line 2, after "Fillmore" insert ",
- 5 Saline, Thayer, and Jefferson."; in lines 5 and 6 strike the new
- 6 matter; and in line 6 strike the old matter and show as stricken;
- 7 k. On page 52, line 6, strike both occurrences of
- 8 "North";
- 9 l. On page 53, line 9, after "from" insert "the
- 10 intersection of South 163rd Street and"; and in line 18 after "to"
- 11 insert "the intersection of a north-south line extending south from

12 North 168th Street, north along such line to;  
 13 m. On page 54, line 1, after "continuing" insert "west";  
 14 and  
 15 n. On page 58, strike beginning with "intersection" in  
 16 line 18 through the second "Avenue" in line 20 and insert "western  
 17 boundary of Bellevue 4-4 Precinct, follow such boundary north".  
 18 2. On page 1, strike beginning with "adopt" in line 1  
 19 through line 2 and insert "amend sections 50-1101 to 50-1118,  
 20 50-1119.01 to 50-1140, 50-1141.01 to 50-1150, and 50-1152, Reissue  
 21 Revised Statutes of Nebraska; to change district boundaries of the  
 22 legislative districts; to eliminate obsolete provisions; to  
 23 harmonize provisions; to repeal the original sections; and to  
 24 outright repeal section 50-1151, Reissue Revised Statutes of  
 25 Nebraska."

**LEGISLATIVE BILL 465.** Placed on Select File as amended.  
 (E & R amendment, AM7126, 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 851.** Placed on Select File as amended.

E & R amendment to LB 851:

AM7128

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 "Section 1. Section 32-504, Reissue Revised Statutes of  
 4 Nebraska, is amended to read:  
 5 32-504. Based on the ~~1990~~ 2000 Census of Population by  
 6 the United States Department of Commerce, Bureau of the Census, the  
 7 State of Nebraska is hereby divided into three districts for  
 8 electing Representatives in the Congress of the United States, and  
 9 each district shall be entitled to elect one representative. The  
 10 limits and designations of the three districts shall be as follows:  
 11 (1) The first district shall contain the counties of  
 12 Richardson, Nemaha, Otoe, ~~Cass~~, Johnson, Pawnee, ~~Gage~~, Lancaster,  
 13 Saunders, ~~Saline~~, Seward, York, Butler, Dodge, Washington, Colfax,  
 14 Madison, Burt, Stanton, Cuming, Thurston, Wayne, Cedar, Dixon, and  
 15 Dakota, ~~and that part of Cass~~ Sarpy County not included in the  
 16 second district, ~~and that part of Gage County not included in the~~  
 17 third district;  
 18 (2) The second district shall contain ~~the counties of~~  
 19 Douglas County and Sarpy ~~and that part of Cass~~ Sarpy County ~~which~~  
 20 includes the North Plattsmouth precinct and the city of Plattsmouth  
 21 beginning at the intersection of the Douglas-Sarpy County line and  
 22 South 180th Street, south on South 180th Street and continuing  
 23 south along a north-south line extending south from South 180th  
 24 Street to the Burlington Northern Santa Fe Railroad right-of-way,  
 1 east along the Burlington Northern Santa Fe Railroad right-of-way  
 2 to South 156th Street, south on South 156th Street to Giles Road,

3 east on Giles Road to South 144th Street, south on South 144th  
 4 Street to Interstate Highway 80, northeast on Interstate Highway 80  
 5 to South 132nd Street, southeast on South 132nd Street to Giles  
 6 Road, east on Giles Road and continuing east along an east-west  
 7 line extending east from Giles Road to the southern corporate  
 8 limits of the city of La Vista, follow the southern corporate  
 9 limits of the city of La Vista east then south to the western  
 10 corporate limits of the city of Papillion, follow the western  
 11 corporate limits of the city of Papillion south to the southern  
 12 corporate limits of the city of Papillion, follow the southern  
 13 corporate limits of the city of Papillion to the intersection of  
 14 the eastern corporate limits of the city of Papillion and West  
 15 Papillion Creek, east along West Papillion Creek to 66th Street,  
 16 south on 66th Street to Cedardale Road, east on Cedardale Road to  
 17 South 60th Street, south on South 60th Street to Maass Road, follow  
 18 Maass Road east then southwest to the northern boundary of Census  
 19 Block 2008, follow such boundary east to the western boundary of  
 20 Census Block 2009, north then east along such boundary to the  
 21 corporate limits of the city of Bellevue, south along the corporate  
 22 limits of the city of Bellevue to the northern boundary of La  
 23 Platte II Precinct, follow such boundary east to South 25th Street,  
 24 north on South 25th Street to Nottingham Drive, east on Nottingham  
 25 Drive to South 24th Street, north on South 24th Street to Lynnwood  
 26 Drive, follow Lynnwood Drive east then south to South 20th Street,  
 27 south on South 20th Street to Spencer Street, southeast on Spencer  
 1 Street to Tregaron Drive, northeast on Tregaron Drive to U.S.  
 2 Highway 75, south on U.S. Highway 75 to the Sarpy-Cass County line,  
 3 east along the Sarpy-Cass County line to the Nebraska-Iowa state  
 4 line, north along the Nebraska-Iowa state line to the Douglas-Sarpy  
 5 County line, and west along the Douglas-Sarpy County line to the  
 6 point of beginning; and  
 7 (3) The third district shall contain the counties of  
 8 Jefferson, Saline, Thayer, Fillmore, Polk, Platte, Pierce, Knox,  
 9 Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls, Webster,  
 10 Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd, Garfield,  
 11 Valley, Sherman, Buffalo, Kearney, Franklin, Harlan, Phelps,  
 12 Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha, Rock,  
 13 Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,  
 14 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,  
 15 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box  
 16 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that  
 17 part of Gage County beginning at the intersection of the  
 18 Gage-Lancaster County line and Southwest 58th Road, south on  
 19 Southwest 58th Road to State Highway 41, east on State Highway 41  
 20 to Southwest 42nd Road, south on Southwest 42nd Road to West Birch  
 21 Road, east on West Birch Road to Southwest 2nd Road, south on  
 22 Southwest 2nd Road to West Buckeye Road, east on West Buckeye Road  
 23 to East Buckeye Road, east on East Buckeye Road and continuing east  
 24 along an east-west line extending east from East Buckeye Road to

- 25 East Buckeye Road, east on East Buckeye Road to the Gage-Johnson  
 26 County line, south along the Gage-Johnson County line to the  
 27 Gage-Pawnee County line, south along the Gage-Pawnee County line to  
 1 the Nebraska-Kansas state line, west along the Nebraska-Kansas  
 2 state line to the Gage-Jefferson County line, north along the  
 3 Gage-Jefferson County line to the Gage-Saline County line, east  
 4 then north along the Gage-Saline County line to the Gage-Lancaster  
 5 County line, and east along the Gage-Lancaster County line to the  
 6 point of beginning.
- 7 Sec. 2. Section 32-505, Reissue Revised Statutes of  
 8 Nebraska, is amended to read:  
 9 32-505. ~~The precincts and cities mentioned in section~~  
 10 ~~32-504 are the precincts and cities set out in the 1990 Census of~~  
 11 ~~Population~~ The descriptions of districts in section 32-504 are  
 12 taken from the 2000 TIGER/Line files published by the United States  
 13 Department of Commerce, Bureau of the Census.
- 14 Sec. 3. Original sections 32-504 and 32-505, Reissue  
 15 Revised Statutes of Nebraska, are repealed."

(Signed) Philip Erdman, Chairperson

## RESOLUTION

### LEGISLATIVE RESOLUTION 254. Introduced by Suttle, 10.

WHEREAS, the Omaha Marian High School girls' soccer team won the 2001 Class A Girls' State High School Soccer Championship; and

WHEREAS, the championship in 2001 is the fourth consecutive state championship for the Omaha Marian Crusaders; and

WHEREAS, during this season the Omaha Marian Crusaders set a state record with 22 victories in one season and extended their winning streak to a school record 40 matches; and

WHEREAS, Junior goalkeeper Amy Price set a national record of 21 consecutive shutouts; and

WHEREAS, Senior forward Anne Willrett was recognized as the high school girls' soccer player of the year in Nebraska for the 2000-2001 Gatorade Circle of Champions; and

WHEREAS, the dedication and hard work of all members of the Crusaders girls' soccer team contributed to this winning season; and

WHEREAS, the Legislature should recognize the academics, athletics, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Omaha Marian High School girls' soccer team and Coach Ed Dudley for their achievements.

2. That a copy of this resolution be sent to Marian High School.

Laid over.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 600A.** 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 600, Ninety-seventh Legislature, First Session, 2001.

**COMMUNICATIONS**

May 17, 2001

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

Dear Mr. Gale,

Inasmuch as the Legislature did not override any of the line-item vetoes by Governor Johanns of LB 542, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

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

May 17, 2001

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

Dear Mr. Gale,

Inasmuch as the Legislature did not override any of the line-item vetoes by Governor Johanns of LB 543, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

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

## AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendment to LB 677:  
AM1777

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 68-130, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 68-130. Counties shall maintain, at no additional cost
- 5 to the Department of Health and Human Services Finance and Support,
- 6 office and service facilities used for the administration of the
- 7 public assistance programs as such facilities existed on April 1,
- 8 1983. In the event the department moves or expands the office or
- 9 service facility from the location that the county originally
- 10 provided on April 1, 1983, the county shall not incur any financial
- 11 responsibility for the new or expanded facility."
- 12 2. On page 1, line 1, after "section" insert "68-130,
- 13 Reissue Revised Statutes of Nebraska, and section"; in line 2 after
- 14 the semicolon insert "to change the duty of counties;"; and in line
- 15 4 strike "section" and insert "sections".
- 16 3. On page 4, line 27, after "Original" insert "section
- 17 68-130, Reissue Revised Statutes of Nebraska, and"; and in line 28
- 18 strike "is" and insert "are".
- 19 4. Renumber the original sections accordingly.

Senator Wehrbein filed the following amendment to LB 305:  
AM2080

(Amendments to Standing Committee amendments, AM1406)

- 1 1. Strike section 12 and insert the following new
- 2 sections:
- 3 "Sec. 12. Section 79-1025, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 79-1025. The basic allowable growth rate for general
- 6 fund expenditures other than expenditures for special education
- 7 shall be the total of the base limitation established under section
- 8 77-3446 plus one and one-half percent, and the allowable growth
- 9 range shall be from ~~the base limitation~~ such total to two percent
- 10 ~~above the base limitation such total~~. The budget authority for
- 11 special education for all classes of school districts shall be the
- 12 actual anticipated expenditures for special education subject to
- 13 the approval of the state board. Such budget authority and funds
- 14 generated pursuant to such budget authority shall be used only for
- 15 special education expenditures.
- 16 Sec. 13. Section 79-1027, Revised Statutes Supplement,
- 17 2000, is amended to read:
- 18 79-1027. No district shall adopt a budget, which
- 19 includes total requirements of contingency funds, total
- 20 requirements of depreciation funds, necessary employee benefit fund
- 21 cash reserves, and necessary general fund cash reserves, exceeding



22 the applicable allowable reserve percentages of total general fund  
 23 budget of expenditures as specified in the schedule set forth in  
 1 this section.

2	Average daily	Allowable
3	membership	of reserve
4	district	percentage
5	0 - 471	45
6	471.01 - 3,044	35
7	3,044.01 - 10,000	25
8	10,000.01 and over	20

9 On or before April 1, 1999, and on or before February 1  
 10 for each year thereafter, the department shall determine and  
 11 certify each district's applicable allowable reserve percentage.  
 12 Each district with combined necessary general fund cash  
 13 reserves, total requirements of depreciation funds, necessary  
 14 employee benefit fund cash reserves, and total requirements of  
 15 contingency funds less than the applicable allowable reserve  
 16 percentage specified in this section may, notwithstanding the  
 17 district's applicable allowable growth percentage, increase its  
 18 necessary general fund cash reserves by an amount which will  
 19 increase its combined necessary general fund cash reserves, total  
 20 requirements of depreciation funds, necessary employee benefit fund  
 21 cash reserves, and total requirements of contingency funds by two  
 22 percent of its total general fund budget of expenditures, except  
 23 that (1) a district shall not increase such necessary general fund  
 24 cash reserves when such increase will result in such that the total  
 25 necessary general fund cash reserves, total requirements of  
 26 depreciation funds, necessary employee benefit fund cash reserves,  
 27 and total requirements of contingency funds which exceed the do not  
 1 exceed such applicable allowable reserve percentage, and (2) a  
 2 district may increase such necessary general fund cash reserves in  
 3 excess of such two percent limitation due to projected increases in  
 4 federal funds.".

5 2. Amend the repealer and renumber the remaining  
 6 sections accordingly.

Senator Brown filed the following amendment to LB 305:  
 AM2091

(Amendments to AM2055)

- 1 1. On page 13, line 19, after "in" insert "a public
- 2 school system in".

Senator Tyson filed the following amendment to LB 305:  
 FA275  
 Amend AM2055  
 Strike Section 5

Senator Kremer filed the following amendment to LB 305:  
 AM2068

(Amendments to Standing Committee amendments, AM1406)

- 1 1. Strike sections 2, 8, and 9 and insert the following
  - 2 new sections:
  - 3 "Sec. 7. (1) For state aid calculated for school fiscal
  - 4 year 2002-03 and each school fiscal year thereafter, an amount
  - 5 equal to the product of fifty dollars multiplied by the number of
  - 6 adjusted formula students shall be disbursed as teacher salary
  - 7 enhancement payments, except as otherwise provided in this section
  - 8 and section 79-1008.02.
  - 9 (2) To receive teacher salary enhancement payments
  - 10 pursuant to this section for school fiscal year 2003-04, each
  - 11 district in the local system shall provide evidence to the
  - 12 department, in a manner prescribed by the department, that the
  - 13 teacher salary enhancement payments were used to increase teacher
  - 14 salaries for school year 2002-03. To receive teacher salary
  - 15 enhancement payments for school fiscal year 2004-05 and each school
  - 16 fiscal year thereafter, the local system shall maintain teacher
  - 17 salary levels for the prior school year for each position on the
  - 18 locally negotiated salary schedules of the districts in the local
  - 19 system that are greater than or equal to the salary for the
  - 20 position on the salary schedule for school year 2002-03. If a
  - 21 school district reconfigures the salary schedule or does not use a
  - 22 salary schedule to determine teacher compensation, the district
  - 23 shall present evidence showing that the salary of each teacher that
    - 1 has been employed by the district for the school fiscal year prior
    - 2 to the school fiscal year for which aid is being calculated has
    - 3 maintained a salary level greater than or equal to the salary level
    - 4 the teacher would have received based on the methods for
    - 5 compensating teachers for school year 2002-03.
  - 6 (3) If a local system does not qualify for teacher salary
  - 7 enhancement payments for any school fiscal year, an amount equal to
  - 8 the teacher salary enhancement payments for the prior school fiscal
  - 9 year shall be subtracted from the aid to be disbursed to the local
  - 10 system. If the department determines within three years following
  - 11 the school fiscal year for which the aid was distributed that a
  - 12 local system incorrectly qualified for the teacher salary
  - 13 enhancement payments, the erroneous payments shall be subtracted
  - 14 from the local system's state aid for the school fiscal year
  - 15 following the determination.
  - 16 (4) All local systems shall certify required data and
  - 17 other information related to the teacher salary enhancement
  - 18 payments to the department on or before the date established by the
  - 19 department. The department may require data, other information, or
  - 20 affidavits to carry out this section. The department may require
  - 21 audits of such information on a regular basis, a random basis, or
  - 22 upon notice from any source that the information provided by the
  - 23 district is not accurate.
- 24 Sec. 10. Section 79-1008.02, Revised Statutes
- 25 Supplement, 2000, is amended to read:

- 26 79-1008.02. A minimum levy adjustment shall be  
 27 calculated and applied to any local system that has a general fund  
 1 common levy in the calendar year when aid is certified that is less  
 2 than ninety percent of the maximum levy allowed pursuant to  
 3 subdivision (2)(a) of section 77-3442 without a vote pursuant to  
 4 section 77-3444. To calculate the minimum levy adjustment, the  
 5 department shall subtract the local system general fund common levy  
 6 in the calendar year when aid is certified from ninety percent of  
 7 the maximum levy allowed pursuant to subdivision (2)(a) of section  
 8 77-3442 without a vote pursuant to section 77-3444 and multiply the  
 9 result by the local system's adjusted valuation divided by one  
 10 hundred. The minimum levy adjustment shall be added to the formula  
 11 resources of the local system for the determination of equalization  
 12 aid pursuant to section 79-1008.01. If the minimum levy adjustment  
 13 is greater than or equal to the allocated income tax funds  
 14 calculated pursuant to section 79-1005.01 plus the teacher salary  
 15 enhancement payments calculated under section 7 of this act, the  
 16 local system shall not receive allocated income tax funds or  
 17 teacher salary enhancement payments. If the minimum levy  
 18 adjustment is less than the allocated income tax funds calculated  
 19 pursuant to section 79-1005.01 plus the teacher salary enhancement  
 20 payments, the local system shall receive allocated income tax funds  
 21 plus teacher salary enhancement payments in the amount of the  
 22 difference between the sum of the allocated income tax funds  
 23 calculated pursuant to section 79-1005.01 plus teacher salary  
 24 enhancement payments and the minimum levy adjustment." .  
 25 2. On page 4, lines 17 and 18, strike "8 and 9" and all  
 26 amendments thereto and insert "7 and 9".  
 27 3. On page 5, line 1; and page 18, line 14; strike  
 1 "allowances" and insert "payments".  
 2 4. On page 19, line 10, strike "allowance" and insert  
 3 "payments".  
 4 5. On page 20, strike beginning with "either" in line 3  
 5 through "(ii)" in line 5 and all amendments thereto.  
 6 6. On page 29, strike lines 6 through 13 and insert  
 7 "(6) For school fiscal year 2002-03, a district may  
 8 exceed its applicable allowable growth rate by a specific dollar  
 9 amount equal to the adjusted formula students attributable to the  
 10 district multiplied by fifty dollars.".  
 11 7. Amend the repealer, renumber the remaining sections,  
 12 and correct internal references accordingly.

Senator Brown filed the following amendment to LB 305:  
 AM2105

(Amendments to Standing Committee amendments, AM1405)

- 1 1. Strike amendment 1 and all amendments thereto and
- 2 insert the following new amendments:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new section:

5 'Section 1. For school fiscal year 2001-02 and school  
6 fiscal year 2002-03, it is the intent of the Legislature that  
7 teachers' salaries be the first priority in the expenditure of  
8 state aid funds by school districts.'".

Senators Brashear, Bourne, Bromm, Beutler, Kristensen, and Schimek filed  
the following amendment to LB 851:

AM2096

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new section:  
3 "Section 1. (1) The Legislature adopts the congressional  
4 districts identified in the map entitled Brashear, Bourne, Bromm,  
5 Beutler, Kristensen, and Schimek House Proposal -- AM2096. Such  
6 map shall be kept on file in the office of the Clerk of the  
7 Legislature.  
8 (2) The districts have been drawn pursuant to information  
9 taken from the 2000 TIGER/Line files published by the United States  
10 Department of Commerce, Bureau of the Census.".

### VISITORS

Visitors to the Chamber were Senator Redfield's daughters, Amy and Sarah from Omaha; Russell Nielsen from Potter; Sara Waltke from Wymore; 2 fifth grade students and teacher from District #22 School, Dawson County; 66 fourth grade students and teachers from Wheeler Elementary School, Omaha; 94 fourth grade students and teachers from Newell Elementary School, Grand Island; 50 fourth grade students and teachers from Ezra Pound Elementary School, Omaha; and 11 students and teacher from St. Mark's Lutheran School, Lincoln.

### ADJOURNMENT

At 2:32 p.m., on a motion by Senator Coordsen, the Legislature adjourned  
until 9:00 a.m., Monday, May 21, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTY-FOURTH DAY - MAY 21, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****EIGHTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 21, 2001

**PRAYER**

The prayer was offered by Pastor Steve Holben, Community of Christ Church, Fremont, 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 D. Pederson who was excused; and Senators Beutler, Brashear, Cunningham, Hartnett, Hilgert, McDonald, and Dw. Pedersen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-third day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review**

**LEGISLATIVE BILL 172.** Placed on Select File as amended.  
E & R amendment to LB 172:

AM7129

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 9 of this act shall be known
- 4 and may be cited as the Uniform Sales and Use Tax Administration
- 5 Act.
- 6 Sec. 2. For purposes of the Uniform Sales and Use Tax
- 7 Administration Act:
- 8 (1) Agreement means the streamlined sales and use tax
- 9 agreement;
- 10 (2) Certified automated system means software certified

11 jointly by the states that are signatories to the agreement to  
12 calculate the tax imposed by each jurisdiction on a transaction,  
13 determine the amount of tax to remit to the appropriate state, and  
14 maintain a record of the transaction;

15 (3) Certified service provider means an agent certified  
16 jointly by the states that are signatories to the agreement to  
17 perform all of the seller's sales tax collection functions;

18 (4) Person means an individual, a trust, an estate, a  
19 fiduciary, a partnership, a limited liability company, a limited  
20 liability partnership, a corporation, or any other legal entity;

21 (5) Sales tax means the tax levied under section 77-2703;

22 (6) Seller means any person making sales, leases, or  
23 rentals of personal property or services;

24 (7) State means any state of the United States and the  
1 District of Columbia; and

2 (8) Use tax means the tax levied under section 77-2703.

3 Sec. 3. The Legislature finds that a simplified sales  
4 and use tax system will reduce and over time eliminate the burden  
5 and cost for all sellers to collect this state's sales and use tax.

6 The Legislature further finds that this state should participate in  
7 multistate discussions to review or amend the terms of the  
8 agreement to simplify and modernize sales and use tax  
9 administration in order to substantially reduce the burden of tax  
10 compliance for all sellers and for all types of commerce.

11 Sec. 4. The Governor is authorized and directed to enter  
12 into the agreement with one or more states to simplify and  
13 modernize sales and use tax administration in order to  
14 substantially reduce the burden of tax compliance for all sellers  
15 and for all types of commerce. In furtherance of the agreement,  
16 the Department of Revenue is authorized to act jointly with other  
17 states that are signatories to the agreement to establish standards  
18 for certification of a certified service provider and certified  
19 automated system and establish performance standards for multistate  
20 sellers. The department is further authorized to take other  
21 actions reasonably required to implement the provisions set forth  
22 in the Uniform Sales and Use Tax Administration Act. Other actions  
23 authorized by this section include, but are not limited to, the  
24 adoption and promulgation of rules and regulations and the joint  
25 procurement, with other member states, of goods and services in  
26 furtherance of the agreement. The Tax Commissioner or his or her  
27 designee is authorized to represent Nebraska before the other  
1 states that are signatories to the agreement. Any agreement under  
2 this section shall be ratified by the Legislature.

3 Sec. 5. No provision of the agreement in whole or in  
4 part invalidates or amends any provision of the law of Nebraska.  
5 Adoption of the agreement by Nebraska does not amend or modify any  
6 law of Nebraska. Any condition of the agreement that is in  
7 conflict with state law, whether adopted before, at, or after  
8 membership of Nebraska in the agreement, shall be implemented by

- 9 legislation or rule and regulation, as is appropriate.  
10 Sec. 6. The Governor shall not enter into the agreement  
11 unless the agreement requires each state to abide by the following  
12 requirements:  
13 (1) Uniform state rate. The agreement shall set  
14 restrictions to achieve over time more uniform state rates through  
15 the following:  
16 (a) Limiting the number of state rates;  
17 (b) Limiting the application of maximums on the amount of  
18 state tax that is due on a transaction; and  
19 (c) Limiting the application of thresholds on the  
20 application of state tax;  
21 (2) Uniform standards. The agreement shall establish  
22 uniform standards for the following:  
23 (a) Sourcing of transactions to taxing jurisdictions;  
24 (b) Administration of exempt sales;  
25 (c) Allowances a seller can take for bad debts; and  
26 (d) Sales and use tax returns and remittances;  
27 (3) Uniform definitions. The agreement shall require  
1 states to develop and adopt uniform definitions of sales and use  
2 tax terms. The definitions shall enable Nebraska to preserve its  
3 ability to make taxability and exemption choices not inconsistent  
4 with the uniform definitions;  
5 (4) Central registration. The agreement shall provide an  
6 electronic central registration system that allows a seller to  
7 register to collect and remit sales and use taxes for all member  
8 states;  
9 (5) No nexus attribution. The agreement shall provide  
10 that registration with the central registration system and the  
11 collection of sales and use taxes in the member states will not be  
12 used as a factor in determining whether the seller has  
13 constitutional nexus with a state for any tax;  
14 (6) Local sales and use taxes. The agreement shall  
15 provide for reduction of the burdens of complying with local sales  
16 and use taxes through the following:  
17 (a) Restricting variances between the state and local tax  
18 bases;  
19 (b) Requiring states to administer all sales and use  
20 taxes levied by local jurisdictions within the state so that  
21 sellers collecting and remitting these taxes will not have to  
22 register or file returns with, remit funds to, or be subject to  
23 independent audits from local taxing jurisdictions;  
24 (c) Restricting the frequency of changes in the local  
25 sales and use tax rates and setting effective dates for the  
26 application of local jurisdictional boundary changes to local sales  
27 and use taxes; and  
1 (d) Providing uniform notice of changes in local sales  
2 and use tax rates and of changes in the boundaries of local taxing  
3 jurisdictions;

4 (7) Monetary allowances. The agreement shall outline any  
5 monetary allowances that are to be provided by the states to  
6 sellers or certified service providers in exchange for collecting  
7 sales and use taxes;

8 (8) State compliance. The agreement shall require each  
9 state to certify compliance with the terms of the agreement prior  
10 to joining and to maintain compliance, under the laws of the member  
11 state, with all provisions of the agreement while a member;

12 (9) Consumer privacy. The agreement shall require each  
13 state to adopt a uniform policy for certified service providers  
14 that protects the privacy of consumers and maintains the  
15 confidentiality of tax information; and

16 (10) Advisory councils. The agreement shall provide for  
17 the appointment of an advisory council of private-sector  
18 representatives and an advisory council of nonmember state  
19 representatives to consult with in the administration of the  
20 agreement.

21 Sec. 7. The agreement is an accord among individual  
22 cooperating sovereigns in furtherance of their governmental  
23 functions. The agreement provides a mechanism among the member  
24 states to establish and maintain a cooperative, simplified system  
25 for the application and administration of sales and use taxes under  
26 the duly adopted law of each member state.

27 Sec. 8. (1) The agreement binds and inures only to the  
1 benefit of Nebraska and the other member states. No person, other  
2 than a member state, is an intended beneficiary of the agreement.  
3 Any benefit to a person is established by the laws of Nebraska and  
4 the other member states and not by the terms of the agreement.

5 (2) No person shall have any cause of action or defense  
6 under the agreement or by virtue of this state's approval of the  
7 agreement. No person may challenge, in any action brought under  
8 any provision of law, any action or inaction by any department,  
9 agency, or other instrumentality of Nebraska, or any political  
10 subdivision of Nebraska, on the ground that the action or inaction  
11 is inconsistent with the agreement.

12 (3) No law of Nebraska, or the application thereof, may  
13 be declared invalid as to any person or circumstance on the ground  
14 that the provision or application is inconsistent with the  
15 agreement.

16 Sec. 9. (1) A certified service provider is the agent of  
17 a seller with whom the certified service provider has contracted  
18 for the collection and remittance of sales and use taxes. As the  
19 seller's agent, the certified service provider is liable for sales  
20 and use tax due each member state on all sales transactions it  
21 processes for the seller except as set out in this section.  
22 Notwithstanding the provisions of sections 77-2702.03 to 77-2713  
23 and 77-27,125 to 77-27,135.01, a seller that contracts with a  
24 certified service provider is not liable to the state for sales or  
25 use tax due on transactions processed by the certified service



26 provider unless the seller misrepresented the type of items it  
 27 sells or committed fraud. In the absence of probable cause to  
 1 believe that the seller has committed fraud or made a material  
 2 misrepresentation, a seller that contracts with a certified service  
 3 provider is not subject to audit with regard to transactions  
 4 processed by the certified service provider. A seller is subject  
 5 to audit with regard to transactions not processed by the certified  
 6 service provider. The member states acting jointly may perform a  
 7 system check of the seller and review the seller's procedures to  
 8 determine if the certified service provider's system is functioning  
 9 properly and the extent to which the seller's transactions are  
 10 being processed by the certified service provider.

11 (2) A person that provides a certified automated system  
 12 is responsible for the proper functioning of that system and is  
 13 liable to the state for underpayments of tax attributable to errors  
 14 in the functioning of the certified automated system as provided in  
 15 section 77-2703. A seller that uses a certified automated system  
 16 remains responsible and is liable to the state for reporting and  
 17 remitting tax as provided in section 77-2703.

18 (3) A seller that has a proprietary system for  
 19 determining the amount of tax due on transactions and has signed  
 20 any agreement establishing a performance standard for that system  
 21 is liable for the failure of the system to meet the performance  
 22 standard.

23 Sec. 10. Section 77-2701, Revised Statutes Supplement,  
 24 2000, is amended to read:

25 77-2701. Sections 77-2701 to 77-27,135.01 and sections 1  
 26 to 9 of this act shall be known and may be cited as the Nebraska  
 27 Revenue Act of 1967.

1 Sec. 11. Original section 77-2701, Revised Statutes  
 2 Supplement, 2000, is repealed."

### Correctly Engrossed

The following bills were correctly engrossed: LBs 853, 854, 855, and 856.

### Enrollment and Review Change to LB 854

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

ER9081

1. On page 6, line 4, "west" has been inserted after the second "boundary"; and in line 27 "eastern" has been struck and "easternmost" inserted.

2. On page 7, line 3, "east and north" has been inserted after the second "boundary"; in line 5 "Chandler Road East, east on Chandler Road East to" has been inserted after the second "to"; in line 22 "the eastern boundary of Garfield 2 Precinct" has been struck and "such boundary north" inserted; and in line 25 "the southern boundary of 1A-1 Precinct" has been struck and

"such boundary east" inserted.

3. On page 8, line 1, "the southern boundary of 1D-3 Precinct" has been struck and "such boundary east" inserted; line 24 has been struck and "along such boundary" inserted; in lines 25 and 26 the second "the southern boundary of Richland 1 Precinct" has been struck and "such boundary" inserted; and in lines 27 and 28 "the southern boundary of Richland 8 Precinct" has been struck and "such boundary" inserted.

4. On page 10, line 7, "west" has been inserted after the second "boundary".

### **Enrollment and Review Change to LB 855**

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

ER9080

1. On page 3, line 20, "north" has been inserted after the first "Street"; and in lines 23 and 24 the second "the western boundary of precinct 5-37" has been struck and "such boundary" inserted.

### **Enrollment and Review Change to LB 856**

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

ER9082

1. On page 6, line 9, "west" has been inserted after the second "boundary".

2. On page 7, line 4, "eastern" has been struck and "easternmost" inserted; in line 8 "east and north" has been inserted after the second "boundary"; in line 10 "Chandler Road East, east on Chandler Road East to" has been inserted after the second "to"; and in line 27 "the eastern boundary of Garfield 2 Precinct" has been struck and "such boundary north" inserted.

3. On page 8, line 2, "the southern boundary of 1A-1 Precinct" has been struck and "such boundary east" inserted; and in line 6 "the southern boundary of 1D-3 Precinct" has been struck and "such boundary east" inserted.

4. On page 9, lines 1 and 2, "the southern boundary of Papillion Second 2 Voting District" has been struck and "such boundary" inserted; in lines 3 and 4 "the southern boundary of Richland 1 Precinct" has been struck and "such boundary" inserted; and in line 5 "the southern boundary of Richland 8 Precinct" has been struck and "such boundary" inserted.

5. On page 10, line 13, "west" has been inserted after "boundary".

(Signed) Philip Erdman, Chairperson

### **RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 121 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 121.

**SELECT FILE**

**LEGISLATIVE BILL 305.** The Maxwell pending amendment, AM2055, printed separately and referred to on page 2068 and considered on page 2079, was renewed.

Senator Brown renewed her pending amendment, AM2091, found on page 2111, to the Maxwell pending amendment.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Brown withdrew her amendment.

Senator Tyson renewed his pending amendment, FA275, found on page 2111, to the Maxwell pending amendment.

Senator Tyson moved for a call of the house. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Senator Tyson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 6:

Baker	Chambers	Erdman	Foley	Janssen
Tyson				

Voting in the negative, 35:

Aguilar	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Connealy	Coordsen
Cudaback	Engel	Hilgert	Hudkins	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Vrtiska	Wehrbein	Wickersham

Present and not voting, 3:

Burling	Jensen	Jones
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Excused and not voting, 5:

Cunningham Dierks Hartnett McDonald Pederson, D.

The Tyson amendment lost with 6 ayes, 35 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Hilgert moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Senator Maxwell moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Maxwell requested a roll call vote on his amendment, AM2055.

Voting in the affirmative, 18:

Aguilar	Baker	Bromm	Burling	Dierks
Engel	Erdman	Foley	Jensen	Jones
Kremer	Maxwell	Quandahl	Redfield	Smith
Stuhr	Tyson	Vrtiska		

Voting in the negative, 27:

Beutler	Brashear	Brown	Bruning	Byars
Chambers	Connealy	Coordsen	Cudaback	Hartnett
Hilgert	Hudkins	Janssen	Kristensen	Kruse
Landis	Pedersen, Dw.	Preister	Price	Raikes
Robak	Schimek	Schrock	Suttle	Thompson
Wehrbein	Wickersham			

Present and not voting, 1:

Bourne

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

The Maxwell amendment lost with 18 ayes, 27 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Jones asked unanimous consent to replace his pending amendment, AM1580, found on page 1628, with a substitute amendment. No objections. So ordered.

Senator Jones withdrew his pending amendment, AM1580, found on page 1628.

Senator Raikes renewed his substitute pending amendment, AM1575, found on page 1985.

The Raikes amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Jensen renewed the Jensen et al. pending amendment, AM1739, found on page 1759.

The Jensen et al. amendment lost with 22 ayes, 7 nays, 17 present and not voting, and 3 excused and not voting.

Senator Tyson asked unanimous consent to replace his pending amendment, FA226, found on page 1788, with a substitute amendment. No objections. So ordered.

Senator Tyson withdrew his pending amendment, FA226, found on page 1788.

Senator Wehrbein renewed his substitute pending amendment, AM2080, found on page 2110.

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

### AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 172:  
AM2113

(Amendments to E & R amendments, AM7129)

- 1 1. On page 1, line 8, strike "the" and insert "a"; and
- 2 in line 21 strike "section 77-2703" and insert "sections 77-2703
- 3 and 77-27,142".
- 4 2. On page 2, line 10, after "commerce" insert "and to
- 5 ensure that all sales taxes due are in fact collected so as to
- 6 create a level playing field between sellers who have
- 7 constitutional nexus with this state and those who do not"; in line
- 8 12 after "agreement" insert ", subject to legislative approval,";
- 9 and in line 22 after "Act" insert "so long as such action is not
- 10 contrary to other laws".
- 11 3. On page 3, line 2, after "Legislature" insert "by
- 12 legislative bill"; and in line 6 strike "condition" and insert
- 13 "provision".
- 14 4. On page 4, strike beginning with "not" in line 3

15 through "definitions" in line 4.

16 5. On page 5, line 18, after "representatives" insert

17 "evenly split between those representing businesses with a

18 constitutional nexus to Nebraska and those who have no nexus".

Senator Hilgert filed the following amendment to LB 816:

AM1673

(Amendments to Standing Committee amendments, AM0918)

1 1. On page 8, line 13, strike "No" and insert "Except as  
 2 provided in subsection (4) of this section, no".  
 3 2. On page 9, after line 3, insert:  
 4 "(4)(a) In an emergency, the commissioner shall respond  
 5 as necessary to assure the safety of the public.  
 6 (b) If an emergency exists due to a disaster, an act of  
 7 God, or work stoppage and the number of persons in the state  
 8 holding licenses under the Elevator Safety Act is insufficient to  
 9 cope with the emergency, any person certified by a licensed  
 10 elevator contractor to have an acceptable combination of documented  
 11 experience and education to perform elevator work without direct  
 12 and immediate supervision shall apply for an emergency elevator  
 13 mechanic license from the commissioner within five business days  
 14 after commencing work requiring a license under subsection (1) of  
 15 this section. The licensed elevator contractor shall furnish proof  
 16 of competency as required by the commissioner. An emergency  
 17 elevator mechanic license issued under this subdivision shall  
 18 recite that it is valid for a period of thirty days from the date  
 19 of issuance, is valid only for such particular elevators or  
 20 geographical areas that the commissioner designates on the license,  
 21 and otherwise entitles the licensee to the rights and privileges of  
 22 an elevator mechanic license under the Elevator Safety Act. The  
 23 commissioner may renew an emergency elevator mechanic license  
 1 during the existence of an emergency. No fee shall be charged for  
 2 an emergency elevator mechanic license issued under this  
 3 subdivision or for renewal thereof.  
 4 (c) If there are no licensed personnel under the Elevator  
 5 Safety Act to perform elevator work, a licensed elevator contractor  
 6 shall notify the commissioner of the situation and the commissioner  
 7 may declare an emergency. If an emergency is declared under this  
 8 subdivision, a licensed elevator contractor may request that the  
 9 commissioner issue temporary elevator mechanic licenses to  
 10 individuals certified by such licensed elevator contractor to have  
 11 an acceptable combination of documented experience and education to  
 12 perform elevator work without direct and immediate supervision.  
 13 Any individual so certified shall immediately seek a temporary  
 14 elevator mechanic license from the commissioner and shall pay the  
 15 fee set by the commissioner under section 18 of this act. A  
 16 temporary elevator mechanic license issued under this subdivision  
 17 shall recite that it is valid for a period of thirty days from the  
 18 date of issuance and is valid only while employed by the licensed

19 elevator contractor that certified the individual as qualified.  
20 The temporary license may be renewed as long as the shortage of  
21 license holders under the act continues, as determined by the  
22 commissioner.".

Senator Beutler filed the following amendments to LB 640:

AM2117

(Amendments to Standing Committee amendments, AM1022)

- 1 1. On page 6, line 8, after "judge" insert "or judges"
- 2 and after "court" insert "or courts".

AM2118

(Amendments to Standing Committee amendments, AM1022)

- 1 1. On page 6, line 21, after "dollars" insert "per
- 2 county".

AM2119

(Amendments to Standing Committee amendments, AM1022)

- 1 1. On page 6, line 20, after the period insert "No
- 2 single county with a population of less than twenty-five thousand
- 3 inhabitants or multiple counties with a combined population of less
- 4 than five thousand inhabitants may apply for a comprehensive
- 5 juvenile services planning grant.".

AM2120

(Amendments to Standing Committee amendments, AM1022)

- 1 1. On page 7, strike beginning with "The" in line 5
- 2 through the period in line 7.

AM2121

(Amendments to Standing Committee amendments, AM1022)

- 1 1. On page 8, line 2, after "used" insert "exclusively".

AM2122

(Amendments to Standing Committee amendments, AM1022)

- 1 1. On page 9, line 25, after the period insert "After
- 2 July 1, 2003, the Commission Grant Program shall be administered by
- 3 the Office of Juvenile Services.".

AM2123

(Amendments to Standing Committee amendments, AM1022)

- 1 1. Strike section 14.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

AM2124

(Amendments to Standing Committee amendments, AM1022)

- 1 1. Strike section 15.
- 2 2. Renumber the remaining sections and correct internal

3 references accordingly.

Senator Preister filed the following amendment to LB 852:  
AM2102

(Amendments to Special Committee amendments, AM1875)

- 1 1. On page 8, line 26, strike "42nd Street, north on  
2 South 42nd" and insert "45th Street, north on South 45th".
- 3 2. On page 32, strike beginning with "42nd" in line 12  
4 through "42nd" in line 13 and insert "45th Street, north on South  
5 45th".

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 82A.** Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 82, Ninety-seventh Legislature, First Session, 2001.

### **VISITORS**

Visitors to the Chamber were students and teachers from Lincoln High School; Senator Jones' wife, Patricia, and grandchildren, Zachery, Chelsey, and Jonathan; 8 fifth through eighth grade students and teacher from St. John Lutheran School, Stanton; Senator Beutler's mother, Dorothy, and aunt, Elizabeth Braun; 96 fourth grade students and teacher from St. Wenceslaus Elementary School, Omaha; and 44 fourth grade students and teacher from Joslyn Elementary School, Omaha.

### **RECESS**

At 11:57 a.m., on a motion by Senator Raikes, 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 D. Pederson who were excused; and Senators Beutler, Cunningham, Dierks, and Robak who were excused until they arrive.

### **SELECT FILE**

**LEGISLATIVE BILL 305.** The Wehrbein pending amendment, AM2080,



found on page 2110 and considered in the day's Journal, was renewed.

Senator Wehrbein offered the following amendment to his pending amendment:

AM2132

(Amendments to Standing Committee amendments, AM1406)

1 1. Strike amendment 1 and all amendments thereto and  
 2 insert the following new amendment:  
 3 "1. Strike the original sections and all amendments  
 4 thereto and insert the following new sections:  
 5 'Section 1. Section 79-1025, Revised Statutes  
 6 Supplement, 2000, is amended to read:  
 7 79-1025. The basic allowable growth rate for general  
 8 fund expenditures other than expenditures for special education  
 9 shall be the total of the base limitation established under section  
 10 77-3446 plus one and one-half percent, and the allowable growth  
 11 range shall be from the base limitation such total to two percent  
 12 above the base limitation such total. The budget authority for  
 13 special education for all classes of school districts shall be the  
 14 actual anticipated expenditures for special education subject to  
 15 the approval of the state board. Such budget authority and funds  
 16 generated pursuant to such budget authority shall be used only for  
 17 special education expenditures.  
 18 Sec. 2. Section 79-1027, Revised Statutes Supplement,  
 19 2000, is amended to read:  
 20 79-1027. No district shall adopt a budget, which  
 21 includes total requirements of contingency funds, total  
 22 requirements of depreciation funds, necessary employee benefit fund  
 23 cash reserves, and necessary general fund cash reserves, exceeding  
 1 the applicable allowable reserve percentages of total general fund  
 2 budget of expenditures as specified in the schedule set forth in  
 3 this section.

4 Average daily	Allowable
5 membership of	reserve
6 district	percentage
7 0 - 471	45
8 471.01 - 3,044	35
9 3,044.01 - 10,000	25
10 10,000.01 and over	20

11 On or before April 1, 1999, and on or before February 1  
 12 for each year thereafter, the department shall determine and  
 13 certify each district's applicable allowable reserve percentage.  
 14 Each district with combined necessary general fund cash  
 15 reserves, total requirements of depreciation funds, necessary  
 16 employee benefit fund cash reserves, and total requirements of  
 17 contingency funds less than the applicable allowable reserve  
 18 percentage specified in this section may, notwithstanding the  
 19 district's applicable allowable growth percentage, increase its  
 20 necessary general fund cash reserves ~~by an amount which will~~

21 increase its combined necessary general fund cash reserves, total  
 22 requirements of depreciation funds, necessary employee benefit fund  
 23 cash reserves, and total requirements of contingency funds by two  
 24 percent of its total general fund budget of expenditures, except  
 25 that (1) a district shall not increase such necessary general fund  
 26 cash reserves when such increase will result in such that the total  
 27 necessary general fund cash reserves, total requirements of  
 1 depreciation funds, necessary employee benefit fund cash reserves,  
 2 and total requirements of contingency funds which exceed the do not  
 3 exceed such applicable allowable reserve percentage, and (2) a  
 4 district may increase such necessary general fund cash reserves in  
 5 excess of such two percent limitation due to projected increases in  
 6 federal funds.  
 7 Sec. 3. Original sections 79-1025 and 79-1027, Revised  
 8 Statutes Supplement, 2000, are repealed.  
 9 Sec. 4. Since an emergency exists, this act takes effect  
 10 when passed and approved according to law.'."

Senator McDonald asked unanimous consent to be excused until he returns.  
 No objections. So ordered.

### **SPEAKER KRISTENSEN PRESIDING**

Senator Thompson moved the previous question. The question is, "Shall the  
 debate now close?" The motion prevailed with 26 ayes, 8 nays, and 15 not  
 voting.

Senator Wehrbein moved for a call of the house. The motion prevailed with  
 34 ayes, 0 nays, and 15 not voting.

Senator Wehrbein requested a roll call vote, in reverse order, on his  
 amendment.

Voting in the affirmative, 13:

Bromm	Cudaback	Dierks	Engel	Hartnett
Kremer	Kristensen	Maxwell	Quandahl	Stuhr
Thompson	Tyson	Wehrbein		

Voting in the negative, 33:

Aguilar	Baker	Beutler	Bourne	Brashear
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Erdman	Foley	Hilgert
Hudkins	Janssen	Jensen	Jones	Kruse
Landis	Pedersen, Dw.	Preister	Price	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Suttle	Vrtiska	Wickersham		

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

The Wehrbein amendment lost with 13 ayes, 33 nays, and 3 excused and not voting.

Senator Raikes moved to invoke cloture on LB 305, pursuant to Rule 7, Section 10.

The Raikes motion to invoke cloture failed with 18 ayes, 26 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### MOTION - Print in Journal

Senators Connealy and Bruning filed the following motion to LB 75:  
Suspend Rule 3 § 14 and withdraw LB 75.

### AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 142:  
AM2108

(Amendments to E & R amendments, AM7100)

- 1 1. On page 2, line 1, strike "Upon" and insert "Within  
2 ninety days after the" and strike "upon" and insert "within ninety  
3 days after receipt of".
- 4 2. On page 8, line 17, strike "present".
- 5 3. On page 15, line 8, strike "Upon" and insert "Within  
6 ninety days after the" and strike "upon" and insert "within ninety  
7 days after receipt of".

Senator Jensen filed the following amendment to LB 640:  
AM2077

- 1 1. In the Standing Committee amendments, AM1022:
- 2 a. On page 3, line 8, strike "as amended," and show as  
3 stricken; and in line 9 after "seq." insert ", as the act existed  
4 on the operative date of this section";
- 5 b. On page 6, line 12, after "commission" insert "for  
6 fiscal year 2001-02 and fiscal year 2002-03"; in lines 18 and 19  
7 strike "two hundred fifty" and insert "one hundred twenty-five"; in  
8 line 21 strike "five thousand" and insert "two thousand five  
9 hundred";
- 10 c. On page 7, strike beginning with "three" in line 6  
11 through "thousand" in line 7 and insert "four million"; in line 16  
12 strike "equitable"; and in line 17 after the period insert "The  
13 formula shall be based primarily upon the total number of residents  
14 per county who are twelve years of age through eighteen years of

15 age as provided by the most recently available federal census  
16 data.";  
17 d. On page 8, line 6, strike "detention,"; in line 8  
18 strike "counseling" and insert "conferencing"; in line 11 after the  
19 period insert "Aid received under this section shall not be used  
20 for capital construction or the lease or acquisition of  
21 facilities."; and strike beginning with "Aid" in line 19 through  
22 line 21.

Senator Jensen filed the following amendment to LB 640A:  
AM2127

1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. There is hereby appropriated (1) \$420,000  
4 from the General Fund for FY2001-02 and (2) \$420,000 from the  
5 General Fund for FY2002-03 to the Department of Health and Human  
6 Services Finance and Support, for Program 316 -- Predisposition  
7 Detention Costs, to aid in carrying out the provisions of  
8 Legislative Bill 640, Ninety-seventh Legislature, First Session,  
9 2001.  
10 There is included in the appropriation to this program  
11 for FY2001-02 \$420,000 General Funds for state aid, which shall  
12 only be used for such purpose. There is included in the  
13 appropriation to this program for FY2002-03 \$420,000 General Funds  
14 for state aid, 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 Sec. 2. There is hereby appropriated (1) \$1,545,000 from  
19 the General Fund for FY2001-02 and (2) \$3,555,000 from the General  
20 Fund for FY2002-03 to the Department of Health and Human Services  
21 Finance and Support, for Program 324, to aid in carrying out the  
22 provisions of Legislative Bill 640, Ninety-seventh Legislature,  
23 First Session, 2001.  
24 There is included in the appropriation to this program  
1 for FY2001-02 \$1,545,000 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 FY2002-03 \$3,555,000 General  
4 Funds for state aid, which shall only be used for such purpose.  
5 No expenditures for permanent and temporary salaries and  
6 per diems for state employees shall be made from funds appropriated  
7 in this section.  
8 Sec. 3. There is hereby appropriated (1) \$125,000 from  
9 the General Fund for FY2001-02 and (2) \$125,000 from the General  
10 Fund for FY2002-03 to the Nebraska Commission on Law Enforcement  
11 and Criminal Justice, for Program 155, to aid in carrying out the  
12 provisions of Legislative Bill 640, Ninety-seventh Legislature,  
13 First Session, 2001.  
14 There is included in the appropriation to this program

15 for FY2001-02 \$125,000 General Funds for state aid, which shall  
 16 only be used for such purpose. There is included in the  
 17 appropriation to this program for FY2002-03 \$125,000 General Funds  
 18 for state aid, which shall only be used for such purpose.  
 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. 4. Section 104, Legislative Bill 543,  
 23 Ninety-seventh Legislature, First Session, 2001, is amended to  
 24 read:

25 Sec. 104. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND  
 26 HUMAN SERVICES FINANCE AND SUPPORT

27 Program No. 316 - Predisposition Detention Costs

1	FY2001-02	FY2002-03
2	GENERAL FUND 2,000,000	-0-
3	PROGRAM TOTAL 2,000,000	-0-
4	SALARY LIMIT -0-	-0-

5 There is included in the appropriation to this program  
 6 for FY2001-02 \$2,000,000 General Funds for state aid for  
 7 reimbursement to counties resulting from the Nebraska Supreme Court  
 8 decision In Re the Interest of Marie E., which shall only be used  
 9 for such purpose.

10 Up to \$3,700,000 of the unexpended General Fund  
 11 appropriation balance on June 30, 2001, is hereby reappropriated.

12 Sec. 5. Original section 104, Legislative Bill 543,  
 13 Ninety-seventh Legislature, First Session, 2001, is repealed.

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

Senator Raikes filed the following amendment to LB 305A:  
 AM2137

- 1 1. On page 2, in lines 21 and 27 strike "\$40,553,800"
- 2 and insert "\$30,991,200".

Senators Brashear, Bourne, Bromm, Beutler, Kristensen, and Schimek filed  
 the following amendment to LB 851:  
 AM2111

(Amendments to AM2096)

- 1 1. Strike section 1 and insert the following new
- 2 sections:
- 3 "Section 1. Section 32-504, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-504. Based on the ~~1990~~ 2000 Census of Population by
- 6 the United States Department of Commerce, Bureau of the Census, the
- 7 State of Nebraska is hereby divided into three districts for
- 8 electing Representatives in the Congress of the United States, and
- 9 each district shall be entitled to elect one representative. The
- 10 limits and designations of the three districts shall be as follows:
- 11 (1) The first district shall contain the counties of

12 Richardson, Nemaha, Otoe, Cass, Johnson, Pawnee, Gage, Lancaster,  
 13 Saunders, ~~Saline~~, Seward, ~~York~~, Butler, Dodge, Washington, Colfax,  
 14 Madison, Burt, Stanton, Cuming, Thurston, Wayne, Cedar, Dixon, and  
 15 Dakota, and that part of Cass Sarpy County not included in the  
 16 second district, and that part of Cedar County beginning at the  
 17 intersection of the Cedar-Dixon County line and the northern  
 18 boundary of Precinct 7, follow such boundary west to the  
 19 intersection of a north-south line extending north from 574th  
 20 Avenue, south along such line to 574th Avenue, south on 574th  
 21 Avenue to 886th Road, west on 886th Road to State Highway 57, north  
 22 on State Highway 57 to 887th Road, west on 887th Road to the  
 23 intersection of a north-south line extending north from 570th  
 1 Avenue, south along such line to 570th Avenue, south on 570th  
 2 Avenue to 884th Road, west on 884th Road to 566th Avenue, south on  
 3 566th Avenue to Bow Creek, follow Bow Creek west to 883rd Road,  
 4 west on 883rd Road to 564th Avenue, south on 564th Avenue to 882nd  
 5 Road, south on 882nd Road to 564th Avenue, south on 564th Avenue  
 6 and continuing south along a north-south line extending south from  
 7 564th Avenue to 564th Avenue, south on 564th Avenue to 870th Road,  
 8 west on 870th Road to 564th Avenue, south on 564th Avenue to the  
 9 Cedar-Wayne County line, east along the Cedar-Wayne County line to  
 10 the Cedar-Dixon County line, and north along the Cedar-Dixon County  
 11 line to the point of beginning;

12 (2) The second district shall contain ~~the counties of~~  
 13 Douglas County and Sarpy and that part of Cass Sarpy County which  
 14 includes the North Platts mouth precinct and the city of Platts mouth  
 15 beginning at the intersection of the Douglas-Sarpy County line and  
 16 South 156th Street, south on South 156th Street to Giles Road, east  
 17 on Giles Road to South 132nd Street, south on South 132nd Street to  
 18 State Highway 370, east on State Highway 370 to the western  
 19 boundary of the Papillion-La Vista Public School District, follow  
 20 such boundary south to Schram Road, east on Schram Road to the  
 21 intersection of a north-south line extending north from South 120th  
 22 Street, south along such line to the intersection of an east-west  
 23 line extending west from Maass Road, east along such line to South  
 24 114th Street, north on South 114th Street to Schram Road, east on  
 25 Schram Road to the southern corporate limits of the city of  
 26 Papillion, follow the southern corporate limits of the city of  
 27 Papillion east to State Highway 370, east on State Highway 370 to  
 1 South 72nd Street, south on South 72nd Street to Capehart Road,  
 2 east on Capehart Road to South 60th Street, south on South 60th  
 3 Street and continuing south along a north-south line extending  
 4 south from South 60th Street to Platteview Road, east on Platteview  
 5 Road to Dyson Hollow Road, north on Dyson Hollow Road to the  
 6 southern boundary of the Bellevue Public School District, follow  
 7 such boundary east to U.S. Highway 75, south on U.S. Highway 75 to  
 8 the Sarpy-Cass County line, east along the Sarpy-Cass County line  
 9 to the Nebraska-Iowa state line, north along the Nebraska-Iowa  
 10 state line to the Douglas-Sarpy County line, and west along the

- 11 Douglas-Sarpy County line to the point of beginning; and  
 12 (3) The third district shall contain the counties of  
 13 Jefferson, Saline, Thayer, Fillmore, York, Polk, Platte, Pierce,  
 14 Knox, Antelope, Boone, Nance, Merrick, Hamilton, Clay, Nuckolls,  
 15 Webster, Adams, Hall, Howard, Greeley, Wheeler, Holt, Boyd,  
 16 Garfield, Valley, Sherman, Buffalo, Kearney, Franklin, Harlan,  
 17 Phelps, Furnas, Gosper, Dawson, Custer, Loup, Blaine, Keya Paha,  
 18 Rock, Brown, Cherry, Thomas, Logan, Lincoln, Frontier, Red Willow,  
 19 Hitchcock, Hayes, McPherson, Hooker, Grant, Arthur, Keith, Perkins,  
 20 Chase, Dundy, Deuel, Garden, Sheridan, Cheyenne, Morrill, Box  
 21 Butte, Dawes, Sioux, Scotts Bluff, Banner, and Kimball and that  
 22 part of Cedar County not included in the first district.  
 23 Sec. 2. Section 32-505, Reissue Revised Statutes of  
 24 Nebraska, is amended to read:  
 25 32-505. The precincts and cities mentioned in section  
 26 32-504 are the precincts and cities set out in the 1990 Census of  
 27 Population The descriptions of districts in section 32-504 are  
 1 taken from the 2000 TIGER/Line files published by the United States  
 2 Department of Commerce, Bureau of the Census.  
 3 Sec. 3. Original sections 32-504 and 32-505, Reissue  
 4 Revised Statutes of Nebraska, are repealed."

### STANDING COMMITTEE REPORTS Transportation and Telecommunications

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

#### Motor Vehicle Industry Licensing Board

Stephan Budke  
 James Campbell  
 P. J. Morgan

VOTE: Aye: Senators Jones, Baker, Robak, Hudkins, Brown, and Bromm.  
 Nay: None. Absent: Senators Dw. Pedersen and Byars.

(Signed) Curt Bromm, Chairperson

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

State Personnel Board  
 Virgie Louis

VOTE: Aye: Senators Aguilar, Brown, Burling, Quandahl, Schimek, Smith,

and Vrtiska. Nay: None. Absent: Senator McDonald.

(Signed) DiAnna R. Schimek, Chairperson

### RESOLUTIONS

#### **LEGISLATIVE RESOLUTION 255.** Introduced by Robak, 22.

WHEREAS, the Columbus Scotus High School girls' soccer team won the 2001 Class B Girls' State High School Soccer Championship; and

WHEREAS, the Columbus Shamrocks compiled a 14-3 season record and shut out the two-time defending state champion Blair Bears by a 2-0 score in the championship game; and

WHEREAS, Columbus Scotus High School, with a listed enrollment of 247, was the smallest school which sent a team to the girls' state tournament; and

WHEREAS, Columbus Scotus High School became just the second school to win both the girls' and boys' state titles in the same season; and

WHEREAS, the dedication and hard work of all members of the Shamrock girls' soccer team contributed to this winning 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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Columbus Scotus High School girls' soccer team and Coach Teri Schuller.
2. That a copy of this resolution be sent to Scotus High School.

Laid over.

#### **LEGISLATIVE RESOLUTION 256.** Introduced by Robak, 22.

WHEREAS, the Columbus Scotus High School boys' soccer team won the 2001 Class B Boys' State High School Soccer Championship; and

WHEREAS, the Columbus Shamrocks compiled a 15-1 season record, was top-ranked when entering into the boys' state tournament, and defeated the South Sioux City Cardinals by a 7-1 score in the championship game; and

WHEREAS, Columbus Scotus High School, with a listed enrollment of 247, was the second smallest school which sent a team to the boys' state tournament; and

WHEREAS, Columbus Scotus High School became just the second school to win both the girls' and boys' state titles in the same season; and

WHEREAS, the dedication and hard work of all members of the Shamrock boys' soccer team contributed to this winning 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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:



1. That the Legislature congratulates the Columbus High School boys' soccer team and Coach Chris McGill.
2. That a copy of this resolution be sent to Scotus High School.

Laid over.

## **REPORT OF THE EXECUTIVE BOARD**

### 2001 Resolution calling for an Interim Study

The following legislative study resolution was rereferenced:

LR 72 Rereferred from Transportation and Telecommunications to Natural Resources

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

## **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 23.** With Emergency.

A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend sections 43-247, 43-284, 43-2,119, and 43-2,125, Reissue Revised Statutes of Nebraska; to change provisions relating to the number and powers of judges and the jurisdiction of the juvenile court; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Chambers

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

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

**LEGISLATIVE BILL 23A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 23, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimiek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 24.** With Emergency.

A BILL FOR AN ACT relating to health and human services; to create and

provide duties for the Nebraska Immunization Registry 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, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Brown

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **MOTION - Return LB 24A to Select File**

Senator Chambers moved to return LB 24A to Select File for the following specific amendment:

FA277

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

### **BILLS ON FINAL READING**

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 24A. With Emergency.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 24, Ninety-seventh

Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bourne	Brashear
Bromm	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Brown

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 38 with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 38.**

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-905, 43-3321, 60-462, 60-463, 60-476.01, 60-476.02, 60-479, 60-496, 60-497, 60-497.01, 60-4,100, 60-4,102, 60-4,103, 60-4,106, 60-4,108, 60-4,109, 60-4,112, 60-4,117, 60-4,125, 60-4,130.03, 60-4,141.01, 60-4,169, 60-4,185, 60-505.02, 60-557, 60-605, 60-6,198, 60-6,205, 60-6,206, 60-6,207, 60-6,209, 60-6,211.05, 60-6,211.07, 60-6,216 to 60-6,218, and 83-1,127.02, Reissue Revised Statutes of Nebraska, sections 28-306, 60-301, 60-486, 60-487, 60-491, 60-497.03, 60-499, 60-4,114,

60-4,120.02, 60-4,171, 60-601, 60-6,196, 60-6,197, and 60-6,197.01, Revised Statutes Supplement, 2000, and section 60-4,118, Revised Statutes Supplement, 2000, as amended by section 5, Legislative Bill 387, Ninety-seventh Legislature, First Session, 2001; to change provisions relating to revocation, suspension, impoundment, cancellation, and reinstatement of motor vehicle registration certificates, operators' licenses, and operating privileges; to define and redefine terms; to provide and change penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the 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	Burling	Byars
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Chambers

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

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 83.**

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2704 and 29-2709, Reissue Revised Statutes of Nebraska; to change provisions relating to the collection and assessment of certain county court costs; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Chambers

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 83A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 83, Ninety-seventh Legislature, First Session, 2001; 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, 46:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 92.** With Emergency.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Supplement, 2000; to provide an additional district court judgeship; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Preister

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 92A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 92, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Burling	Byars
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 2:

Chambers      Preister

Excused and not voting, 3:

Cunningham    McDonald      Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **MOTION - Return LB 97 to Select File**

Senator Schimek moved to return LB 97 to Select File for her specific pending amendment, AM1768, found on page 1781.

The Schimek motion to return prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 97.** The Schimek specific pending amendment, AM1768, found on page 1781, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 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 152.** With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend section 81-672, Reissue Revised Statutes of Nebraska, sections 81-657 and 81-658, Revised Statutes Supplement, 2000, and section 81-664, Reissue Revised Statutes of Nebraska, as amended by section 34, Legislative Bill 209, Ninety-seventh Legislature, First Session, 2001; to change brain injury registry provisions; to change registry information provisions; to adopt the Parkinson's Disease Registry Act; to provide penalties; to provide for and eliminate termination dates; to harmonize provisions; to repeal the original sections; to outright repeal section 81-662, 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 2:

Beutler          Tyson

Excused and not voting, 3:

Cunningham    McDonald          Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 152A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 152, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Dierks	Schimek
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Excused and not voting, 3:

Cunningham	McDonald	Pederson, D.
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 154.**

A BILL FOR AN ACT relating to correctional services; to adopt the Nebraska Correctional Health Care Services Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Beutler

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 154A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 154, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Beutler

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 163.**

A BILL FOR AN ACT relating to state prisoners; to amend sections 47-119, 47-119.01, and 47-121, Reissue Revised Statutes of Nebraska; to redefine a

term; to change provisions relating to reimbursement for the care of state prisoners; to provide for audits; 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 163A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 163, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 169.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,188, 77-27,188.02, 77-27,192, and 77-27,196.01, Revised Statutes Supplement, 2000; to authorize managed compliance agreements for holders of certain direct payment permits; to eliminate a recapture provision and require minimum investment and employment increases under the Employment Expansion and Investment Incentive Act; to harmonize provisions; to provide applicability; 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	Burling	Byars
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Chambers

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 225.**

A BILL FOR AN ACT relating to economic development; to adopt the Nebraska Venture Capital Forum Act; to state intent; to provide a termination date; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kruse	Landis
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 4:

Chambers	Raikes	Redfield	Robak
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Present and not voting, 3:

Beutler	Kristensen	Schimek
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Excused and not voting, 3:

Cunningham	McDonald	Pederson, D.
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 225A. With Emergency.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 225, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen

Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Price	Quandahl
Raikes	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 3:

Chambers	Redfield	Robak
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Present and not voting, 2:

Beutler	Preister
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Excused and not voting, 3:

Cunningham	McDonald	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 238.**

A BILL FOR AN ACT relating to the Emergency Medical Services Act; to amend section 71-5178, Revised Statutes Supplement, 2000; to provide for rules and regulations for certification of emergency medical service instructors; 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	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, 2:

Beutler	Hilgert
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Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 238A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 238, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Beutler

Excused and not voting, 3:

Cunningham McDonald 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 242 with 33 ayes, 2 nays, 11 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:



**LEGISLATIVE BILL 242.**

A BILL FOR AN ACT relating to accountability and disclosure; to amend sections 49-1464, 49-1480, 49-1494, 49-1495, 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, and sections 49-1401, 49-1449, 49-1463.01, 49-1467, 49-1483, 49-1493, 79-544, and 79-818, Revised Statutes Supplement, 2000; to require disclosure of information relating to campaign expenditures; to provide, change, and eliminate filing requirements and conflict of interest provisions; to change lobbyist registration requirements; to provide and change penalty provisions; to change school board membership provisions as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-1446.05, Revised Statutes Supplement, 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 2:

Quandahl      Tyson

Excused and not voting, 3:

Cunningham      McDonald      Pederson, D.

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 243. With Emergency.**

A BILL FOR AN ACT relating to public power and irrigation districts; to amend section 70-655, Reissue Revised Statutes of Nebraska; to change rate provisions for negotiated rates and for merged or consolidated districts; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 3:

Chambers      Foley      Price

Excused and not voting, 3:

Cunningham      McDonald      Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill as declared passed with the emergency clause and the title agreed to.

#### **MOTION - Return LB 244 to Select File**

Senator Hilgert moved to return LB 244 to Select File for the following specific amendment:

FA278

Strike the enacting clause.

Senator Hilgert withdrew his motion to return.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 244.**

A BILL FOR AN ACT relating to passenger rail service; to adopt the Midwest Interstate Passenger Rail Compact.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Aguilar	Baker	Beutler	Bourne	Bromm
Brown	Bruning	Byars	Connealy	Coordsen
Cudaback	Dierks	Engel	Foley	Hartnett
Hudkins	Janssen	Jensen	Jones	Kremer
Kruse	Landis	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 6:

Burling	Chambers	Erdman	Hilgert	Kristensen
Redfield				

Present and not voting, 2:

Brashear	Maxwell
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Excused and not voting, 3:

Cunningham	McDonald	Pederson, D.
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 244A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 244, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Coordsen	Cudaback	Dierks	Engel	Foley
Hartnett	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Landis
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 3:

Chambers      Erdman      Redfield

Present and not voting, 3:

Burling      Maxwell      Robak

Excused and not voting, 3:

Cunningham   McDonald      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 278 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 278.**

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, and sections 53-103, 53-122, 53-131, and 53-134, Revised Statutes Supplement, 2000; to provide for Class D-1 licenses; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Landis
Maxwell	Pedersen, Dw.	Preister	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Wehrbein
Wickersham				

Voting in the negative, 2:

Kruse      Price

Present and not voting, 3:

Chambers      Dierks      Vrtiska

Excused and not voting, 3:

Cunningham    McDonald    Pederson, D.

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 278A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 278, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Landis
Maxwell	Pedersen, Dw.	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Wehrbein	Wickersham

Voting in the negative, 2:

Kruse      Price

Present and not voting, 4:

Chambers      Dierks      Preister      Vrtiska

Excused and not voting, 3:

Cunningham    McDonald    Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 303.** With Emergency.

A BILL FOR AN ACT relating to education; to create the Education Roundtable; to provide duties; to provide a termination date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Aguilar	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Chambers	Connealy
Coordsen	Cudaback	Dierks	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 3:

Baker	Burling	Tyson
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Excused and not voting, 3:

Cunningham	McDonald	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 303A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 303, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Coordsen
Cudaback	Dierks	Engel	Erdman	Foley
Hartnett	Hilgert	Hudkins	Janssen	Jensen

Jones	Kremer	Kristensen	Kruse	Landis
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Vrtiska	Wehrbein

Voting in the negative, 0.

Present and not voting, 6:

Baker	Chambers	Connealy	Robak	Tyson
Wickersham				

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 313 with 37 ayes, 2 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 313. With Emergency.**

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1010, and 79-1072.02, Revised Statutes Supplement, 2000, as amended by sections 18, 23, and 37, respectively, Legislative Bill 797, Ninety-seventh Legislature, First Session, 2001; to change provisions relating to incentive payments; to eliminate the Hardship Fund and obsolete provisions; to harmonize provisions; to repeal the original sections; to outright repeal section 79-4,107, Reissue Revised Statutes of Nebraska, and section 79-1072.03, Revised Statutes Supplement, 2000, as amended by section 38, Legislative Bill 797, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Aguilar	Baker	Brashear	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback

Dierks	Erdman	Foley	Hartnett	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Price
Raikes	Robak	Schrock	Smith	Stuhr
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 7:

Bourne	Brown	Chambers	Quandahl	Redfield
Suttle	Thompson			

Present and not voting, 5:

Beutler	Engel	Hilgert	Preister	Schimek
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Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 313A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 313, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Aguilar	Baker	Brashear	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Price	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Thompson
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 0.

Present and not voting, 8:



Beutler	Bourne	Brown	Chambers	Preister
Quandahl	Suttle	Wickersham		

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

## SENATOR CUDABACK PRESIDING

### LEGISLATIVE BILL 334.

A BILL FOR AN ACT relating to the Commission for the Deaf and Hard of Hearing; to amend sections 71-4720.01, 71-4727, and 71-4732, Revised Statutes Supplement, 2000; to establish a telehealth system; to provide duties; to create a fund; 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 2:

Beutler Price

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 334A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 334, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Maxwell	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, 2:

Beutler          Landis

Excused and not voting, 3:

Cunningham    McDonald      Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 335.**

A BILL FOR AN ACT relating to the Commission on Public Advocacy; to amend sections 29-3919 and 29-3922, Reissue Revised Statutes of Nebraska, and sections 13-518 and 29-3927, Revised Statutes Supplement, 2000; to define and redefine terms; to change and provide powers and duties; to create an advisory council; to provide reimbursement procedures for indigent defense 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, 44:

Aguilar	Baker	Beutler	Bourne	Brashear
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Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 0.

Present and not voting, 2:

Bromm            Wickersham

Excused and not voting, 3:

Cunningham    McDonald    Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 335A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 335, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Brown

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 368.**

A BILL FOR AN ACT relating to veterans; to amend sections 48-225 and 80-401.01, Reissue Revised Statutes of Nebraska, and section 80-411, Revised Statutes Supplement, 2000; to change provisions relating to periods of service in the United States Armed Forces; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kruse	Landis	Maxwell	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, 1:

Kristensen

Excused and not voting, 3:

Cunningham McDonald 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 432 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 432.**

A BILL FOR AN ACT relating to genetic testing; to amend sections 13-607, 43-1414, 71-2620, 81-2010, and 81-2010.03, Reissue Revised Statutes of Nebraska, and sections 29-4105, 29-4115, and 71-519, Revised Statutes Supplement, 2000; to provide requirements relating to use and disposition of genetic testing and results relating to physicians, insurance, employers and employees, criminal investigations, paternity, and newborn infants; to provide requirements for laboratories performing human genetic and forensic testing; to provide penalties; 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

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 432A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 432, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kruse	Landis	Maxwell	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, 1:

Kristensen

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **SPEAKER KRISTENSEN PRESIDING**

#### **MOTION - Return LB 433 to Select File**

Senator Wickersham moved to return LB 433 to Select File for the following specific amendment:

FA279

Strike the enacting clause.

Senator Wickersham withdrew his motion to return.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

### **BILLS ON FINAL READING**

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 433 with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 433.**

A BILL FOR AN ACT relating to child care; to amend sections 77-908 and 77-3806, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2000; to provide a tax credit for business child care expenditures; 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, 28:

Aguilar	Baker	Bourne	Brashear	Brown
Bruning	Byars	Connealy	Cudaback	Dierks
Hartnett	Hilgert	Janssen	Jensen	Kruse
Landis	Pedersen, Dw.	Preister	Price	Quandahl
Redfield	Schimek	Schrock	Stuhr	Suttle
Thompson	Tyson	Vrtiska		

Voting in the negative, 17:

Beutler	Bromm	Burling	Chambers	Coordsen
Engel	Erdman	Foley	Hudkins	Jones
Kremer	Kristensen	Maxwell	Raikes	Smith
Wehrbein	Wickersham			

Excused and not voting, 4:

Cunningham McDonald Pederson, D. Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 433A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 433, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Connealy	Coordsen
Cudaback	Dierks	Hartnett	Hudkins	Janssen
Jensen	Jones	Kristensen	Kruse	Landis
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 7:

Beutler	Chambers	Engel	Erdman	Foley
Kremer	Maxwell			

Present and not voting, 1:

Burling

Excused and not voting, 5:

Cunningham	Hilgert	McDonald	Pederson, D.	Robak
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **SELECT COMMITTEE REPORT** **Enrollment and Review**

#### **Correctly Reengrossed**

The following bill was correctly reengrossed: LB 97.

(Signed) Philip Erdman, Chairperson

#### **AMENDMENTS - Print in Journal**

Senator Beutler filed the following amendment to LB 305:  
AM2049

(Amendments to Standing Committee amendments, AM1406)

- 1 1. Strike section 1 and all amendments thereto and
- 2 insert the following new section:
- 3 "Section 1. Section 77-2602, Revised Statutes
- 4 Supplement, 2000, 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, until January 1, 2002,  
12 thirty-four cents per package, and commencing January 1, 2002,  
13 sixty-four ~~thirty-four~~ cents per package; and on packages  
14 containing more than twenty cigarettes, the same tax as provided on  
15 packages containing not more than twenty cigarettes for the first  
16 twenty cigarettes in each package and a tax of one-twentieth of the  
17 tax on the first twenty cigarettes on each cigarette in excess of  
18 twenty cigarettes in each package. Commencing July 1, 1994, and  
19 continuing until July 1, ~~2009~~ 2001, the State Treasurer shall place  
20 the equivalent of twenty-one cents of such tax less three million  
21 dollars each fiscal year of proceeds of such tax in the General  
22 Fund. Commencing January 1, 2002, and continuing until July 1,  
23 2009, the State Treasurer shall place the equivalent of fifty-one  
1 cents of such tax less three million dollars each fiscal year of  
2 proceeds of such tax in the General Fund. Commencing July 1, 2009,  
3 the State Treasurer shall place the equivalent of ~~twenty-one~~  
4 fifty-one cents of such tax in the General Fund. For purposes of  
5 this section, the equivalent of a specified number of cents of the  
6 tax shall mean that portion of the proceeds of the tax equal to the  
7 specified number divided by thirty-four until January 1, 2002, and  
8 commencing January 1, 2002, divided by sixty-four. The State  
9 Treasurer shall distribute the remaining proceeds of such tax in  
10 the following order:  
11 (a) First, beginning July 1, 1980, the State Treasurer  
12 shall place the equivalent of one cent of such tax in the Nebraska  
13 Outdoor Recreation Development Cash Fund. For fiscal year  
14 distributions occurring after FY1998-99, the distribution under  
15 this subdivision shall not be less than the amount distributed  
16 under this subdivision for FY1997-98. Any money needed to increase  
17 the amount distributed under this subdivision to the FY1997-98  
18 amount shall reduce the ~~twenty-one-cent~~ or fifty-one-cent  
19 distribution to the General Fund, as applicable;  
20 (b) Second, beginning July 1, 1993, the State Treasurer  
21 shall place the equivalent of three cents of such tax in the  
22 Department of Health and Human Services Finance and Support Cash  
23 Fund to carry out sections 81-637 to 81-640. For fiscal year  
24 distributions occurring after FY1998-99, the distribution under  
25 this subdivision shall not be less than the amount distributed  
26 under this subdivision for FY1997-98. Any money needed to increase  
27 the amount distributed under this subdivision to the FY1997-98  
1 amount shall reduce the ~~twenty-one-cent~~ or fifty-one-cent  
2 distribution to the General Fund, as applicable;  
3 (c) Third, beginning July 1, 1997, and continuing until  
4 all the purposes of the Deferred Building Renewal Act have been  
5 fulfilled, the State Treasurer shall place the equivalent of seven  
6 cents of such tax in the Building Renewal Allocation Fund. The  
7 Legislature shall appropriate each fiscal year all sums inuring to  
8 the fund, plus interest earnings for the Task Force for Building  
9 Renewal to be used to carry out its duties and to fulfill the

10 purposes of the Deferred Building Renewal Act. Unexpended balances  
11 existing at the end of each fiscal year shall be, and are hereby,  
12 reappropriated. For fiscal year distributions occurring after  
13 FY1998-99, the distribution under this subdivision shall not be  
14 less than the amount distributed under this subdivision for  
15 FY1997-98. Any money needed to increase the amount distributed  
16 under this subdivision to the FY1997-98 amount shall reduce the  
17 twenty-one-cent or fifty-one-cent distribution to the General Fund,  
18 as applicable;

19 (d) Fourth, the State Treasurer shall place the  
20 difference between the equivalent of thirteen cents of such tax and  
21 the sum of the amounts distributed pursuant to subdivisions (a)  
22 through (c) and (f) of this subsection in a special fund to be  
23 known as the Nebraska Capital Construction Fund;

24 (e) Fifth, beginning July 1, 1994, and continuing until  
25 July 1, 2009, the State Treasurer shall place in the Municipal  
26 Infrastructure Redevelopment Fund the sum of three million dollars  
27 each fiscal year to carry out the Municipal Infrastructure

1 Redevelopment Fund Act. The Legislature shall appropriate the sum  
2 of three million dollars each year for fiscal year 1994-95 through  
3 fiscal year 2008-09; and

4 (f) Sixth, beginning July 1, 2001, the State Treasurer  
5 shall place the equivalent of two cents of such tax in the  
6 Information Technology Infrastructure Fund.

7 (2) The Legislature hereby finds and determines that the  
8 projects funded from the Municipal Infrastructure Redevelopment  
9 Fund and the Building Renewal Allocation Fund are of critical  
10 importance to the State of Nebraska. It is the intent of the  
11 Legislature that the allocations and appropriations made by the  
12 Legislature to such funds or, in the case of allocations for the  
13 Municipal Infrastructure Redevelopment Fund, to the particular  
14 municipality's account not be reduced until all contracts and  
15 securities relating to the construction and financing of the  
16 projects or portions of the projects funded from such funds or  
17 accounts of such funds are completed or paid or, in the case of the  
18 Municipal Infrastructure Redevelopment Fund, the earlier of such  
19 date or July 1, 2009, and that until such time any reductions in  
20 the cigarette tax rate made by the Legislature shall be  
21 simultaneously accompanied by equivalent reductions in the amount  
22 dedicated to the General Fund from cigarette tax revenue. Any  
23 provision made by the Legislature for distribution of the proceeds  
24 of the cigarette tax for projects or programs other than those to  
25 (a) the General Fund, (b) the Nebraska Outdoor Recreation  
26 Development Cash Fund, (c) the Department of Health and Human  
27 Services Finance and Support Cash Fund, (d) the Municipal  
1 Infrastructure Redevelopment Fund, (e) the Building Renewal  
2 Allocation Fund, and (f) the Information Technology Infrastructure  
3 Fund shall not be made a higher priority than or an equal priority  
4 to any of the programs or projects specified in subdivisions (a)

- 5 through (f) of this subsection.
- 6 Sec. 11. Beginning with school fiscal year 2002-03, each  
7 Class IV and Class V school district shall have less than a ten  
8 percent disparity in average years of teaching experience for  
9 teachers between any two buildings in the district in which the  
10 same grade ranges are taught. The average years of experience  
11 shall be determined based on the fall personnel report preceding  
12 the certification of state aid. Any Class IV or Class V district  
13 which fails to meet the requirements of this section shall not be  
14 eligible for state aid pursuant to the Tax Equity and Educational  
15 Opportunities Support Act for each school fiscal year immediately  
16 following the school fiscal year for which the district failed to  
17 meet the requirements of this section."
- 18 2. On page 4, line 18, strike "9" and all amendments  
19 thereto and insert "11".
- 20 3. On page 38, strike lines 3 through 17 and all  
21 amendments thereto and insert  
22 "(14) On or after June 15, 2002, and on or before June  
23 30, 2002, the State Treasurer shall transfer seven million dollars  
24 from the General Fund to the Cash Reserve Fund.  
25 (15) On or after June 15, 2003, and on or before June 30,  
26 2003, the State Treasurer shall transfer ten million dollars from  
27 the Cash Reserve Fund to the General Fund.  
1 (16) On or after June 15, 2004, and on or before June 30,  
2 2004, the State Treasurer shall transfer thirty-two million dollars  
3 from the Cash Reserve Fund to the General Fund.  
4 (17) On or after June 15, 2005, and on or before June 30,  
5 2005, the State Treasurer shall transfer thirty-nine million  
6 dollars from the Cash Reserve Fund to the General Fund.  
7 (18) On or after June 15, 2006, and on or before June 30,  
8 2006, the State Treasurer shall transfer forty-one million dollars  
9 from the Cash Reserve Fund to the General Fund."
- 10 4. On page 41, line 2, strike "77-2701.02" and insert  
11 "77-2602".
- 12 5. Renumber the remaining sections accordingly.

Senator Bromm filed the following amendment to LB 389:  
AM2104

(Amendments to Standing Committee amendments, AM0325)

- 1 1. Insert the following new sections:  
2 "Section 1. Section 86-804, Reissue Revised Statutes of  
3 Nebraska, as amended by section 15, Legislative Bill 585,  
4 Ninety-seventh Legislature, First Session, 2001, is amended to  
5 read:  
6 86-804. The commission shall ~~provide the Legislature~~  
7 ~~with file with the Clerk of the Legislature~~ an annual report on or  
8 before September 30 of each year on the status of the Nebraska  
9 telecommunications industry. The report may be submitted in  
10 electronic format. The report shall ~~describe~~ address: (1) The

11 quality of telecommunications services being provided to the  
 12 citizens of Nebraska; (2) the availability of diverse and  
 13 affordable telecommunications services to all of the people of  
 14 Nebraska; (3) the level of ~~rates of local exchange companies and~~  
 15 ~~interexchange telecommunications companies telecommunications~~  
 16 service rates; (4) ~~the level of~~ the Nebraska Telecommunications  
 17 Universal Service Fund; as ~~determined by section 86-1409~~; (5) the  
 18 availability and location of 911 service and E-911 service as  
 19 required by section 86-1005; and (6) the availability and location  
 20 of wireless 911 service or enhanced wireless 911 service as  
 21 required by section 5 of this act. The report also shall address  
 22 the question of the need for further legislation to achieve the  
 23 purposes of sections 86-801 to 86-811.

1 Sec. 3. Section 86-1403, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:

3 86-1403. For purposes of the Nebraska Telecommunications  
 4 Universal Service Fund Act:

5 (1) Commission means the Public Service Commission;

6 (2) Fund means the Nebraska Telecommunications Universal  
 7 Service Fund;

8 (3) Telecommunications Act of 1996 means the federal  
 9 telecommunications legislation enacted as Public Law 104-104; and

10 (4) Telecommunications company means any natural person,  
 11 firm, partnership, limited liability company, corporation, or  
 12 association offering telecommunications services ~~to the public for~~  
 13 hire in Nebraska intrastate commerce without regard to whether such  
 14 company holds a certificate or permit from the commission.

15 Sec. 5. Section 86-1905, Reissue Revised Statutes of  
 16 Nebraska, is amended to read:

17 86-1905. ~~Except when a subscriber initiates or changes~~  
 18 ~~service by contacting the telecommunications company directly (1)~~  
 19 Except as provided in subsection (2) of this section, no  
 20 telecommunications company shall submit or execute on behalf of a  
 21 subscriber a change in a the subscriber's provider of basic local  
 22 exchange service, intra-LATA interexchange service, or inter-LATA  
 23 interexchange service without:

24 ~~(1)~~ (a) Written change authorization from the subscriber;

25 ~~(2)~~ (b) Toll-free electronic authorization placed from  
 26 the telephone number which is the subject of the change order; or

27 ~~(3)~~ (c) Oral authorization obtained by an independent  
 1 third party.

2 A separate and distinct authorization shall be required  
 3 to submit ~~or execute~~ a change of service for any or all of the  
 4 following services provided to subscribers in this state: Basic  
 5 local exchange service, intra-LATA interexchange service,  
 6 inter-LATA interexchange service, or any other telecommunications  
 7 services.

8 (2) The requirements of this section shall not apply to a  
 9 change in a subscriber's provider of basic local exchange service,

10 intra-LATA interexchange service, or inter-LATA interexchange  
11 service that results from any merger or sale of exchanges or  
12 transfer of authority approved by the commission.  
13 Sec. 6. Section 86-1907, Reissue Revised Statutes of  
14 Nebraska, is amended to read:  
15 86-1907. (1) Nothing in the Telephone Consumer Slamming  
16 Prevention Act shall preclude a subscriber from electing to resolve  
17 an unauthorized change in service directly with the unauthorized  
18 telecommunications company. If the subscriber is unsatisfied with  
19 the resolution from the unauthorized company, the subscriber may  
20 file a complaint with the commission. The complaint may be made by  
21 letter, fax, online notification, or telephone call to the  
22 commission. The subscriber may be required to provide a copy of  
23 the subscriber's telephone bill that contains the alleged  
24 unauthorized company's charges.  
25 (2) The commission, consistent with applicable federal  
26 rules and regulations including rules and regulations of the  
27 Federal Communication Commissions implementing section 258 of the  
1 federal act, shall adopt and promulgate rules and regulations for  
2 resolution of subscriber complaints of an unauthorized change in  
3 service. The procedures in this section shall apply only after a  
4 subscriber has determined that an unauthorized change has occurred  
5 in violation of section 86-1905 and the subscriber has paid charges  
6 to an allegedly unauthorized telecommunications company. Upon  
7 receiving notification from the subscriber or a company that a  
8 subscriber has been subjected to an unauthorized change and that  
9 the subscriber has paid charges to an allegedly unauthorized  
10 company, the properly authorized company shall, within thirty days,  
11 request from the allegedly unauthorized company proof of  
12 verification of the subscriber's authorization to change companies.  
13 Within ten days after receiving such request, the allegedly  
14 unauthorized company shall forward to the authorized company  
15 either:  
16 (a) Proof of verification of the subscriber's  
17 authorization to change companies; or  
18 (b) The following:  
19 (i) An amount equal to all charges paid by the subscriber  
20 to the unauthorized company;  
21 (ii) An amount equal to any charge required to return the  
22 subscriber to his or her properly authorized company, if  
23 applicable; and  
24 (iii) Copies of any telephone bills issued from the  
25 unauthorized company to the subscriber.  
26 (2) If an authorized telecommunications company incurs  
27 any billing and collection expenses in collecting charges from the  
1 unauthorized company, the unauthorized company shall reimburse the  
2 authorized company for reasonable expenses.  
3 (3) When a subscriber notifies the unauthorized company,  
4 rather than the authorized company, of an unauthorized change, the

5 unauthorized company shall immediately notify the authorized  
6 company.

7 (4) Upon receipt from the unauthorized company of the  
8 amount described in subdivision (1)(b)(i) of this section, the  
9 authorized company shall provide a refund or credit to the  
10 subscriber of all charges paid in excess of what the authorized  
11 company would have charged the subscriber absent the unauthorized  
12 change. If the authorized company has not received from the  
13 unauthorized company an amount equal to charges paid by the  
14 subscriber to the unauthorized company, the authorized company is  
15 not required to provide any refund or credit. The authorized  
16 company shall, within sixty days after it receives notification of  
17 the unauthorized change, inform the subscriber if it has failed to  
18 collect any charges from the unauthorized company and inform the  
19 subscriber of his or her right to pursue a claim against the  
20 unauthorized company for a refund of all charges paid to the  
21 unauthorized company.

22 (5) When possible, the properly authorized company shall  
23 reinstate the subscriber in any premium program in which that  
24 subscriber was enrolled prior to the unauthorized change if that  
25 subscriber's participation in the premium program was terminated  
26 because of the unauthorized change. If the subscriber has paid  
charges to the unauthorized company, the properly authorized  
1 company shall also provide or restore to the subscriber any  
2 premiums to which the subscriber would have been entitled had the  
3 unauthorized change not occurred. The authorized company shall  
4 comply with the requirements of this subsection regardless of  
5 whether it is able to recover from the unauthorized company any  
6 charges that were paid by the subscriber.

7 (6) The Public Service Commission may from time to time  
8 review and adjust the reimbursement procedures in a manner  
9 consistent with federal law.

10 Sec. 7. Section 86-1908, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 86-1908. If the Public Service Commission commission  
13 finds that a telecommunications company has violated section  
14 ~~86-1907~~ 86-1905, the commission shall order the company to take  
15 corrective action as necessary and the company may be subject to  
16 administrative penalties pursuant to section 86-1909. Any money  
17 collected by the commission pursuant to this section shall be  
18 remitted to the State Treasurer for credit to the permanent school  
19 fund consistent with rules and regulations adopted and promulgated  
20 by the commission and the Federal Communications Commission.

21 Sec. 8. Section 86-1909, Revised Statutes Supplement,  
22 2000, is amended to read:

23 86-1909. (1) The Public Service Commission commission  
24 may, after hearing, impose an administrative penalty for a  
25 violation of the Telephone Consumer Slamming Prevention Act. The  
26 penalty for a violation shall not exceed two thousand dollars.

- 27 Every violation associated with a specific access line within the  
 1 state shall be considered a separate and distinct violation.  
 2 (2) The amount of an administrative penalty shall be  
 3 based on:  
 4 (a) The nature, circumstances, extent, and gravity of a  
 5 prohibited act;  
 6 (b) The history of previous violations;  
 7 (c) The amount necessary to deter future violations; and  
 8 (d) Any efforts to correct the violation.  
 9 (3) Any money collected by the commission pursuant to  
 10 this section shall be remitted to the State Treasurer for credit to  
 11 the permanent school fund.  
 12 (4) Any administrative penalty may be appealed, and the  
 13 appeal shall be in accordance with the Administrative Procedure  
 14 Act."  
 15 2. On page 2, line 14, strike "provider of  
 16 telecommunications services" and insert "telecommunications  
 17 company".  
 18 3. Amend the repealer and renumber the remaining  
 19 sections accordingly.

Senator Bromm filed the following amendment to LB 389:  
 AM2103

(Amendments to Standing Committee amendments, AM0325)

- 1 1. Insert the following new section:  
 2 "Sec. 2. Section 86-1403, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 86-1403. For purposes of the Nebraska Telecommunications  
 5 Universal Service Fund Act:  
 6 (1) Commission means the Public Service Commission;  
 7 (2) Fund means the Nebraska Telecommunications Universal  
 8 Service Fund;  
 9 (3) Telecommunications Act of 1996 means the federal  
 10 telecommunications legislation enacted as Public Law 104-104; and  
 11 (4) Telecommunications company means any natural person,  
 12 firm, partnership, limited liability company, corporation, or  
 13 association offering telecommunications services to the public for  
 14 hire in Nebraska intrastate commerce without regard to whether such  
 15 company holds a certificate or permit from the commission."  
 16 2. On page 2, line 14, strike "provider of  
 17 telecommunications services" and insert "telecommunications  
 18 company".  
 19 3. Amend the repealer and renumber the remaining  
 20 sections accordingly.

Senators Bromm and Schrock filed the following amendment to LB 461:  
 AM1928

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:

2 "Section 1. Section 66-1518, Revised Statutes  
3 Supplement, 2000, is amended to read:  
4 66-1518. (1) The Environmental Quality Council shall  
5 adopt and promulgate rules and regulations governing reimbursements  
6 authorized under the Petroleum Release Remedial Action Act. Such  
7 rules and regulations shall include:  
8 (a) Procedures regarding the form and procedure for  
9 application for payment or reimbursement from the fund, including  
10 the requirement for timely filing of applications;  
11 (b) Procedures for the requirement of submitting cost  
12 estimates for phases or stages of remedial actions, procurement  
13 requirements to be followed by responsible persons, and  
14 requirements for reuse of fixtures and tangible personal property  
15 by responsible persons during a remedial action;  
16 (c) Procedures for investigation of claims for payment or  
17 reimbursement;  
18 (d) Procedures for determining the amount and type of  
19 costs that are eligible for payment or reimbursement from the fund;  
20 (e) Procedures for auditing persons who have received  
21 payments from the fund;  
22 (f) Procedures for reducing reimbursements made for a  
23 remedial action for failure by the responsible person to comply  
24 with applicable statutory or regulatory requirements.  
25 Reimbursement may be reduced as much as one hundred percent; and  
26 (g) Other procedures necessary to carry out the act.  
27 (2) Such rules and regulations shall take into account  
the recommendations for rules and regulations developed by the  
technical advisory committee established pursuant to section  
781-15,189.  
3 (3) The Director of Environmental Quality shall (a)  
4 estimate the cost to complete remedial action at each petroleum  
5 contaminated site where the responsible party has been ordered by  
6 the department to begin remedial action, and, based on such  
7 estimates, determine the total cost that would be incurred in  
8 completing all remedial actions ordered; (b) determine the total  
9 estimated cost of all approved remedial actions; (c) determine the  
10 total dollar amount of all pending claims for payment or  
11 reimbursement; (d) determine the total of all funds available for  
12 reimbursement of pending claims; and (e) include the determinations  
13 made pursuant to this subsection in the department's annual report  
14 to the Legislature.  
15 (4) The Department of Environmental Quality shall make  
16 available to the public a current schedule of reasonable rates for  
17 equipment, services, material, and personnel commonly used for  
18 remedial action. The department shall consider the schedule of  
19 reasonable rates in reviewing all costs for the remedial action  
20 which are submitted in a plan. The rates shall be used to  
21 determine the amount of reimbursement for the eligible and  
22 reasonable costs of the remedial action, except that (a) the



1 reimbursement for the costs of the remedial action shall not exceed  
2 the actual eligible and reasonable costs incurred by the  
3 responsible person or his or her designated representative and (b)  
4 reimbursement may be made for costs which exceed or are not  
5 included on the schedule of reasonable rates if the application for  
6 such reimbursement is accompanied by sufficient evidence for the  
7 department to determine and the department does determine that such  
8 costs are reasonable.

9 (5) The Department of Environmental Quality and the  
10 Department of Insurance, in consultation with interested parties,  
11 shall report to the Legislature on or before ~~October 1, 1999~~  
12 December 1, 2001, on the availability and cost of private insurance  
13 to insure the damages for which payment may be made from the  
14 fund."

15 2. On page 1, line 3; and page 20, line 26, after  
16 "sections" insert "66-1518,".

17 3. On page 15, line 26, strike "7" and insert "8".

18 4. Renumber the remaining sections accordingly.

Senators Wehrbein and Dierks filed the following amendment to LB 536:  
(Amendment, AM2133, may be found in the Bill Books. The amendment  
has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Erdman filed the following amendment to LB 852:  
AM2095

1 1. Strike the original sections and all amendments  
2 thereto and insert the following new section:  
3 "Section 1. (1) The Legislature adopts the legislative  
4 districts identified in the map entitled Erdman Legislative  
5 Proposal B--AM2095. Such map shall be kept on file in the office  
6 of the Clerk of the Legislature.  
7 (2) The legislative districts have been drawn pursuant to  
8 information taken from the 2000 TIGER/Line files published by the  
9 United States Department of Commerce, Bureau of the Census."

### MESSAGE FROM THE GOVERNOR

May 21, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 366, 598, 667e, 667A, 773, 781, and 833e  
were received in my office on May 16, 2001.

These bills were signed by me on May 21, 2001, and delivered to the

Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

**EASE**

The Legislature was at ease from 5:40 p.m. until 6:12 p.m.

**UNANIMOUS CONSENT - Member Excused**

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

**BILLS ON FINAL READING**

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 451 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 451.**

A BILL FOR AN ACT relating to juveniles; to amend sections 29-2246, 29-2252.01, 29-2257, and 29-2258, Reissue Revised Statutes of Nebraska, and sections 43-250, 43-253, and 43-260, Revised Statutes Supplement, 2000; to redefine terms; to provide for juvenile intake officers; to state intent; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kruse
Landis	Maxwell	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, 1:

Kristensen

Excused and not voting, 4:

Cunningham Dierks McDonald Pederson, D.

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 451A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 451, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Cunningham Dierks McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 468.**

A BILL FOR AN ACT relating to nursing; to adopt the Nursing Student Loan 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, 42:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Engel	Erdman
Foley	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Wehrbein	Wickersham			

Voting in the negative, 1:

Raikes

Present and not voting, 2:

Brown            Vrtiska

Excused and not voting, 4:

Cunningham    Dierks            McDonald        Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 468A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 468, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Cunningham Dierks McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 516.**

A BILL FOR AN ACT relating to real property; to amend sections 68-1603, 68-1604, 68-1605, 68-1607, and 76-902, Reissue Revised Statutes of Nebraska, and section 76-903, Revised Statutes Supplement, 2000; to change provisions relating to the Homeless Shelter Assistance Trust Fund Act; to establish an advisory committee; to change funding provisions relating to the Affordable Housing Trust Fund; to provide an exemption to the documentary stamp tax as prescribed; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Cunningham Dierks McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 516A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 516, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Cunningham   Dierks                      McDonald      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 620 with 39 ayes, 2 nays, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 620. With Emergency.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 58-529 and 77-4932, Reissue Revised Statutes of Nebraska, and section 49-801.01, Revised Statutes Supplement, 2000, as amended by section 1, Legislative Bill 122, Ninety-seventh Legislature, First Session, 2001; to adopt the Invest Nebraska Act; to change powers of the Department of Revenue; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Aguilar	Baker	Beutler	Bourne	Brashear
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Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein		

Voting in the negative, 3:

Chambers	Raikes	Wickersham
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Excused and not voting, 3:

Cunningham	McDonald	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.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 659 with 35 ayes, 4 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 659.**

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2101 to 29-2103, 29-3922, 29-3929, and 29-3930, Reissue Revised Statutes of Nebraska, and sections 29-3921 and 29-3931, Revised Statutes Supplement, 2000; to adopt the DNA Testing Act; to change provisions relating to motions for new trial and the County Revenue Assistance Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield

Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

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 659A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 659, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTIONS - Return LB 671 to Select File**

Senator Brown moved to return LB 671 to Select File for the following



Brown-Quandahl specific amendment:  
AM2100

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1, Section 53-123.15, Reissue Revised Statutes  
4 of Nebraska, is amended to read:  
5 53-123.15. (1) No Except for a person who is a holder of  
6 a wine receivers license, no person shall order or receive  
7 alcoholic liquor in this state which has been shipped directly to  
8 him or her from outside this state by any person other than a  
9 holder of a shipping license issued by the commission, except that  
10 a licensed wholesaler may receive not more than three gallons of  
11 wine in any calendar year from any person who is not a holder of a  
12 shipping license. Any person who is a holder of a wine receivers  
13 license shall supply his or her license number to any person who  
14 ships wine to such licensee.  
15 (2) The commission may issue a shipping license to a  
16 manufacturer. Such license shall allow the licensee to ship  
17 alcoholic liquor only to a licensed wholesaler, except that a  
18 licensed wholesaler may, without a shipping license and for the  
19 purposes of subdivision (2) of section 53-161, receive beer in this  
20 state which has been shipped from outside the state by a  
21 manufacturer in accordance with the Nebraska Liquor Control Act to  
22 the wholesaler, then transported by the wholesaler to another state  
23 for retail distribution, and then returned by the retailer to such  
1 wholesaler.  
2 (3) The commission may issue a shipping license to any  
3 person who deals with vintage wines, which shipping license shall  
4 allow the licensee to distribute such wines to a licensed  
5 wholesaler in the state. For purposes of distributing vintage  
6 wines, a licensed shipper must utilize a designated wholesaler if  
7 the manufacturer has a designated wholesaler. For purposes of this  
8 section, vintage wine shall mean a wine verified to be ten years of  
9 age or older and not available from a primary American source of  
10 supply.  
11 (4) The commission may issue a wine receivers license to  
12 any person who wishes to receive wine shipped from another state  
13 directly to a consumer in this state. A person who receives a  
14 license pursuant to this subsection shall pay the fee required in  
15 subdivision (12) of section 53-124 and shall pay the tax pursuant  
16 to section 53-162 if no such tax has been charged by the state from  
17 which the wine was shipped.  
18 (5) The application for a shipping license or a wine  
19 receivers license shall be in such form as the commission  
20 prescribes. The application shall contain all provisions the  
21 commission deems proper and necessary to effectuate the purpose of  
22 any section of the act and the rules and regulations of the  
23 commission that apply to manufacturers or wine receivers and shall

24 include, but not be limited to, provisions that the applicant, in  
25 consideration of the issuance of a such shipping license, agrees:

26 (a) To comply with and be bound by ~~section 53-164.01~~ the  
27 act in making and filing reports, paying taxes, penalties, and  
1 interest, and keeping records;

2 (b) To permit and be subject to all of the powers granted  
3 by ~~section 53-164.01~~ the act to the commission or its duly  
4 authorized employees or agents for inspection and examination of  
5 the applicant's premises and records and to pay the actual  
6 expenses, excluding salary, reasonably attributable to such  
7 inspections and examinations made by duly authorized employees of  
8 the commission if within the United States; and

9 (c) That if the applicant violates any of the provisions  
10 of the application or the license, any section of the act, or any  
11 of the rules and regulations of the commission that apply to  
12 manufacturers, the commission may revoke or suspend such shipping  
13 license or wine receivers for such period of time as it may  
14 determine.

15 Sec. 2. Section 53-124, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 53-124. At the time application is made to the  
18 commission for a license of any type, the applicant shall pay the  
19 fee provided in this section and, if the applicant is an  
20 individual, provide the applicant's social security number. The  
21 fees for annual licenses finally issued by the commission shall be  
22 as follows:

23 (1) For a license to manufacture alcohol and  
24 spirits ..... \$1,000.00;

25 (2) For a license to manufacture beer and wine or to  
26 operate a farm winery or craft brewery:

27 (a) Manufacture of beer, excluding beer produced by a  
1 craft brewery:

2 (i) 1 to 100 barrel daily capacity,  
3 or any part thereof ..... \$100.00

4 (ii) 100 to 150 barrel daily  
5 capacity ..... 200.00

6 (iii) 150 to 200 barrel daily  
7 capacity ..... 350.00

8 (iv) 200 to 300 barrel daily  
9 capacity ..... 500.00

10 (v) 300 to 400 barrel daily  
11 capacity ..... 650.00

12 (vi) 400 to 500 barrel daily  
13 capacity ..... 700.00

14 (vii) 500 barrel daily capacity,  
15 or more ..... 800.00;

16 (b) Operation of a craft brewery ..... \$250.00;

17 (c) Manufacture of wines ..... \$250.00;

18 (d) Operation of a farm winery ..... \$250.00.

19 For purposes of subdivision (2)(a) of this section, daily capacity  
20 shall mean the average daily barrel production for the previous  
21 twelve months of manufacturing operation. If no such basis for  
22 comparison exists, the manufacturing licensee shall pay in advance  
23 for the first year's operation a fee of five hundred dollars;

24 (3) Alcoholic liquor wholesale license, for the first and  
25 each additional wholesale place of business operated in this state  
26 by the same licensee and wholesaling alcoholic liquor, except beer  
27 and wines produced from farm wineries ..... \$500.00;

1 (4) Beer wholesale license, for the first and each  
2 additional wholesale place of business operated in this state by  
3 the same licensee and wholesaling beer only ..... \$250.00;

4 (5) For a retail license:

5 (a) Class A: Beer only except for craft breweries, inside  
6 the corporate limits of cities and villages, for consumption on the  
7 premises, the sum of ten dollars in villages having a population of  
8 five hundred inhabitants or less; twenty-five dollars in villages  
9 or cities having a population of more than five hundred inhabitants  
10 and not more than twenty-five hundred inhabitants; fifty dollars in  
11 cities having a population of more than twenty-five hundred  
12 inhabitants and less than ten thousand inhabitants; and one hundred  
13 dollars in cities having a population of ten thousand inhabitants  
14 or more;

15 (b) Class B: Beer only except for craft breweries, for  
16 consumption off the premises, sales in the original packages only,  
17 the sum of twenty-five dollars;

18 (c) Class C: Alcoholic liquor inside the corporate limits  
19 of cities and villages, for consumption on the premises and off the  
20 premises, sales in original packages only, the sum of two hundred  
21 fifty dollars, except for farm winery or craft brewery sales  
22 outlets. If a Class C license is held by a nonprofit corporation,  
23 it shall be restricted to consumption on the premises only. A  
24 Class C license may have a sampling designation restricting  
25 consumption on the premises to sampling, but such designation shall  
26 not affect sales for consumption off the premises under such  
27 license;

1 (d) Class D: Alcoholic liquor, including beer, inside the  
2 corporate limits of cities and villages, for consumption off the  
3 premises, sales in the original packages only, except as provided  
4 in subsection (2) of section 53-123.04, the sum of one hundred  
5 fifty dollars, except for farm winery or craft brewery sales  
6 outlets;

7 (e) Class E: Alcoholic liquor outside the corporate  
8 limits of cities and villages in any county in which there is no  
9 incorporated city or village or in which the county seat is not  
10 located in an incorporated city or village, for consumption off the  
11 premises, sales in the original packages only, not less than one  
12 hundred fifty dollars for each license, except for farm winery or  
13 craft brewery sales outlets;

- 14 (f) Class F: Beer only except for craft breweries,  
15 outside the corporate limits of cities and villages, for  
16 consumption on the premises, not less than twenty-five dollars for  
17 each license, the precise amount in each case to be such sum as  
18 equals the amount of license fee fixed in this section plus the  
19 occupation tax fixed by ordinance, if any, in the nearest  
20 incorporated city or village in the same county;
- 21 (g) Class H: Alcoholic liquor, including beer, issued to  
22 a nonprofit corporation, for consumption on the premises:
- 23 (i) Inside the corporate limits of cities and villages,  
24 regardless of alcoholic content, the sum of twenty dollars in  
25 villages having a population of five hundred inhabitants or less;  
26 fifty dollars in villages or cities having a population of more  
27 than five hundred inhabitants and not more than twenty-five hundred  
1 inhabitants; one hundred dollars in cities having a population of  
2 more than twenty-five hundred inhabitants and less than ten  
3 thousand inhabitants; and two hundred dollars in cities having a  
4 population of ten thousand inhabitants or more; and
- 5 (ii) Outside the corporate limits of cities and villages,  
6 not less than two hundred fifty dollars for each license, the  
7 precise amount in each case to be such sum as equals the amount of  
8 license fee fixed in this section plus the occupation tax fixed by  
9 ordinance, if any, in the nearest incorporated city or village in  
10 the same county. If the incorporated city or village does not have  
11 an occupation tax for nonprofit corporation licenses, then the  
12 licensee shall pay an amount equal to a Class C license occupation  
13 tax for such city or village.
- 14 A Class H license shall not be issued to any corporation  
15 authorized by law to receive a Class C license unless the nonprofit  
16 corporation is open for sale of alcoholic liquor, including beer,  
17 for consumption on the premises not more than two days in any week;
- 18 (h) Class I: Alcoholic liquor, inside the corporate  
19 limits of cities and villages, for consumption on the premises, the  
20 sum of two hundred dollars, except for farm winery or craft brewery  
21 sales outlets;
- 22 (i) Class J: Beer and wine only except for craft  
23 breweries, inside the corporate limits of cities and villages, for  
24 consumption on the premises of restaurants only, the sum of fifty  
25 dollars in villages having a population of five hundred inhabitants  
26 or less; seventy-five dollars in villages or cities having a  
27 population of more than five hundred inhabitants and not more than  
1 twenty-five hundred inhabitants; one hundred twenty-five dollars in  
2 cities having a population of more than twenty-five hundred  
3 inhabitants and less than ten thousand inhabitants; and two hundred  
4 twenty-five dollars in cities having a population of ten thousand  
5 inhabitants or more; and
- 6 (j) Class K: Wine only, for consumption off the premises,  
7 sales in original packages only, except as provided in subsection  
8 (2) of section 53-123.04, the sum of one hundred twenty-five

9 dollars.

10 All applicable license fees shall be paid by the  
11 applicant or licensee directly to the city or village treasurer in  
12 the case of premises located inside the corporate limits of a city  
13 or village and directly to the county treasurer in the case of  
14 premises located outside the corporate limits of a city or village,  
15 except that the fee for a Class D license shall be paid directly to  
16 the commission;

17 (6) For a railroad license ..... \$100.00  
18 and \$1.00 for each duplicate;

19 (7) For a boat license ..... \$50.00;

20 (8) For a nonbeverage user's license:

21 Class 1 ..... \$ 5.00

22 Class 2 ..... 25.00

23 Class 3 ..... 50.00

24 Class 4 ..... 100.00

25 Class 5 ..... 250.00;

26 (9) For a bottle club license, two hundred fifty dollars  
27 in any county having a population of less than five thousand five  
28 hundred inhabitants and five hundred dollars in any county having a  
29 population of five thousand five hundred inhabitants or more. No  
30 such license shall be issued within the corporate limits of any  
31 city or village when a license as provided in subdivision (5)(c) of  
32 this section has been issued in such city or village. The  
33 applicable fee shall be paid by the applicant or licensee directly  
34 to the city or village treasurer in the case of a bottle club  
35 license within the corporate limits of a city or village and  
36 directly to the county treasurer in the case of a bottle club  
37 license outside the limits of any city or village;

38 (10) For an airline license ..... \$100.00  
39 and \$1.00 for each duplicate; and

40 ~~(11) For a shipping license ..... \$200.00.~~

41 (11) For a shipping license, except a wine receivers  
42 license issued pursuant to section 53-123.15 ..... \$200.00;

43 and

44 (12) For a wine receivers license issued pursuant to  
45 section 53-123.15 ..... \$25.00.

46 The license year, unless otherwise provided in the  
47 Nebraska Liquor Control Act, shall commence on May 1 of each year  
48 and shall end on the following April 30, except that the license  
49 year for a Class C license shall commence on November 1 of each  
50 year and shall end on the following October 31. During the license  
51 year, no license shall be issued for a sum less than the amount of  
52 the annual license fee as fixed in this section, regardless of the  
53 time when the application for such license has been made.

54 Sec. 3. Original sections 53-123.15 and 53-124, Reissue

1 Revised Statutes of Nebraska, are repealed."

2 2. On page 1, strike lines 3 through 7 and insert "of

3 Nebraska; to provide for a wine receivers license and a fee as

4 prescribed; to provide duties; to harmonize provisions; and to  
5 repeal the original sections.".

Senator Brown withdrew her motion to return.

Senator Brown moved to return LB 671 to Select File for the following  
Brown-Quandahl specific amendment:  
AM2099

(Amendments to Final Reading copy)

1 1. Strike the original sections and insert the following  
2 new sections:

3 "Section 1. Section 53-123.15, Reissue Revised Statutes  
4 of Nebraska, is amended to read:

5 53-123.15. (1) No person shall order or receive  
6 alcoholic liquor in this state which has been shipped directly to  
7 him or her from outside this state by any person other than a  
8 holder of a shipping license issued by the commission, except that  
9 a licensed wholesaler may receive not more than three gallons of  
10 wine in any calendar year from any person who is not a holder of a  
11 shipping license. Every package of alcoholic liquor shipped  
12 directly to a consumer in this state shall be labeled with  
13 conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR  
14 DELIVERY" or words of similar meaning. A shipper shall obtain the  
15 signature of an individual twenty-one years of age or older before  
16 delivering any alcoholic liquor shipped directly to an individual  
17 in this state.

18 (2) The commission may issue a shipping license to a  
19 manufacturer. Such license shall allow the licensee to ship  
20 alcoholic liquor only to a licensed wholesaler, except that a  
21 licensed wholesaler may, without a shipping license and for the  
22 purposes of subdivision (2) of section 53-161, receive beer in this  
23 state which has been shipped from outside the state by a  
1 manufacturer in accordance with the Nebraska Liquor Control Act to  
2 the wholesaler, then transported by the wholesaler to another state  
3 for retail distribution, and then returned by the retailer to such  
4 wholesaler.

5 (3) The commission may issue a shipping license to any  
6 person who deals with vintage wines, which shipping license shall  
7 allow the licensee to distribute such wines to a licensed  
8 wholesaler in the state. For purposes of distributing vintage  
9 wines, a licensed shipper must utilize a designated wholesaler if  
10 the manufacturer has a designated wholesaler. For purposes of this  
11 section, vintage wine shall mean a wine verified to be ten years of  
12 age or older and not available from a primary American source of  
13 supply.

14 (4) The application for a shipping license shall be in  
15 such form as the commission prescribes. The application shall  
16 contain all provisions the commission deems proper and necessary to  
17 effectuate the purpose of any section of the act and the rules and

18 regulations of the commission that apply to manufacturers and shall  
 19 include, but not be limited to, provisions that the applicant, in  
 20 consideration of the issuance of such shipping license, agrees:

21 (a) To comply with and be bound by section 53-164.01 in  
 22 making and filing reports, paying taxes, penalties, and interest,  
 23 and keeping records;

24 (b) To permit and be subject to all of the powers granted  
 25 by section 53-164.01 to the commission or its duly authorized  
 26 employees or agents for inspection and examination of the  
 27 applicant's premises and records and to pay the actual expenses,  
 1 excluding salary, reasonably attributable to such inspections and  
 2 examinations made by duly authorized employees of the commission if  
 3 within the United States; and

4 (c) That if the applicant violates any of the provisions  
 5 of the application or the license, any section of the act, or any  
 6 of the rules and regulations of the commission that apply to  
 7 manufacturers, the commission may revoke or suspend such shipping  
 8 license for such period of time as it may determine.

9 Sec. 2. Original section 53-123.15, Reissue Revised  
 10 Statutes of Nebraska, is repealed."

11 2. On page 1, strike lines 2 through 7 and insert  
 12 "section 53-123.15, Reissue Revised Statutes of Nebraska; to  
 13 provide duties relating to shipments of alcoholic liquor as  
 14 prescribed; and to repeal the original section."

Senator Landis asked unanimous consent to be excused until he returns. No  
 objections. So ordered.

The Brown motion to return failed with 15 ayes, 22 nays, 8 present and not  
 voting, and 4 excused and not voting.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 671.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to  
 amend sections 53-123.15 and 53-124, Reissue Revised Statutes of  
 Nebraska, and section 53-162, Revised Statutes Supplement, 2000; to  
 provide for a shipping license, a fee, and a tax as prescribed; to provide and  
 change 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, 28:

Aguilar

Beutler

Bromm

Bruning

Burling

Byars	Connealy	Coordsen	Dierks	Engel
Janssen	Jensen	Jones	Kremer	Kruse
Landis	Pedersen, Dw.	Price	Raikes	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 12:

Baker	Bourne	Brashear	Brown	Erdman
Foley	Hilgert	Hudkins	Kristensen	Maxwell
Redfield	Tyson			

Present and not voting, 6:

Chambers	Cudaback	Hartnett	Preister	Quandahl
Robak				

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### LEGISLATIVE BILL 671A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 671, Ninety-seventh Legislature, First Session, 2001.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Aguilar	Beutler	Bromm	Bruning	Burling
Byars	Connealy	Coordsen	Cudaback	Dierks
Engel	Hartnett	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Landis
Pedersen, Dw.	Price	Raikes	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 9:

Baker	Bourne	Brashear	Erdman	Foley
Hilgert	Maxwell	Redfield	Tyson	

Present and not voting, 4:



Brown Chambers Preister Quandahl

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **MOTION - Return LB 677 to Select File**

Senator Coordsen moved to return LB 677 to Select File for his specific pending amendment, AM1777, found on page 2110.

Senator Coordsen withdrew his motion to return.

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 677.**

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1020, Revised Statutes Supplement, 2000; to provide for assistance as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

### **SENATOR CUDABACK PRESIDING**

#### **LEGISLATIVE BILL 677A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 677, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Erdman	Foley	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Pleister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Hartnett

Excused and not voting, 3:

Cunningham McDonald Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **UNANIMOUS CONSENT - Member Excused**

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

#### **MOTION - Return LB 772 to Select File**

Senator Chambers moved to return LB 772 to Select File for the following Chambers-Kristensen-Coordsen-Brashear-Raikes-Byars-Bourne-Suttle-Hartnett-Connealy-Robak-Kruse-Tyson specific amendment: (Amendment on file in the Clerk's Office - Room 2018 - AM2131.)

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Senator Chambers withdrew his motion to return.

## **SPEAKER KRISTENSEN PRESIDING**

### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 772.**

A BILL FOR AN ACT relating to the Legislature; to create the Nebraska Futures Center; to provide a termination date; and to provide an operative date.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Aguilar	Baker	Beutler	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hartnett	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 5:

Bourne	Brashear	Brown	Chambers	Hilgert
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Excused and not voting, 3:

McDonald	Pederson, D.	Robak
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 772A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 772, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bromm	Bruning
Burling	Byars	Connealy	Coordsen	Cudaback
Cunningham	Dierks	Engel	Erdman	Foley
Hartnett	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 5:

Bourne	Brashear	Brown	Chambers	Hilgert
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Excused and not voting, 3:

McDonald	Pederson, D.	Robak
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 827 with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 827.**

A BILL FOR AN ACT relating to telecommunications; to amend sections 18-2701 to 18-2703, 18-2705, 18-2709, 70-704, and 70-1409, Reissue Revised Statutes of Nebraska, and sections 70-625, 75-132.01, and 75-604, Revised Statutes Supplement, 2000; to provide for the sale or lease of dark fiber by public entities; to define and redefine terms; to provide conditions;

to provide duties for the Public Service Commission; to create a fund and provide for use of money in the fund; to authorize qualifying businesses to obtain funding for certain telecommunications services; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 3:

Beutler	Chambers	Schimek
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Present and not voting, 1:

Foley

Excused and not voting, 3:

McDonald	Pederson, D.	Robak
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 827A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 827, Ninety-seventh Legislature, First Session, 2001; and to provide for a transfer.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Aguilar	Baker	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Hartnett	Hilgert	Hudkins	Janssen
Jensen	Jones	Kremer	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 2:

Beutler            Chambers

Present and not voting, 1:

Foley

Excused and not voting, 3:

McDonald      Pederson, D.    Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **UNANIMOUS CONSENT - Add Coinroducer**

Senator Chambers asked unanimous consent to have his name added as coinroducer to LB 215. No objections. So ordered.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 23, 23A, 24, 24A, 38, 83, 83A, 92, 92A, 152, 152A, 154, 154A, 163, 163A, 169, 225, 225A, 238, 238A, 242, 243, 244, 244A, 278, 278A, 303, 303A, 313, 313A, 334, 334A, 335, 335A, 368, 432, 432A, 433, 433A, 451, 451A, 468, 468A, 516, 516A, 620, 659, 659A, 671, 671A, 677, 677A, 772, 772A, 827, and 827A.

#### **VISITORS**

Visitors to the Chamber were 44 fourth grade students and teachers from Westpoint Public School; and 64 fourth grade students and teachers from Lothrop Magnet School, Omaha.

**ADJOURNMENT**

At 9:04 p.m., on a motion by Senator Vrtiska, the Legislature adjourned until 9:00 a.m., Tuesday, May 22, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTY-FIFTH DAY - MAY 22, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****EIGHTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 22, 2001

**PRAYER**

The prayer was offered by Senator Janssen.

**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 D. Pederson who was excused; and Senators Brown, Dierks, Jensen, Kremer, Landis, and McDonald who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-fourth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 21, 2001, at 9:05 p.m., were the following: LBs 23e, 23Ae, 24e, 24Ae, 38, 83, 83A, 92e, 92Ae, 152e, 152A, 154, 154A, 163, 163A, 169, 225, 225Ae, 238, 238A, 242, 243e, 244, 244A, 278, 278A, 303e, 303Ae, 313e, 313Ae, 334, 334A, 335, 335A, 368, 432, 432A, 433, 433A, 451, 451A, 468, 468A, 516, 516A, 620e, 659, 659A, 671, 671A, 677, 677A, 772, 772A, 827, and 827A.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**STANDING COMMITTEE REPORT  
General Affairs**

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nebraska Advisory Commission on Compulsive Gambling  
John Atherton

VOTE: Aye: Senators Burling, Erdman, Janssen, Quandahl, and Redfield.  
Nay: None. Absent: Senators Cunningham, McDonald, and Schrock.

(Signed) Ray Janssen, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 465A.** 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.

### **MOTION - Return LB 461 to Select File**

Senator Schrock moved to return LB 461 to Select File for his specific pending amendment, AM1471, found on page 1467.

Senator Schrock asked unanimous consent to replace his specific pending amendment, AM1471, found on page 1467, with a substitute specific amendment. No objections. So ordered.

Senator Schrock withdrew his specific pending amendment, AM1471, found on page 1467.

Senator Schrock renewed his pending motion to return to Select File for the Bromm-Schrock substitute specific pending amendment, AM1928, found on page 2173.

The Schrock motion to return prevailed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 461.** The Bromm-Schrock specific pending amendment, AM1928, found on page 2173, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

### **MOTION - Return LB 461 to Select File**

Senator Beutler moved to return LB 461 to Select File for his specific pending amendment, AM1691, found on page 1776.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler motion to return prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 461.** The Beutler specific pending amendment, AM1691, found on page 1776, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

**LEGISLATIVE BILL 852.** E & R amendment, AM7125, found on page 2105, was adopted.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Erdman asked unanimous consent to replace his pending amendment, AM2013, found on page 1987, with a substitute amendment. No objections. So ordered.

Senator Erdman withdrew his pending amendment, AM2013, found on page 1987.

Senator Erdman renewed his substitute pending amendment, AM2095, found on page 2175.

Senator Erdman moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Smith requested a roll call vote on the Erdman amendment.

Voting in the affirmative, 23:

Aguilar	Baker	Bromm	Bruning	Burling
Byars	Chambers	Cunningham	Dierks	Erdman
Foley	Hilgert	Hudkins	Jones	Kremer
Kruse	Maxwell	Quandahl	Redfield	Robak
Smith	Stuhr	Tyson		

Voting in the negative, 9:

Connealy	Engel	Janssen	Landis	Price
Schimek	Schrock	Wehrbein	Wickersham	

Present and not voting, 14:

Beutler	Bourne	Brashear	Brown	Coordsen
Cudaback	Hartnett	Kristensen	Pedersen, Dw.	Preister

Raikes            Suttle            Thompson        Vrtiska

Excused and not voting, 3:

Jensen            McDonald        Pederson, D.

The Erdman amendment lost with 23 ayes, 9 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Baker asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham renewed his pending amendment, AM2036, found on page 2023.

The Wickersham amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Preister renewed his pending amendment, AM2102, found on page 2126.

The Preister amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Senator Kruse offered the following amendment:

AM2140

(Amendments to Special Committee amendments, AM1875)

- 1 1. On page 19, strike beginning with the first "North"
- 2 in line 18 through the second "to" in line 19.
- 3 2. On page 25, strike beginning with the first "to" in
- 4 line 13 through the second "Street" in line 14.

The Kruse amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Erdman offered the following amendment:

AM2126

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. (1) The Legislature adopts the legislative
- 4 districts identified in the map entitled Erdman Legislative
- 5 Proposal C--AM2126. Such map shall be kept on file in the office
- 6 of the Clerk of the Legislature.
- 7 (2) The legislative districts have been drawn pursuant to
- 8 information taken from the 2000 TIGER/Line files published by the
- 9 United States Department of Commerce, Bureau of the Census."

Senator Erdman withdrew his amendment.

Senator Brown moved to reconsider the vote on the Erdman amendment, AM2095, found on page 2175 and considered in this day's Journal.

### **SENATOR CUDABACK PRESIDING**

The Brown motion to reconsider prevailed with 27 ayes, 5 nays, 13 present and not voting, and 4 excused and not voting.

The Erdman amendment, AM2095, found on page 2175 and considered in this day's Journal, was reconsidered.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Erdman moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Erdman requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Aguilar	Baker	Brown	Bruning	Burling
Byars	Chambers	Cunningham	Dierks	Erdman
Foley	Hilgert	Hudkins	Jones	Kremer
Kruse	Maxwell	Quandahl	Redfield	Robak
Smith	Stuhr	Thompson	Tyson	

Voting in the negative, 9:

Connealy	Coordsen	Engel	Janssen	Landis
Price	Schimek	Schrock	Wickersham	

Present and not voting, 13:

Beutler	Bourne	Brashear	Bromm	Cudaback
Hartnett	Kristensen	Pedersen, Dw.	Preister	Raikes
Suttle	Vrtiska	Wehrbein		

Excused and not voting, 3:

Jensen	McDonald	Pederson, D.
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The Erdman amendment lost with 24 ayes, 9 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 851.** E & R amendment, AM7128, found on page 2106, was adopted.

Senator Brashear reoffered his amendment, AM2024, found on page 2021 and considered on page 2035.

Senator Brashear asked unanimous consent to replace his pending amendment, AM2024, found on page 2021, with a substitute amendment. No objections. So ordered.

Senator Brashear withdrew his pending amendment, AM2024, found on page 2021.

Senator Brashear renewed the Brashear et al. substitute pending amendment, AM2096, found on page 2114.

Senator Brashear renewed the Brashear et al. pending amendment, AM2111, found on page 2131, to the Brashear et al. pending amendment.

Pending.

### **SELECT COMMITTEE REPORT Enrollment and Review**

**LEGISLATIVE BILL 465A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### **AMENDMENTS - Print in Journal**

Senator Schimek filed the following amendment to LB 751:  
AM1671

- 1 1. Insert the following new section:
- 2 "Sec. 7. The Private Prison Contracting Act does not
- 3 authorize a county or other political subdivision to enter into a
- 4 contract with a private prison contractor to construct or operate a
- 5 correctional facility within or on behalf of such county or other
- 6 political subdivision."
- 7 2. Renumber the remaining sections accordingly.

Senators Chambers, Vrtiska, Smith, Connealy, Coordsen, Brashear, Kristensen, Bourne, Hilgert, Suttle, Preister, Robak, Kruse, Tyson, Raikes, Schrock, Hartnett, Price, Cudaback, Janssen, Dw. Pedersen, Engel, Brown, Schimek, Thompson, Maxwell, Dierks, Aguilar, Byars, Cunningham, and Jones filed the following amendment to LB 75:  
(Amendment, AM2141, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Wehrbein filed the following amendment to LB 536A:  
AM2129

- 1 1. On page 2, lines 2 and 5, strike "\$3,000,000" and
- 2 insert "\$1,500,000".

Senator Beutler filed the following amendments to LB 657:  
FA281  
Strike Section 1

FA282  
Strike Section 5

FA283  
Strike Section 7

### **MOTION - Print in Journal**

Senator Beutler filed the following motion to LB 657:  
Suspend Rule 6, Section 5 and Rule 7, Sections 3 and 7 and vote on the advancement of LB 657 without further amendment, motion, or debate.

### **VISITORS**

Visitors to the Chamber were 26 fourth grade students and teacher from St. Mary's School, Bellevue; students and teachers from Lincoln High School; 47 fifth grade students and teachers from Albion Public School; and 75 fourth grade students and teacher from Picotte Elementary School, Omaha.

### **RECESS**

At 11:57 a.m., on a motion by Senator Stuhr, 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 D. Pederson who was excused; and Senators Beutler, Bromm, Chambers, Dierks, Engel, Jensen, Kristensen, Landis, and Robak who were excused until they arrive.

### **SELECT FILE**

**LEGISLATIVE BILL 851.** The Brashear et al. pending amendment, AM2111, found on page 2131 and considered in this day's Journal, to the Brashear et al. pending amendment, AM2096, found on page 2114 and

considered in this day's Journal, was renewed.

Senator Stuhr moved to bracket LB 851 until Thursday, May 31, 2001.

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Stuhr withdrew her motion to bracket.

The Brashear et al. amendment, AM2111, was adopted with 30 ayes, 2 nays, 13 present and not voting, and 4 excused and not voting.

The Brashear et al. amendment, AM2096, as amended, was adopted with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

Senator Schimek withdrew her pending amendments, AM2037, AM2038, and AM2039, found on pages 2040, 2043, and 2044.

Senator Bourne withdrew his pending amendments, AM1996 and AM1994, found on pages 2040 and 2042.

Senator Byars withdrew the Byars et al. pending amendment, AM2041, found on page 2044.

Senator Brashear withdrew his pending amendment, AM2006, found on page 2044.

Senator Cunningham offered the following amendment:

AM2152

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. (1) The Legislature adopts the congressional
- 4 districts identified in the map entitled Cunningham House Proposal
- 5 B--AM2152. Such map shall be kept on file in the office of the
- 6 Clerk of the Legislature.
- 7 (2) The congressional districts have been drawn pursuant
- 8 to information taken from the 2000 TIGER/Line files published by
- 9 the United States Department of Commerce, Bureau of the Census."

Senator Cunningham moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Cunningham requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Aguilar	Baker	Cunningham	Dierks	Engel
Erdman	Hilgert	Hudkins	Jones	Kremer
Kruse	McDonald	Quandahl	Redfield	Schrock



Smith            Stuhr

Voting in the negative, 17:

Beutler	Bourne	Brashear	Bromm	Brown
Bruning	Byars	Chambers	Landis	Pedersen, Dw.
Preister	Price	Robak	Schimek	Suttle
Thompson	Wickersham			

Present and not voting, 11:

Burling	Connealy	Coordsen	Cudaback	Hartnett
Janssen	Maxwell	Raikes	Tyson	Vrtiska
Wehrbein				

Excused and not voting, 4:

Foley	Jensen	Kristensen	Pederson, D.
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The Cunningham amendment lost with 17 ayes, 17 nays, 11 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Bourne withdrew his pending amendment, AM1995, found on page 2038.

Senator Hilgert requested a roll call vote on the advancement of the bill.

Advanced to E & R for engrossment with 32 ayes, 10 nays, 3 present and not voting, and 4 excused and not voting.

## GENERAL FILE

**LEGISLATIVE BILL 389.** Title read. Considered.

The Standing Committee amendment, AM0325, found on page 586, was considered.

Senator Bromm withdrew his pending amendments, AM1698 and AM1801, found on pages 1732 and 1842.

Senator Bromm renewed his pending amendment, AM2104, found on page 2169, to the Standing Committee amendment.

Senators Landis, McDonald, and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

The Bromm amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Bromm withdrew his pending amendment, AM2103, found on page 2173.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 16 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 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senators Erdman and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

**LEGISLATIVE BILL 593.** Title read. Considered.

The Standing Committee amendment, AM1033, found on page 1116, was considered.

Senator Bruning offered the following amendment to the Standing Committee amendment:

FA280

Amend AM1033

Page 1, line 20, strike beginning with "The" through "policy." in line 23, and insert, "The disparate treatment of an individual whose motor vehicle has been stopped by a law enforcement officer is inconsistent with this policy."

Page 2, line 8, strike "solely", line 14, strike "solely"

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bruning 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 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Bruning withdrew his pending amendments, AM1940, AM1932, AM1933, AM1937, and AM1929, found on pages 1911, 1913, 1914, and 1934.

Advanced to E & R for review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 593A.** Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

### **AMENDMENTS - Print in Journal**

Senator Wickersham filed the following amendment to LB 657:  
AM2110

(Amendments to E & R amendments, AM7080)

- 1 1. Insert the following new section:
- 2 "Sec. 5. Section 18-2603, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 18-2603. For purposes of the Municipal Infrastructure
- 5 Redevelopment Fund Act:
- 6 (1) Bond means any evidence of indebtedness, including,
- 7 but not limited to, bonds, notes including notes issued pending
- 8 long-term financing arrangements, warrants, debentures, obligations
- 9 under a loan agreement or a lease-purchase agreement, or any
- 10 similar instrument or obligation;
- 11 (2) Fund means the Municipal Infrastructure Redevelopment
- 12 Fund;
- 13 (3) Infrastructure project means any of the following
- 14 projects, or any combination thereof, to be owned or operated by a
- 15 municipality: Solid waste management facilities; wastewater, storm
- 16 water, and water treatment works and systems, water distribution
- 17 facilities, and water resources projects, including, but not
- 18 limited to, pumping stations, transmission lines, and mains and
- 19 their appurtenances; hazardous waste disposal systems; resource
- 20 recovery systems; airports; port facilities; buildings and capital
- 21 equipment used in the operations and activities of municipal
- 22 government and to provide services to the residents of the
- 23 municipality; convention and tourism facilities; redevelopment

1 projects as defined in section 18-2103; and mass transit and other  
 2 transportation systems, including parking facilities and excluding  
 3 public highways and bridges and municipal roads, streets, and  
 4 bridges;

5 (4) Municipal allocation amount means, for each  
 6 municipality, the amount derived by multiplying the amount to be  
 7 allocated by the fraction determined by dividing the total  
 8 population of the municipality by the total population of the state  
 9 living in municipalities, each as determined by the most recent  
 10 federal census figures certified by the Tax Commissioner as  
 11 provided in section 77-3,119, except that beginning on July 1,  
 12 2001, and continuing until June 30, 2009, the municipal allocation  
 13 to cities of the primary class shall be reduced by the amount of  
 14 five hundred thousand dollars and the municipal allocation to  
 15 cities of the metropolitan class shall be reduced by the amount of  
 16 seven hundred fifty thousand dollars, except that if the allocation  
 17 to the city of the primary class or the city of the metropolitan  
 18 class is less than the applicable reduction amount, the reduction  
 19 shall equal the amount of the allocation. The resulting reduction  
 20 amount shall be allocated to cities of the first and second class  
 21 and villages in the ratio of each municipal population to the total  
 22 population of all cities of the first and second class and  
 23 villages; and

24 (5) Municipality means any city of any class or any  
 25 village in the state."

26 2. On page 9, line 12, strike "section" and insert  
 27 "sections 18-2603 and"; and in line 13 strike "is" and insert  
 1 "are".

2 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 172:  
 AM2153

(Amendments to E & R amendments, AM7129)

1 1. On page 1, line 8, strike "the" and insert "a"; and  
 2 in line 21 strike "section 77-2703" and insert "sections 13-319,  
 3 77-2703, and 77-27,142".

4 2. On page 2, line 12, after "agreement" insert ",  
 5 subject to legislative approval,"; and in line 21 after "actions"  
 6 insert "permissible under law".

7 3. On page 3, line 2, after "Legislature" insert "by  
 8 legislative bill"; and in line 6 strike "condition" and insert  
 9 "provision".

**EXPLANATION OF VOTE**

Had I been present, I would have voted "aye" on LBs 23, 23A, 24, 24A, 38, 83, 83A, 92, 92A, 152, 152A, 154, 154A, 163, 163A, 169, 225, 225A, 238, 238A, 242, 243, 244, 244A, 278, 278A, 303, 303A, 313, 313A, 334, 334A, 335, 335A, 368, 432, 432A, 433, 433A, 451, 451A, 468, 468A, 516, 516A, 620, 659, 659A, 671, 671A, 677, 677A, 772, 772A, 827, and 827A.

(Signed) Richard N. McDonald

**STANDING COMMITTEE REPORTS**  
**Natural Resources**

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

**Environmental Quality Council**

Robert Bettger  
Vaughn Blum  
Robert Gottsch  
Darlene Kiefer  
William Podraza  
Mark Whitehead  
Terry Zahn

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Kremer, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

**Nebraska Environmental Trust Board**

Warren Arganbright  
Richard Gady

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Kremer, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

**Agriculture**

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Dry Bean Commission  
Nolan Berry

VOTE: Aye: Senators Burling, Cunningham, Dierks, McDonald, Schimek, and Vrtiska. Nay: None. Absent: Senators Chambers and Schrock.

(Signed) Merton L. Dierks, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 329.** Senator Schrock asked unanimous consent to replace his pending amendment, AM1089, printed separately and referred to on page 1144, with a substitute amendment. No objections. So ordered.

Senator Schrock withdrew his pending amendment, AM1089, printed separately and referred to on page 1144.

Senator Schrock renewed his substitute pending amendment, AM1961, printed separately and referred to on page 1914.

### SPEAKER KRISTENSEN PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler renewed his pending amendment, AM1968, found on page 1947, to the Schrock pending amendment.

Senator Beutler withdrew his amendment.

Senator Smith asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler renewed his pending amendment, AM1970, found on page 1948, to the Schrock pending amendment.

Senator Beutler moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Beutler requested a roll call vote on his amendment.

Senator Schrock requested the roll call vote be taken in reverse order.

Voting in the affirmative, 15:

Beutler	Bourne	Chambers	Connealy	Foley
Hartnett	Hilgert	Kristensen	Kruse	Landis
Preister	Price	Robak	Schimek	Thompson

Voting in the negative, 23:

Aguilar	Baker	Brashear	Bromm	Bruning
Burling	Coordsen	Cunningham	Erdman	Hudkins
Jensen	Jones	Kremer	Pedersen, Dw.	Quandahl
Raikes	Redfield	Schrock	Stuhr	Tyson
Vrtiska	Wehrbein	Wickersham		

Present and not voting, 7:

Brown	Byars	Dierks	Engel	Janssen
Maxwell	Suttle			

Excused and not voting, 4:

Cudaback	McDonald	Pederson, D.	Smith
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The Beutler amendment lost with 15 ayes, 23 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Beutler renewed his pending amendment, AM1969, found on page 1948, to the Schrock pending amendment.

Senator Beutler withdrew his amendment.

Senator Bourne asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler withdrew his pending amendment, AM1971, found on page 1949.

Senator Bromm offered the following amendment to the Schrock pending amendment:

FA284

(Amendments to AM1961)

- 1 1. Insert the following new section:
- 2 "Sec. 30. Section 3-128, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 3-128. To safeguard and promote the general public
- 5 interest and safety, the safety of persons receiving instruction
- 6 concerning or operating, using or traveling in aircraft and of
- 7 persons and property on the ground, the interest of aeronautical
- 8 progress requiring that aircraft operated within this state should
- 9 be airworthy, that airmen and those engaged in air instruction
- 10 should be properly qualified, that airports, restricted landing
- 11 areas and navigation facilities should be suitable for the purposes
- 12 for which they are designed, the purposes of sections 3-101 to

13 3-154 requiring that the department should be enabled to exercise  
14 the powers of supervision herein granted, the advantages of uniform  
15 regulations making it desirable that aircraft operated within this  
16 state should conform with respect to design, construction and  
17 airworthiness to the standards prescribed by the United States  
18 Government with respect to civil aircraft subject to its  
19 jurisdiction and that persons engaging in aeronautics within this  
20 state should have the qualifications necessary for obtaining and  
21 holding appropriate airman certificates of the United States; the  
22 department is authorized:

23 (1) To recommend airport and restricted landing area  
1 sites and to license airports, restricted landing areas or other  
2 air navigation facilities, in accordance with rules and regulations  
3 to be adopted by the department, and to annually renew such  
4 licenses. Licenses granted under this subdivision or under any  
5 prior law may be annually renewed. It shall make no charge for  
6 approval certificates of proposed property acquisition for airport  
7 or restricted landing area purposes;

8 (2) To issue appropriate certificates authorizing  
9 qualified individuals to conduct aerial pesticide application  
10 operations in this state. To insure safety, training,  
11 qualification criteria, financial responsibility requirements, and  
12 certificate renewal procedures shall be as prescribed by rules and  
13 regulations of the Department of Aeronautics; and

14 (3) To temporarily or permanently revoke any license or  
15 certificate of registration of an airman, air school, aerial  
16 pesticide applicator, or aeronautics instructor, issued by it, or  
17 to refuse to issue any such license or certificate of registration,  
18 when it shall reasonably determine that any airman, air school,  
19 aerial pesticide applicator or aeronautics instructor is not  
20 qualified, has willfully violated the provisions of sections 3-101  
21 to 3-154, the rules and regulations prescribed pursuant thereto, or  
22 any other statute of this state relating to aeronautics, or any act  
23 of Congress or any rule or regulation promulgated pursuant thereto,  
24 is addicted to the use of narcotics or other habit-forming drug or  
25 the excessive use of intoxicating liquor, has made any false  
26 statement in an application for registration of a federal license,  
27 certificate or permit, or has been guilty of other conduct, acts or  
1 practices dangerous to the public safety and the safety of those  
2 engaged in aeronautics. In order to safeguard and promote the  
3 general public interest and safety, the safety of persons using or  
4 traveling in aircraft and of persons and property on the ground,  
5 the interest of aeronautical progress requiring that airports,  
6 restricted landing areas, and air navigation facilities be suitable  
7 for the purposes for which they are designed, and to carry out the  
8 purposes of the State Aeronautics Department Act: The department  
9 may recommend airport and restricted landing area sites; license  
10 airports, restricted landing areas, or other air navigation  
11 facilities; and provide for the renewal and revocation of such



12 licenses in accordance with rules and regulations adopted and  
13 promulgated by the department.".

14 2. On page 55, line 11, after "2-2649," insert "3-128,".

15 3. Renumber the remaining sections and correct internal  
16 references accordingly.

The Bromm amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The Schrock amendment, AM1961, as amended, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Schrock withdrew his pending amendment, AM1101, found on page 1148.

Senator Coordsen renewed his pending amendment, AM0828, found on page 900.

Senator Coordsen withdrew his amendment.

Senator Schrock withdrew his pending motion, found on page 936, to indefinitely postpone.

Senator Schrock withdrew his pending amendments, AM0849, AM1065, and AM1588, printed separately and referred to on pages 1040, 1138, and 1600.

Senator Schrock withdrew his pending amendment, AM1653, found on page 1651.

Senator Dierks withdrew his pending amendments, AM1450, AM1857, and AM1912, printed separately and referred to on pages 1692, 1846, and 1874.

Senator Beutler withdrew his pending amendments, AM1846, AM1804, AM1812, AM1805, AM1847, AM1926, AM1981, AM1923, and AM1967, found on pages 1822, 1823, 1946, and 1947.

Senator Schrock withdrew his pending amendment, AM1860, printed separately and referred to on page 1874.

Senator Preister renewed his pending amendment, AM1982, found on page 2048.

Senator Preister withdrew his amendment.

Advanced to E & R for engrossment.

Senator Robak asked unanimous consent to be excused. No objections. So ordered.

**LEGISLATIVE BILL 329A.** Senator Schrock offered the following amendment:

AM1827

- 1 1. Insert the following new sections:
- 2 "Sec. 2. There is hereby appropriated (1) \$1,250,000
- 3 from the Natural Resources Water Quality Fund for FY2001-02 and (2)
- 4 \$1,250,000 from the Natural Resources Water Quality Fund for
- 5 FY2002-03 to the Department of Natural Resources, for Program 309,
- 6 to aid in carrying out the provisions of Legislative Bill 329,
- 7 Ninety-seventh Legislature, First Session, 2001.
- 8 There is included in the appropriation to this program
- 9 for FY2001-02 \$1,250,000 Cash Funds for state aid, which shall only
- 10 be used for such purpose. There is included in the appropriation
- 11 to this program for FY2002-03 \$1,250,000 Cash Funds for state aid,
- 12 which shall only be used for such purpose.
- 13 No expenditures for permanent and temporary salaries and
- 14 per diems for state employees shall be made from funds appropriated
- 15 in this section.
- 16 Sec. 3. There is hereby appropriated (1) \$50,000 from
- 17 the General Fund for FY2001-02 and (2) \$50,000 from the General
- 18 Fund for FY2002-03 to the Department of Environmental Quality, for
- 19 Program 513, to aid in carrying out the provisions of Legislative
- 20 Bill 329, Ninety-seventh Legislature, First Session, 2001.
- 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 Sec. 4. There is hereby appropriated (1) \$300,000 from
- 1 the Fertilizers and Soil Conditioners Administrative Fund for
- 2 FY2001-02 and (2) \$0- from the Fertilizers and Soil Conditioners
- 3 Administrative Fund for FY2002-03 to the Department of Agriculture,
- 4 for Program 333, to aid in carrying out the provisions of
- 5 Legislative Bill 329, Ninety-seventh Legislature, First Session,
- 6 2001.
- 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. 5. Since an emergency exists, this act takes effect
- 11 when passed and approved according to law."

The Schrock amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 809.** E & R amendment, AM7076, printed separately and referred to on page 1248, was adopted.

Senator Foley asked unanimous consent to be excused. No objections. So ordered.

Senator Hartnett withdrew his pending amendment, AM1951, found on page 1904.

Senator Hartnett renewed his pending amendment, AM2022, found on page 2020.

The Hartnett 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.

### AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 142:  
AM2138

(Amendments to E & R amendments, AM7100)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Whenever creation of a municipal county is
- 3 proposed involving a city of the metropolitan class, the
- 4 interjurisdictional planning commission shall include in its plan a
- 5 recommendation with regard to the territory within which any
- 6 metropolitan utilities district shall have and may exercise the
- 7 power of eminent domain pursuant to subsection (2) of section
- 8 14-2116. The plan shall further include a recommendation with
- 9 regard to the territory which shall be deemed to be within the
- 10 corporate boundary limits or extraterritorial zoning jurisdiction
- 11 of a municipality or a municipality dissolved by the creation of
- 12 the municipal county for purposes of sections 57-1301 to 57-1307.
- 13 The question of creation of the municipal county shall not be
- 14 submitted to a vote under section 10 of this act until a law
- 15 adopting the provisions required by this section has been enacted.
- 16 Sec. 28. Section 14-2116, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:
- 18 14-2116. (1) In addition to any other rights and powers
- 19 conferred upon metropolitan utilities districts under sections
- 20 14-2101 to 14-2157, such districts shall have and may exercise the
- 21 power of eminent domain for the purpose of erecting, constructing,
- 22 locating, maintaining, or supplying such waterworks, gas works, or
- 23 mains or the extension of any system of waterworks, water supply,
- 1 gas works, or gas supply, and any such district may go beyond its
- 2 territorial limits and may take, hold, or acquire rights, property,
- 3 and real estate, or either or any of the same, by purchase or
- 4 otherwise. Such a district may for such purposes take, hold, and
- 5 condemn any and all necessary property. ~~Any such~~
- 6 (2) Any metropolitan utilities district shall have the
- 7 power to condemn or to exercise the power of eminent domain to

8 acquire parts of an existing utility's facilities only when such  
 9 facilities are within, annexed to, or otherwise consolidated within  
 10 the corporate boundary limits of a city of the metropolitan class.  
 11 The procedure to condemn property shall be exercised in the manner  
 12 set forth in sections 76-704 to 76-724. Within a municipal county,  
 13 the power to condemn or to exercise the power of eminent domain for  
 14 purposes of this subsection may be exercised by a metropolitan  
 15 utilities district to the extent and in the manner provided by the  
 16 Legislature as required by section 2 of this act.

17 Sec. 49. Section 57-1302, Revised Statutes Supplement,  
 18 2000, is amended to read:

19 57-1302. Sections 57-1303 to 57-1307 shall be applicable  
 20 to an investor-owned natural gas utility only when it is operating  
 21 in a county in which there is located the natural gas service area,  
 22 or portion of the natural gas service area, of a metropolitan  
 23 utilities district and only with regard to matters arising within  
 24 any such county. Within the limits of a municipal county, the  
 25 provisions of sections 57-1301 to 57-1307 shall be applicable to  
 26 the extent and in the manner provided by the Legislature as  
 27 required by section 2 of this act."

1 2. On page 86, line 11, after the first comma insert

2 "14-2116,"; and in line 15 after the third comma insert "57-1302,".

3 3. Renumber the remaining sections and correct internal  
 4 references accordingly.

### UNANIMOUS CONSENT - Add Cointroducer

Senator Hartnett asked unanimous consent to have his name added as  
 cointroducer to LB 465. No objections. So ordered.

### VISITORS

Visitors to the Chamber were 51 fourth grade students and teacher from  
 Westlawn Elementary School, Grand Island; and Wayne and Judy Miller  
 from Arizona.

### ADJOURNMENT

At 5:29 p.m., on a motion by Senator Erdman, the Legislature adjourned  
 until 9:00 a.m., Wednesday, May 23, 2001.

Patrick J. O'Donnell  
 Clerk of the Legislature

**EIGHTY-SIXTH DAY - MAY 23, 2001**

**LEGISLATIVE JOURNAL**

**NINETY-SEVENTH LEGISLATURE  
FIRST SESSION**

**EIGHTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 23, 2001

**PRAYER**

The prayer was offered by Pastor Matt Geiger, First Plymouth Congregational 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 Senator D. Pederson who was excused; and Senators Brown, Byars, Chambers, Dierks, Hartnett, Landis, McDonald, Robak, and Wehrbein who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-fifth day was approved.

**RESOLUTION**

Pursuant to Rule 4, Sec. 5(b), LR 252 was adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 252.

**MOTION - Return LB 852 to Select File**

Senator Erdman moved to return LB 852 to Select File for the following specific amendment:

AM2158

(Amendments to Special Committee amendments, AM1875)

1. On page 51, line 24, before "Phelps" insert

- 2 "Gosper".
- 3 2. On page 57, line 19, reinstate the stricken
- 4 "Perkins," and after the underscored comma insert "and"; and in
- 5 line 20 strike ", and Gosper".
- 6 3. On page 61, line 18, after "Keith," insert "Banner";
- 7 and in line 19 strike the new matter.
- 8 4. On page 62, line 1, strike "Banner," and show as
- 9 stricken; in line 5 reinstate the stricken "Highland, Castle Rock
- 10 A,"; and in line 6 reinstate the stricken "Castle Rock B" and after
- 11 the reinstated matter insert an underscored comma.

The Erdman motion to return prevailed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 852.** The Erdman specific amendment, AM2158, found in this day's Journal, was adopted with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

### UNANIMOUS CONSENT - Member Excused

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

### SELECT FILE

**LEGISLATIVE BILL 657.** Senator Beutler renewed his pending motion, found on page 1427, to suspend the rules, Rule 6, Section 5 and Rule 7, Sections 3 and 7, and vote on the advancement of LB 657 without further amendment, motion or debate.

Senator Beutler withdrew his motion.

Senator Beutler withdrew his pending amendments, FA281, FA282, and FA283, found on page 2205.

Senator Beutler withdrew his pending motion, found on page 2205, to suspend the rules, Rule 6, Section 5 and Rule 7, Section 3 and 7 and vote on the advancement of LB 657 without further amendment, motion, or debate.

Senator Wickersham renewed his pending amendment, AM2110, found on page 2209.

Senator Bourne requested a ruling of the Chair on whether the Wickersham amendment is germane to the bill.

The Chair ruled the Wickersham amendment is not germane to the bill.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The Wickersham motion to overrule the Chair failed with 14 ayes, 23 nays, 7 present and not voting, and 5 excused and not voting.

The Chair was sustained.

Senator Janssen offered the following amendment:

AM1918

- 1 1. In the E & R amendments, AM7080:
- 2 a. Insert the following new sections:
- 3 "Sec. 5. Section 13-2704, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 13-2704. The Local Civic, Cultural, and Convention
- 6 Center Financing Fund is created. The fund shall contain the money
- 7 received pursuant to section 77-2602, any money appropriated by the
- 8 Legislature, and any money donated as gifts, bequests, or other
- 9 contributions to such fund from public or private entities. The
- 10 fund shall be administered by the department. Any money in the
- 11 fund available for investment shall be invested by the state
- 12 investment officer pursuant to the Nebraska Capital Expansion Act
- 13 and the Nebraska State Funds Investment Act. The fund may be used
- 14 for assistance for the construction of new centers or the
- 15 renovation or expansion of existing centers. The fund may not be
- 16 used for planning, programming, marketing, advertising, and related
- 17 activities.
- 18 Sec. 6. Section 13-2705, Revised Statutes Supplement,
- 19 2000, is amended to read:
- 20 13-2705. The department may conditionally approve grants
- 21 of assistance from the fund to eligible and competitive applicants
- 22 within the following limits:
- 23 (1) ~~The minimum amount allowed to be applied for by a~~
- 24 ~~single project is~~ A single project may apply for and receive a
- 1 minimum of twenty thousand dollars and a maximum of five hundred
- 2 thousand dollars; and
- 3 (2) Assistance from the fund shall not amount to more
- 4 than fifty percent of the cost of construction, renovation, or
- 5 expansion.";
- 6 b. On page 7, line 17, strike "~~(h)~~" and insert "~~(i)~~";
- 7 c. On page 8, line 3, strike "one million" and insert
- 8 "nine hundred thousand"; in line 5 strike "and"; in lines 7 and 8
- 9 strike "five hundred" and insert "three hundred fifty thousand";
- 10 and in line 9 after "Fund" insert "; and

11 (i) Ninth, beginning July 1, 2001, and continuing until  
 12 June 30, 2016, the State Treasurer shall place two hundred fifty  
 13 thousand dollars each fiscal year in the Local Civic, Cultural, and  
 14 Convention Center Financing Fund. If necessary, the State  
 15 Treasurer shall reduce the distribution of tax proceeds to the  
 16 General Fund pursuant to this subsection by such amount required to  
 17 fulfill the two hundred fifty thousand dollars to be distributed  
 18 pursuant to this subdivision";  
 19 d. On page 9, line 6, strike "and"; in line 7 after  
 20 "Fund" insert ", and (i) the Local Civic, Cultural, and Convention  
 21 Center Financing Fund"; in line 9 strike "(h)" and insert "(i)"; in  
 22 line 12 strike "section" and insert "sections 13-2704, 13-2705,  
 23 and"; and in line 13 strike "is" and insert "are"; and  
 24 e. Renumber the remaining sections accordingly.  
 25 2. In the Beutler-Wehrbein amendment, AM1144, on page 1,  
 26 line 4, strike "one million" and insert "nine hundred thousand";  
 27 and in line 9 strike "five hundred" and insert "three hundred fifty  
 1 thousand".

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Janssen moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Janssen requested a roll call vote on his amendment.

Senator Cudaback requested the roll call vote be taken in reverse order.

Voting in the affirmative, 13:

Aguilar	Baker	Chambers	Coorsden	Cudaback
Engel	Erdman	Janssen	Jones	Kremer
Tyson	Vrtiska	Wickersham		

Voting in the negative, 29:

Beutler	Bourne	Brashear	Bromm	Brown
Burling	Byars	Cunningham	Foley	Hartnett
Hilgert	Hudkins	Jensen	Kristensen	Kruse
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Suttle	Thompson	Wehrbein	

Present and not voting, 2:

Connealy      Stuhr

Excused and not voting, 5:



Bruning            Dierks            Landis            McDonald            Pederson, D.

The Janssen amendment lost with 13 ayes, 29 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Wickersham offered the following amendment:  
AM2166

(Amendments to E & R amendments, AM7080)

- 1 1. Insert the following new section:
- 2 "Sec. 5. Section 18-2603, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 18-2603. For purposes of the Municipal Infrastructure
- 5 Redevelopment Fund Act:
- 6 (1) Bond means any evidence of indebtedness, including,
- 7 but not limited to, bonds, notes including notes issued pending
- 8 long-term financing arrangements, warrants, debentures, obligations
- 9 under a loan agreement or a lease-purchase agreement, or any
- 10 similar instrument or obligation;
- 11 (2) Fund means the Municipal Infrastructure Redevelopment
- 12 Fund;
- 13 (3) Infrastructure project means any of the following
- 14 projects, or any combination thereof, to be owned or operated by a
- 15 municipality: Solid waste management facilities; wastewater, storm
- 16 water, and water treatment works and systems, water distribution
- 17 facilities, and water resources projects, including, but not
- 18 limited to, pumping stations, transmission lines, and mains and
- 19 their appurtenances; hazardous waste disposal systems; resource
- 20 recovery systems; airports; port facilities; buildings and capital
- 21 equipment used in the operations and activities of municipal
- 22 government and to provide services to the residents of the
- 23 municipality; convention and tourism facilities; redevelopment
- 1 projects as defined in section 18-2103; and mass transit and other
- 2 transportation systems, including parking facilities and excluding
- 3 public highways and bridges and municipal roads, streets, and
- 4 bridges;
- 5 (4) Municipal allocation amount means, for each
- 6 municipality, the amount derived by multiplying the amount to be
- 7 allocated by the fraction determined by dividing the total
- 8 population of the municipality by the total population of the state
- 9 living in municipalities, each as determined by the most recent
- 10 federal census figures certified by the Tax Commissioner as
- 11 provided in section 77-3,119, except that beginning on July 1,
- 12 2001, and continuing until June 30, 2009, the municipal allocation
- 13 to cities of the primary class shall be reduced by the amount of
- 14 five hundred thousand dollars and the municipal allocation to
- 15 cities of the metropolitan class shall be reduced by the amount of
- 16 seven hundred fifty thousand dollars, except that if the allocation

- 17 to the city of the primary class or the city of the metropolitan  
 18 class is less than the applicable reduction amount, the reduction  
 19 shall equal the amount of the allocation. The resulting reduction  
 20 amount shall be allocated to cities of the first and second class  
 21 and villages in the ratio of each municipal population to the total  
 22 population of all cities of the first and second class and  
 23 villages. The reallocation amount from the municipal allocation  
 24 reduction shall be first used for sewer program projects. If no  
 25 such projects exist, any remaining funds may be used for other  
 26 municipal infrastructure redevelopment projects; and
- 27 (5) Municipality means any city of any class or any  
 1 village in the state."  
 2 2. On page 7, lines 21 and 24, strike "three million",  
 3 show as stricken, and insert "two million nine hundred fifty  
 4 thousand".  
 5 3. On page 9, line 12, strike "section" and insert  
 6 "sections 18-2603 and"; and in line 13 strike "is" and insert  
 7 "are".  
 8 4. Renumber the remaining sections accordingly.

The Wickersham amendment lost with 9 ayes, 23 nays, 14 present and not voting, and 3 excused and not voting.

Pending.

### AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 593:

FA285

Page 1, line 3, strike beginning with "The" through "entities" in line 10.

Senator Chambers filed the following amendment to LB 389:

AM2167

(Amendments to E & R amendments, AM7130)

- 1 1. On page 2, line 21, after "104-104" insert "as such  
 2 law existed on the effective date of this act".

Senator Coordsen filed the following amendment to LB 851:

AM2172

(Amendments to AM2111)

- 1 1. On page 1, line 14, strike "Dixon," and show as  
 2 stricken; and in lines 16 through 23 strike the new matter and  
 3 insert ", and that part of Saline County beginning at the  
 4 intersection of the Saline-Seward County line and County Road 1900,  
 5 south on County Road 1900 to the Saline-Jefferson County line, east  
 6 along the Saline-Jefferson County line to the Saline-Gage County  
 7 line, north along the Saline-Gage County line to the  
 8 Saline-Lancaster County line, north along the Saline-Lancaster  
 9 County line to the Saline-Seward County line, and west along the

10 Saline-Seward County line to the point of beginning".

11 2. On page 2, lines 1 through 11, strike the new matter.

12 3. On page 3, line 13, strike "Saline,"; in line 14

13 after the first comma insert "Cedar, Dixon,"; and in line 22 strike

14 "Cedar" and insert "Saline".

## RESOLUTION

### LEGISLATIVE RESOLUTION 257. Introduced by Burling, 33.

WHEREAS, the Hastings St. Cecilia High School boys' track team won the Class C State Track and Field championship on May 19, 2001; and

WHEREAS, this was Hastings St. Cecilia High School boys' track team's second state track and field championship win for Coach Vince Pelster; and

WHEREAS, the Hastings St. Cecilia High School Bluehawks' championship included outstanding team and individual accomplishments; and

WHEREAS, throughout the season the members of the Hastings St. Cecilia High School boys' track team complemented their talents with sportsmanship, motivation, and hard work; 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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Hastings St. Cecilia High School boys' track team on their impressive accomplishment.

2. That a copy of this resolution be sent to the Hastings St. Cecilia High School boys' track team and Coach Vince Pelster.

Laid over.

## SELECT COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 389.** Placed on Select File as amended.

E & R amendment to LB 389:

AM7130

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. Section 86-804, Reissue Revised Statutes of

4 Nebraska, as amended by section 15, Legislative Bill 585,

5 Ninety-seventh Legislature, First Session, 2001, is amended to

6 read:

7 86-804. The commission shall ~~provide the Legislature~~

8 ~~with file with the Clerk of the Legislature~~ an annual report on or

9 before September 30 of each year on the status of the Nebraska

10 telecommunications industry. The report may be submitted in

11 electronic format. The report shall ~~describe~~ address: (1) The

12 quality of telecommunications services being provided to the

13 citizens of Nebraska; (2) the availability of diverse and  
 14 affordable telecommunications services to all of the people of  
 15 Nebraska; (3) the level of ~~rates of local exchange companies and~~  
 16 ~~interexchange telecommunications companies telecommunications~~  
 17 ~~service rates~~; (4) ~~the level of the Nebraska Telecommunications~~  
 18 ~~Universal Service Fund; as determined by section 86-1409~~; (5) the  
 19 availability and location of 911 service and E-911 service as  
 20 required by section 86-1005; and (6) the availability and location  
 21 of wireless 911 service or enhanced wireless 911 service as  
 22 required by section 5 of this act. The report also shall address  
 23 the question of the need for further legislation to achieve the  
 24 purposes of sections 86-801 to 86-811.

1 Sec. 2. Section 86-808, Reissue Revised Statutes of  
 2 Nebraska, is amended to read:

3 86-808. ~~(1) Except as provided in subsection (2) of this~~  
 4 ~~section, the~~ The commission shall not regulate the following:

5 ~~(a) (1) One-way broadcast or cable television~~  
 6 ~~transmission of television or radio signals; and~~  
 7 ~~(b) (2) Mobile radio services, radio paging services, and~~  
 8 ~~wireless telecommunications service.~~

9 ~~(2) The commission, consistent with the federal act,~~  
 10 ~~shall require every provider of telecommunications services to~~  
 11 ~~contribute to any universal service mechanism established by the~~  
 12 ~~commission pursuant to state law.~~

13 Sec. 3. Section 86-1403, Reissue Revised Statutes of  
 14 Nebraska, is amended to read:

15 86-1403. For purposes of the Nebraska Telecommunications  
 16 Universal Service Fund Act:

17 (1) Commission means the Public Service Commission;  
 18 (2) Fund means the Nebraska Telecommunications Universal  
 19 Service Fund;

20 (3) Telecommunications Act of 1996 means the federal  
 21 telecommunications legislation enacted as Public Law 104-104; and

22 (4) Telecommunications company means any natural person,  
 23 firm, partnership, limited liability company, corporation, or  
 24 association offering telecommunications services ~~to the public for~~  
 25 hire in Nebraska intrastate commerce without regard to whether such  
 26 company holds a certificate or permit from the commission.

27 Sec. 4. Section 86-1405, Revised Statutes Supplement,  
 1 2000, is amended to read:

2 86-1405. (1) The Nebraska Telecommunications Universal  
 3 Service Fund is hereby created. The fund shall provide the  
 4 assistance necessary to make universal access to telecommunications  
 5 services available to all persons in the state consistent with the  
 6 policies set forth in the Nebraska Telecommunications Universal  
 7 Service Fund Act. Only eligible telecommunications companies  
 8 designated by the commission shall be eligible to receive support  
 9 to serve high-cost areas from the fund. A telecommunications  
 10 company that receives such support shall use that support only for

11 the provision, maintenance, and upgrading of facilities and  
12 services for which the support is intended. Any such support  
13 should be explicit and sufficient to achieve the purpose of the  
14 ~~Nebraska Telecommunications Universal Service Fund Act. The act.~~  
15 (2) Notwithstanding the provisions of section 86-808, the  
16 commission (a) shall have authority and power to issue orders  
17 carrying out its responsibilities and to review the compliance of  
18 any eligible telecommunications company receiving support for  
19 continued compliance with any such orders and may withhold all or a  
20 portion of the funds to be distributed from any telecommunications  
21 company failing to continue compliance with its orders, (b) shall,  
22 consistent with the Telecommunications Act of 1996, require every  
23 telecommunications company to contribute to any universal service  
24 mechanism established by the commission pursuant to state law, and  
25 (c) may administratively fine pursuant to section 75-156 any person  
26 who violates the Nebraska Telecommunications Universal Service Fund  
27 Act.

1 (3) Any money in the fund available for investment shall  
2 be invested by the state investment officer pursuant to the  
3 Nebraska Capital Expansion Act and the Nebraska State Funds  
4 Investment Act.

5 ~~(2) The commission may administratively fine pursuant to~~  
6 ~~section 75-156 any person who violates the Nebraska~~  
7 ~~Telecommunications Universal Service Fund Act.~~

8 Sec. 5. Section 86-1905, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 86-1905. ~~Except when a subscriber initiates or changes~~  
11 ~~service by contacting the telecommunications company directly (1)~~  
12 ~~Except as provided in subsection (2) of this section, no~~  
13 ~~telecommunications company shall submit or execute on behalf of a~~  
14 ~~subscriber a change in a the subscriber's provider of basic local~~  
15 ~~exchange service, intra-LATA interexchange service, or inter-LATA~~  
16 ~~interexchange service without:~~

17 ~~(+) (a) Written change authorization from the subscriber;~~

18 ~~(-) (b) Toll-free electronic authorization placed from~~  
19 ~~the telephone number which is the subject of the change order; or~~

20 ~~(-) (c) Oral authorization obtained by an independent~~  
21 ~~third party.~~

22 A separate and distinct authorization shall be required  
23 to submit ~~or execute~~ a change of service for any or all of the  
24 following services provided to subscribers in this state: Basic  
25 local exchange service, intra-LATA interexchange service,  
26 inter-LATA interexchange service, or any other telecommunications  
27 services.

1 (2) The requirements of this section shall not apply to a  
2 change in a subscriber's provider of basic local exchange service,  
3 intra-LATA interexchange service, or inter-LATA interexchange  
4 service that results from any merger or sale of exchanges or  
5 transfer of authority approved by the commission.

6 Sec. 6. Section 86-1907, Reissue Revised Statutes of  
7 Nebraska, is amended to read:  
8 86-1907. (1) Nothing in the Telephone Consumer Slamming  
9 Prevention Act shall preclude a subscriber from electing to resolve  
10 an unauthorized change in service directly with the unauthorized  
11 telecommunications company. If the subscriber is unsatisfied with  
12 the resolution from the unauthorized company, the subscriber may  
13 file a complaint with the commission. The complaint may be made by  
14 letter, fax, online notification, or telephone call to the  
15 commission. The subscriber may be required to provide a copy of  
16 the subscriber's telephone bill that contains the alleged  
17 unauthorized company's charges.  
18 (2) The commission, consistent with applicable federal  
19 rules and regulations including rules and regulations of the  
20 Federal Communications Commission which implement section 258 of  
21 the federal act, shall adopt and promulgate rules and regulations  
22 for resolution of subscriber complaints of an unauthorized change  
23 in service. The procedures in this section shall apply only after  
24 a subscriber has determined that an unauthorized change has  
25 occurred in violation of section 86-1905 and the subscriber has  
26 paid charges to an allegedly unauthorized telecommunications  
27 company. Upon receiving notification from the subscriber or a  
1 company that a subscriber has been subjected to an unauthorized  
2 change and that the subscriber has paid charges to an allegedly  
3 unauthorized company, the properly authorized company shall, within  
4 thirty days, request from the allegedly unauthorized company proof  
5 of verification of the subscriber's authorization to change  
6 companies. Within ten days after receiving such request, the  
7 allegedly unauthorized company shall forward to the authorized  
8 company either:  
9 (a) Proof of verification of the subscriber's  
10 authorization to change companies; or  
11 (b) The following:  
12 (i) An amount equal to all charges paid by the subscriber  
13 to the unauthorized company;  
14 (ii) An amount equal to any charge required to return the  
15 subscriber to his or her properly authorized company, if  
16 applicable; and  
17 (iii) Copies of any telephone bills issued from the  
18 unauthorized company to the subscriber.  
19 (2) If an authorized telecommunications company incurs  
20 any billing and collection expenses in collecting charges from the  
21 unauthorized company, the unauthorized company shall reimburse the  
22 authorized company for reasonable expenses.  
23 (3) When a subscriber notifies the unauthorized company,  
24 rather than the authorized company, of an unauthorized change, the  
25 unauthorized company shall immediately notify the authorized  
26 company.  
27 (4) Upon receipt from the unauthorized company of the

1 amount described in subdivision (1)(b)(i) of this section, the  
2 authorized company shall provide a refund or credit to the  
3 subscriber of all charges paid in excess of what the authorized  
4 company would have charged the subscriber absent the unauthorized  
5 change. If the authorized company has not received from the  
6 unauthorized company an amount equal to charges paid by the  
7 subscriber to the unauthorized company, the authorized company is  
8 not required to provide any refund or credit. The authorized  
9 company shall, within sixty days after it receives notification of  
10 the unauthorized change, inform the subscriber if it has failed to  
11 collect any charges from the unauthorized company and inform the  
12 subscriber of his or her right to pursue a claim against the  
13 unauthorized company for a refund of all charges paid to the  
14 unauthorized company.

15 (5) When possible, the properly authorized company shall  
16 reinstate the subscriber in any premium program in which that  
17 subscriber was enrolled prior to the unauthorized change if that  
18 subscriber's participation in the premium program was terminated  
19 because of the unauthorized change. If the subscriber has paid  
20 charges to the unauthorized company, the properly authorized  
21 company shall also provide or restore to the subscriber any  
22 premiums to which the subscriber would have been entitled had the  
23 unauthorized change not occurred. The authorized company shall  
24 comply with the requirements of this subsection regardless of  
25 whether it is able to recover from the unauthorized company any  
26 charges that were paid by the subscriber.

27 (6) The Public Service Commission may from time to time  
1 review and adjust the reimbursement procedures in a manner  
2 consistent with federal law.

3 Sec. 7. Section 86-1908, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 86-1908. If the Public Service Commission commission  
6 finds that a telecommunications company has violated section  
7 86-1907 86-1905, the commission shall order the company to take  
8 corrective action as necessary and the company may be subject to  
9 administrative penalties pursuant to section 86-1909. Any money  
10 collected by the commission pursuant to this section shall be  
11 remitted to the State Treasurer for credit to the permanent school  
12 fund consistent with rules and regulations adopted and promulgated  
13 by the commission and the Federal Communications Commission.

14 Sec. 8. Section 86-1909, Revised Statutes Supplement,  
15 2000, is amended to read:

16 86-1909. (1) The Public Service Commission commission  
17 may, after hearing, impose an administrative penalty for a  
18 violation of the Telephone Consumer Slamming Prevention Act. The  
19 penalty for a violation shall not exceed two thousand dollars.  
20 Every violation associated with a specific access line within the  
21 state shall be considered a separate and distinct violation.

22 (2) The amount of an administrative penalty shall be

23 based on:

24 (a) The nature, circumstances, extent, and gravity of a  
25 prohibited act;

26 (b) The history of previous violations;

27 (c) The amount necessary to deter future violations; and

1 (d) Any efforts to correct the violation.

2 (3) Any money collected by the commission pursuant to  
3 this section shall be remitted to the State Treasurer for credit to  
4 the permanent school fund.

5 (4) Any administrative penalty may be appealed, and the  
6 appeal shall be in accordance with the Administrative Procedure  
7 Act.

8 Sec. 9. Original sections 86-808, 86-1403, 86-1905,  
9 86-1907, and 86-1908, Reissue Revised Statutes of Nebraska,  
10 sections 86-1405 and 86-1909, Revised Statutes Supplement, 2000,  
11 and section 86-804, Reissue Revised Statutes of Nebraska, as  
12 amended by section 15, Legislative Bill 585, Ninety-seventh  
13 Legislature, First Session, 2001, are repealed."

14 2. On page 1, strike beginning with "the" in line 1  
15 through line 5 and insert "telecommunications; to amend sections  
16 86-808, 86-1403, 86-1905, 86-1907, and 86-1908, Reissue Revised  
17 Statutes of Nebraska, sections 86-1405 and 86-1909, Revised  
18 Statutes Supplement, 2000, and section 86-804, Reissue Revised  
19 Statutes of Nebraska, as amended by section 15, Legislative Bill  
20 585, Ninety-seventh Legislature, First Session, 2001; to change and  
21 provide powers and duties of the Public Service Commission; to  
22 change provisions of the Telephone Consumer Slamming Prevention  
23 Act; to harmonize provisions; and to repeal the original  
24 sections."

**LEGISLATIVE BILL 593.** Placed on Select File as amended.  
E & R amendment to LB 593:

AM7131

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. The working men and women in Nebraska law  
4 enforcement risk their lives everyday. The people of Nebraska  
5 greatly appreciate the hard work and dedication of law enforcement  
6 officers in protecting the public. The good name of these officers  
7 should not be tarnished by the actions of those few who commit

8 discriminatory practices in defiance of the Nebraska Law  
9 Enforcement Non-Discrimination Resolution adopted on October 10,

10 2000, by various Nebraska law enforcement entities.

11 Racial profiling is a practice that presents a great  
12 danger to the fundamental principles of a democratic society. It  
13 is abhorrent and cannot be tolerated. Motorists who have been  
14 stopped by the police for no reason other than the color of their  
15 skin or their apparent nationality or ethnicity are the victims of  
16 discriminatory practices.



17 Sec. 2. (1) No member of the Nebraska State Patrol or a  
18 county sheriff's office, officer of a city or village police  
19 department, or member of any other law enforcement agency in this  
20 state shall engage in racial profiling. The disparate treatment of  
21 an individual whose motor vehicle has been stopped by a law  
22 enforcement officer is inconsistent with this policy.

23 (2) Racial profiling shall not be used to justify the  
24 detention of an individual or to conduct a motor vehicle stop.

1 Sec. 3. For purposes of sections 1 to 5 of this act:

2 (1) Disparate treatment means differential treatment of  
3 persons on the basis of race, color, or national origin;

4 (2) Motor vehicle stop means any stop of a motor vehicle;  
5 and

6 (3) Racial profiling means detaining an individual or  
7 conducting a motor vehicle stop based upon disparate treatment of  
8 an individual.

9 Sec. 4. (1) On or before January 1, 2002, the Nebraska  
10 State Patrol, the county sheriffs, all city and village police  
11 departments, and any other law enforcement agency in this state  
12 shall adopt a written policy that prohibits the detention of any  
13 person or a motor vehicle stop when such action is motivated by  
14 racial profiling and the action would constitute a violation of the  
15 civil rights of the person.

16 (2) With respect to a motor vehicle stop, on and after  
17 January 1, 2002, the Nebraska State Patrol, the county sheriffs,  
18 all city and village police departments, and any other law  
19 enforcement agency in this state shall record and retain the  
20 following information using the form developed and promulgated  
21 pursuant to section 5 of this act:

22 (a) The number of motor vehicle stops;

23 (b) The characteristics of race or ethnicity of the  
24 person stopped. The identification of such characteristics shall  
25 be based on the observation and perception of the law enforcement  
26 officer responsible for reporting the motor vehicle stop and the  
27 information shall not be required to be provided by the person  
1 stopped;

2 (c) If the stop is for a law violation, the nature of the  
3 alleged law violation that resulted in the motor vehicle stop;

4 (d) Whether a warning or citation was issued, an arrest  
5 made, or a search conducted as a result of the motor vehicle stop.  
6 Search does not include a search incident to arrest or an inventory  
7 search; and

8 (e) Any additional information that the Nebraska State  
9 Patrol, the county sheriffs, all city and village police  
10 departments, or any other law enforcement agency in this state, as  
11 the case may be, deems appropriate.

12 (3) The Nebraska Commission on Law Enforcement and  
13 Criminal Justice may develop a uniform system for receiving  
14 allegations of racial profiling. The Nebraska State Patrol, the

15 county sheriffs, all city and village police departments, and any  
16 other law enforcement agency in this state shall provide to the  
17 commission (a) a copy of each allegation of racial profiling  
18 received and (b) written notification of the review and disposition  
19 of such allegation. No information revealing the identity of the  
20 law enforcement officer involved in the stop shall be used,  
21 transmitted, or disclosed in violation of any collective bargaining  
22 agreement provision or personnel rule under which such law  
23 enforcement officer is employed. No information revealing the  
24 identity of the complainant shall be used, transmitted, or  
25 disclosed in the form alleging racial profiling.

26 (4) Any law enforcement officer who in good faith records  
27 information on a motor vehicle stop pursuant to this section shall

1 not be held civilly liable for the act of recording such  
2 information unless the law enforcement officer's conduct was  
3 unreasonable or reckless or in some way contrary to law.

4 (5) On or before October 1, 2002, and annually thereafter  
5 until January 1, 2004, the Nebraska State Patrol, the county  
6 sheriffs, all city and village police departments, and all other  
7 law enforcement agencies in this state shall provide to the  
8 commission, in such form as the commission prescribes, a summary  
9 report of the information recorded pursuant to subsection (2) of  
10 this section.

11 (6) On and after January 1, 2002, and until January 1,  
12 2004, the commission may, within the limits of its existing  
13 appropriations, provide for a review of the prevalence and  
14 disposition of motor vehicle stops based on racial profiling and  
15 allegations reported pursuant to this section. The results of such  
16 review shall be reported to the Governor and the Legislature on or  
17 before April 1, 2004.

18 Sec. 5. On or before January 1, 2002, the Nebraska  
19 Commission on Law Enforcement and Criminal Justice, the  
20 Superintendent of Law Enforcement and Public Safety, the Attorney  
21 General, and the State Court Administrator may adopt and  
22 promulgate: (1) A form, in printed or electronic format, to be  
23 used by a law enforcement officer when making a motor vehicle stop  
24 to record personal identifying information about the operator of  
25 such motor vehicle, the location of the stop, the reason for the  
26 stop, and any other information that is required to be recorded  
27 pursuant to subsection (2) of section 4 of this act and (2) a form,  
1 in printed or electronic format, to be used to report an allegation  
2 of racial profiling by a law enforcement officer."

**LEGISLATIVE BILL 593A.** Placed on Select File.

### **Correctly Reengrossed**

The following bill was correctly reengrossed: LB 461.

**Enrollment and Review Change to LB 461  
(Final Reading copy)**

The following changes, required to be reported for publication in the Journal, have been made:

ER9083

1. In the Beutler amendment, AM1691:

a. Sections 9 to 14 have been renumbered as sections 10 to 15, respectively;

b. On page 1, line 4; and page 10, line 10, "12" has been struck and "13" inserted;

c. On page 1, line 22; and page 10, line 24, "12 to 14" has been struck and "13 to 15" inserted;

d. On page 3, line 26, the underscored comma has been struck; and

e. On page 11, lines 4 and 11, "81-15,117," has been inserted after the second comma; the matter beginning with "in" in line 4 through the semicolon in line 5 has been struck; and the matter beginning with the semicolon in line 11 through the last quotation mark in line 12 has been struck.

2. In the Bromm-Schrock amendment, AM1928:

a. Section 1 has been renumbered as section 2; and

b. On page 3, line 17, "8" has been struck and "9" inserted.

3. Sections 1 to 10 have been renumbered as sections 3 to 9 and 16 to 18, respectively.

(Signed) Philip Erdman, Chairperson

**VISITORS**

Visitors to the Chamber were Brian Svoboda from Papillion; 28 fifth grade students and teachers from Christ the King School, Omaha; former Senator Richard Peterson from Norfolk; 18 sixth grade students and teachers from St. Boniface School, Elgin; and 23 second grade students and teachers from Arnold Elementary School, Lincoln.

**RECESS**

At 12:03 p.m., on a motion by Senator Janssen, 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 Senator D. Pederson who was excused; and Senators Bromm, Byars, Dierks, Landis, McDonald, and Thompson who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senators Wehrbein and Dierks filed the following amendment to LB 536: (Amendment, AM2160, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

**SELECT FILE**

**LEGISLATIVE BILL 657.** Senator Vrtiska offered the following amendment:

AM2168

(Amendments to E & R amendments, AM7080)

- 1 1. On page 8, line 3, strike "one million" and insert
- 2 "five hundred thousand"; and in lines 7 and 8 strike "one million
- 3 five hundred" and insert "seven hundred fifty".

Senators Bruning and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

**GENERAL FILE**

**LEGISLATIVE BILL 611.** Title read. Considered.

Senator Dw. Pedersen requested to have LB 611 passed over.

**SENATOR CUDABACK PRESIDING**

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 357.** Title read. Considered.

Senator Brashear offered the following amendment:

AM2149

- 1 1. On page 2, lines 11 and 12, strike "fifteen thousand
- 2 nine hundred ninety-eight" and insert "fourteen thousand three
- 3 hundred fifty-eight"; and strike line 14 and insert "nineteen
- 4 thousand two hundred seventy-six dollars.".

The Brashear 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 be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 851 and 852.

**Enrollment and Review Change to LB 852**

The following changes, required to be reported for publication in the Journal, have been made:

ER9084

1. In the Wickersham amendment, AM2036, on page 1, line 1, the matter beginning with "strike" through "stricken," has been struck; and the matter beginning with the comma in line 2 through the last quotation mark in line 3 has been struck.

2. In the Special Committee amendments, AM1875, on page 17, line 8; and page 32, line 15, "to Martha Street, west on Martha Street to South 39th Street, north on South 39th Street" has been inserted after "north".

(Signed) Philip Erdman, Chairperson

**STANDING COMMITTEE REPORT**  
**Health and Human Services**

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Board of Emergency Medical Services  
Jill Shea

VOTE: Aye: Senators Jensen, Byars, Suttle, Price, Cunningham, Maxwell, and Erdman. Nay: None. Absent: None

(Signed) Jim Jensen, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 258.** Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Beutler, 28; Cudaback, 36; Engel, 17; Foley, 29; Hilgert, 7; Kruse, 13; Thompson, 14.

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 construction of a multilevel parking structure on the University of Nebraska Medical Center campus, on

the south of Emile Street between 45th Street and approximately 44th Street, Omaha, Nebraska, approximately 510,000 square feet in size, providing a parking capacity for 1,486 vehicles, plus storage, at an estimated cost of \$19,257,000 (the project) to be financed with private donations, lease payments, and the issuance of parking revenue bonds issued by the board; and

WHEREAS, the Coordinating Commission for Postsecondary Education has recommended approval of the project by the Legislature; and

WHEREAS, the board has submitted the project to the Legislature for its approval in accordance with section 85-404.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That pursuant to section 85-404, the Legislature approves plans for the construction of a multilevel parking structure on the University of Nebraska Medical Center campus, on the south of Emile Street between 45th Street and approximately 44th Street, Omaha, Nebraska, approximately 510,000 square feet in size, providing a parking capacity for 1,486 vehicles, plus storage, at an estimated cost of \$19,257,000 (the project) to be financed with private donations, lease payments, and the issuance of parking revenue bonds issued by the board.

2. The revenue bonds of the board may be issued in an amount sufficient to pay the costs of the project 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.

### AMENDMENTS - Print in Journal

Senator Tyson filed the following amendment to LB 657:

AM2175

(Amendments to E & R amendments, AM7080)

- 1 1. On page 8, lines 3 and 7, strike "2016" and insert
- 2 "2006".

Senator Vrtiska filed the following amendment to LB 657:

AM2174

- 1 1. In the E & R amendments, AM7080, on page 8, line 3,
- 2 after "place" insert "the equivalent of eight-tenths of one cent of
- 3 such tax but in no event more than"; and in line 7 after "place"
- 4 insert "the equivalent of one and two-tenths of one cent of such
- 5 tax but in no event more than".
- 6 2. Strike the Beutler-Wehrbein amendment, AM1144.

### GENERAL FILE

**LEGISLATIVE BILL 357A.** Title read. Considered.

Senator Brashear offered the following amendment:

AM2176

1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. There is hereby appropriated (1) \$23,826  
4 from the General Fund for FY2001-02 and (2) \$58,750 from the  
5 General Fund for FY2002-03 to the Supreme Court, for Program 3, to  
6 aid in carrying out the provisions of Legislative Bill 357,  
7 Ninety-seventh Legislature, First Session, 2001.  
8 Total expenditures for permanent and temporary salaries  
9 and per diems from funds appropriated in this section shall not  
10 exceed \$23,485 for FY2001-02 or \$57,911 for FY2002-03.  
11 Sec. 2. There is hereby appropriated (1) \$19,400 from  
12 the General Fund for FY2001-02 and (2) \$47,840 from the General  
13 Fund for FY2002-03 to the Supreme Court, for Program 4, to aid in  
14 carrying out the provisions of Legislative Bill 357, Ninety-seventh  
15 Legislature, First Session, 2001.  
16 Total expenditures for permanent and temporary salaries  
17 and per diems from funds appropriated in this section shall not  
18 exceed \$19,123 for FY2001-02 or \$47,156 for FY2002-03.  
19 Sec. 3. There is hereby appropriated (1) \$198,341 from  
20 the General Fund for FY2001-02 and (2) \$489,093 from the General  
21 Fund for FY2002-03 to the Supreme Court, for Program 6, to aid in  
22 carrying out the provisions of Legislative Bill 357, Ninety-seventh  
23 Legislature, First Session, 2001.  
24 Total expenditures for permanent and temporary salaries  
1 and per diems from funds appropriated in this section shall not  
2 exceed \$195,506 for FY2001-02 or \$482,102 for FY2002-03.  
3 Sec. 4. There is hereby appropriated (1) \$180,023 from  
4 the General Fund for FY2001-02 and (2) \$445,660 from the General  
5 Fund for FY2002-03 to the Supreme Court, for Program 7, to aid in  
6 carrying out the provisions of Legislative Bill 357, Ninety-seventh  
7 Legislature, First Session, 2001.  
8 Total expenditures for permanent and temporary salaries  
9 and per diems from funds appropriated in this section shall not  
10 exceed \$177,450 for FY2001-02 or \$439,290 for FY2002-03.  
11 Sec. 5. There is hereby appropriated (1) \$23,910 from  
12 the Compensation Court Cash Fund for FY2001-02 and (2) \$56,179 from  
13 the Compensation Court Cash Fund for FY2002-03 to the Nebraska  
14 Workers' Compensation Court, for Program 526, to aid in carrying  
15 out the provisions of Legislative Bill 357, Ninety-seventh  
16 Legislature, First Session, 2001.  
17 Total expenditures for permanent and temporary salaries  
18 and per diems from funds appropriated in this section shall not  
19 exceed \$23,574 for FY2001-02 or \$55,388 for FY2002-03."

The Brashear 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 28 ayes, 0 nays, 14 present and not

voting, and 7 excused and not voting.

**LEGISLATIVE BILL 273.** Title read. Considered.

The Standing Committee amendment, AM0230, printed separately and referred to on page 546, was considered.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Senators Baker and Foley asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Schrock asked unanimous consent to bracket LB 273 until January 9, 2002. No objections. So ordered.

### SELECT FILE

**LEGISLATIVE BILL 142.** E & R amendment, AM7100, printed separately and referred to on page 1594, was adopted.

Senator Janssen asked unanimous consent to replace his pending amendment, AM1495, found on page 1484, with a substitute amendment. No objections. So ordered.

Senator Janssen withdrew his pending amendment, AM1495, found on page 1484.

Senator Janssen renewed his substitute pending amendment, AM1831, found on page 1827.

Senator Schimek renewed her pending amendment, AM1920, found on page 1893, to the Janssen pending amendment.

### SENATOR DIERKS PRESIDING

Senator Schimek withdrew her amendment.

Senator Janssen offered the following amendment to his pending amendment:

FA286

Amend AM1831

On page 1, line 2, strike "political subdivisions" and insert "fire protection districts".

Senators Bruning and Smith asked unanimous consent to be excused until they return. No objections. So ordered.



Senator Janssen moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Janssen amendment was adopted with 25 ayes, 3 nays, 15 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Janssen amendment, AM1831, as amended, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Janssen asked unanimous consent to replace his pending amendment, AM1496, found on page 1484, with a substitute amendment. No objections. So ordered.

Senator Janssen withdrew his pending amendment, AM1496, found on page 1484.

Senator Janssen renewed his substitute pending amendment, AM1830, found on page 1827.

Senator Janssen withdrew his amendment.

Senator Tyson asked unanimous consent to replace his pending amendment, AM1115, found on page 1164, with a substitute amendment. No objections. So ordered.

Senator Tyson withdrew his pending amendment, AM1115, found on page 1164.

Senator Tyson renewed his substitute pending amendment, AM1629, found on page 1659.

Senators Burling, Bourne, Chambers, Kristensen, Wehrbein, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Tyson moved for a call of the house. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Senator Tyson requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Cunningham	Erdman	Janssen	Jones	Tyson
Vrtiska				

Voting in the negative, 25:

Aguilar	Beutler	Brashear	Brown	Byars
Connealy	Cudaback	Dierks	Hilgert	Jensen
Kremer	Kruse	Landis	Maxwell	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson

Present and not voting, 7:

Baker	Bromm	Engel	Foley	Hartnett
Hudkins	Preister			

Excused and not voting, 11:

Bourne	Bruning	Burling	Chambers	Coordsen
Kristensen	McDonald	Pedersen, Dw.	Pederson, D.	Wehrbein
Wickersham				

The Tyson amendment lost with 6 ayes, 25 nays, 7 present and not voting, and 11 excused and not voting.

Pending.

The Chair declared the call raised.

Senator Baker asked unanimous consent to be excused until he returns. No objections. So ordered.

### SELECT COMMITTEE REPORTS

#### Enrollment and Review

**LEGISLATIVE BILL 357.** Placed on Select File.

**LEGISLATIVE BILL 357A.** Placed on Select File.

(Signed) Philip Erdman, Chairperson

### RESOLUTION

**LEGISLATIVE RESOLUTION 259.** Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Janssen, 15; Raikes, 25; Redfield, 12.

**PURPOSE:** Since December 1999, the Legislative Fiscal Office has used a computable general equilibrium model (TRAIN) to investigate economic impacts of various tax incentives proposed or in existence in Nebraska. The TRAIN model is a comprehensive general economic model that is able to examine how tax changes and incentives affect the Nebraska economy, personal income, and state revenue.

However, TRAIN is, in a sense, a static model that measures the changes in the economy from equilibrium at a point before introduction of the shock

to a point of new equilibrium at some point in the future. The model does not allocate impacts by year -- the impacts are from one equilibrium point to the new equilibrium point, which occurs over a number of years.

A more advanced model, a dynamic TRAIN model, will be able to measure economic impacts by year. Because the dynamic model utilizes the economic growth in the model, it will provide more realistic outcomes on the impacts of tax incentive and will present the path of Nebraska economy through time.

During the interim study in 2000, the Legislative Fiscal Office investigated many dynamic CGE models published in order to determine the most efficient model framework for examining Nebraska tax incentives. After careful literature review, a National Dynamic CGE model, called the BFSW model (constructed by Ballard, Fullerton, Shoven, and Whalley), was selected as the basic framework for constructing a dynamic Nebraska CGE model. It was originally constructed in 1987 and later modified and used by many researchers for academic and policy research.

An interim study should be conducted this year to:

- (1) Construct a basic framework based on the BFSW model;
- (2) Specify Nebraska tax systems based on TRAIN model;
- (3) Construct a Nebraska database based on IMPLAN; and
- (4) Document the new Dynamic TRAIN model.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

### **STANDING COMMITTEE REPORTS**

#### **Natural Resources**

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nebraska Environmental Trust Board  
Vincent Kramper

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Kremer, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nebraska Ethanol Board  
David Hallberg  
James Ziebarth

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Kremer, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 142.** Senators Cudaback and Schimek renewed their pending amendment, AM1617, found on page 1632.

The Cudaback-Schimek amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Senator Schimek renewed her pending amendment, AM1726, found on page 1746.

The Schimek amendment was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Senator Beutler renewed his pending amendment, AM2108, found on page 2129.

### SENATOR CUDABACK PRESIDING

The Beutler amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Schimek renewed her pending amendment, AM2138, found on page 2217.

The Schimek amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Senator Hudkins offered the following amendment:  
AM2155

(Amendments to E & R amendments, AM7100)

- 1 1. Insert the following new section:
- 2 "Sec. 27. Section 23-1118, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 23-1118. (1)(a) Unless the county has adopted a
- 5 retirement system pursuant to section 23-2329, the county board of
- 6 any county having a population of one hundred fifty thousand

7 inhabitants or more may, in its discretion and with the approval of  
8 the voters, provide retirement benefits for present and future  
9 employees of the county. The cost of such retirement benefits  
10 shall be funded in accordance with sound actuarial principles with  
11 the necessary cost being treated in the county budget in the same  
12 way as any other operating expense.

13 (b) Except as provided in subdivision (c) of this  
14 subsection, each employee shall be required to contribute, or have  
15 contributed on his or her behalf, an amount at least equal to the  
16 county's contribution to the cost of any such retirement program as  
17 to service performed after the adoption of such retirement program,  
18 but the cost of any benefits based on prior service shall be borne  
19 solely by the county.

20 (c) In a county or municipal county having a population  
21 of two hundred thousand or more inhabitants but not more than three  
22 hundred thousand inhabitants, the county or municipal county shall  
23 establish the employee and employer contribution rates to the  
1 retirement program for each year after July 15, 1992. The county  
2 or municipal county shall contribute at least an amount equal to  
3 each employee's mandatory contribution, if any, to the cost of any  
4 such retirement program and by January 1, 1996, shall be  
5 contributing one hundred fifty percent of each employee's mandatory  
6 contribution. The combined contributions of the county or  
7 municipal county and its employees to the cost of any such  
8 retirement program shall not exceed thirteen percent of the  
9 employees' salaries.

10 (2) Before the county board or council provides  
11 retirement benefits for the employees of the county or municipal  
12 county, such question shall be submitted at a regular general or  
13 primary election held within the county or municipal county, and in  
14 which election all persons eligible to vote for the ~~county~~  
15 officials of the county or municipal county shall be entitled to  
16 vote on such question, which shall be submitted in the following  
17 language: Shall the county board or council provide retirement  
18 benefits for present and future employees of the county or  
19 municipal county? If a majority of the votes cast upon such  
20 question are in favor of such question, then the county board or  
21 council shall be empowered to provide retirement benefits for  
22 present and future employees as provided in this section. If such  
23 retirement benefits for present and future county and municipal  
24 county employees are approved by the voters and authorized by the  
25 county board or council, then the funds of such retirement system,  
26 in excess of the amount required for current operations as  
27 determined by the county board or council, may be invested and  
1 reinvested in the class of securities and investments described in  
2 section 30-3209.

3 (3) As used in this section, employees shall mean all  
4 persons or officers devoting more than twenty hours per week to  
5 employment by the county or municipal county, all elected officers

6 of the county or municipal county, and such other persons or  
7 officers as are classified from time to time as permanent employees  
8 by the county board or council.

9 (4) The county or municipal county may pick up the member  
10 contributions required by this section for all compensation paid on  
11 or after January 1, 1985, and the contributions so picked up shall  
12 be treated as employer contributions in determining federal tax  
13 treatment under the Internal Revenue Code, except that the county  
14 or municipal county shall continue to withhold federal income taxes  
15 based upon these contributions until the Internal Revenue Service  
16 or the federal courts rule that, pursuant to section 414(h) of the  
17 Internal Revenue Code, these contributions shall not be included as  
18 gross income of the member until such time as they are distributed  
19 or made available. The county or municipal county shall pay these  
20 member contributions from the same source of funds which is used in  
21 paying earnings to the member. The county or municipal county  
22 shall pick up these contributions by a salary deduction either  
23 through a reduction in the cash salary of the member or a  
24 combination of a reduction in salary and offset against a future  
25 salary increase. Member contributions picked up shall be treated  
26 in the same manner and to the same extent as member contributions  
27 made prior to the date picked up.

1 (5)(a) Beginning December 31, 1998, and each December 31  
2 thereafter, the chairperson of the county board or council with a  
3 retirement plan established pursuant to this section and section  
4 401(a) of the Internal Revenue Code shall file with the Public  
5 Employees Retirement Board an annual report on such plan and shall  
6 submit copies of such report to the members of the Nebraska  
7 Retirement Systems Committee of the Legislature. The annual report  
8 shall be in a form prescribed by the Public Employees Retirement  
9 Board and shall contain the following information for each such  
10 retirement plan:

11 (i) The number of persons participating in the retirement  
12 plan;

13 (ii) The contribution rates of participants in the plan;

14 (iii) Plan assets and liabilities;

15 (iv) The names and positions of persons administering the  
16 plan;

17 (v) The names and positions of persons investing plan  
18 assets;

19 (vi) The form and nature of investments;

20 (vii) For each defined contribution plan, a full  
21 description of investment policies and options available to plan  
22 participants; and

23 (viii) For each defined benefit plan, the levels of  
24 benefits of participants in the plan, the number of members who are  
25 eligible for a benefit, and the total present value of such  
26 members' benefits, as well as the funding sources which will pay  
27 for such benefits.

1 If a plan contains no current active participants, the  
 2 chairperson may file in place of such report a statement with the  
 3 Public Employees Retirement Board indicating the number of retirees  
 4 still drawing benefits, and the sources and amount of funding for  
 5 such benefits.  
 6 (b) Beginning December 31, 1998, and every four years  
 7 thereafter, if such retirement plan is a defined benefit plan, the  
 8 county board of a county or council of the municipal county with a  
 9 retirement plan established pursuant to this section shall cause to  
 10 be prepared a quadrennial report and the chairperson shall file the  
 11 same with the Public Employees Retirement Board and submit to the  
 12 members of the Nebraska Retirement Systems Committee of the  
 13 Legislature a copy of such report. The report shall consist of a  
 14 full actuarial analysis of each such retirement plan established  
 15 pursuant to this section. The analysis shall be prepared by an  
 16 independent private organization or public entity employing  
 17 actuaries who are members in good standing of the American Academy  
 18 of Actuaries, and which organization or entity has demonstrated  
 19 expertise to perform this type of analysis and is unrelated to any  
 20 organization offering investment advice or which provides  
 21 investment management services to the retirement plan."  
 22 2. On page 86, line 14, after the last comma insert  
 23 "23-1118,".  
 24 3. Renumber the remaining sections and correct internal  
 25 references accordingly.

The Hudkins amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Senator Schimek renewed the Chambers pending amendment, AM1582, found on page 1620.

The Chambers amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Senator Schimek moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Tyson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Aguilar	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Coordsen	Cudaback
Foley	Hartnett	Hilgert	Jensen	Kruse
Landis	Maxwell	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Smith	Suttle
Thompson				

Voting in the negative, 7:

Baker	Cunningham	Erdman	Hudkins	Jones
Kremer	Tyson			

Present and not voting, 8:

Burling	Connealy	Dierks	Engel	Janssen
Preister	Schrock	Stuhr		

Excused and not voting, 8:

Chambers	Kristensen	McDonald	Pedersen, Dw.	Pederson, D.
Vrtiska	Wehrbein	Wickersham		

Advanced to E & R for engrossment with 26 ayes, 7 nays, 8 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 180.** E & R amendment, AM7108, printed separately and referred to on page 1615, was adopted.

Senators Beutler and Hilgert renewed their pending amendment, AM1692, found on page 1893.

The Beutler-Hilgert 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.

Senator Cunningham asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

### AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 640:  
AM2157

(Amendments to Standing Committee amendments, AM1022)

- 1 1. On page 3, line 8, strike "as amended," and show as
- 2 stricken; and in line 9 after "seq." insert "as the act existed
- 3 on the operative date of this section";
- 4 2. On page 6, line 8, after "judge" insert "or judges"
- 5 and after "court" insert "or courts"; in line 12 after "commission"
- 6 insert "for fiscal year 2001-02 and fiscal year 2002-03"; in lines
- 7 18 and 19 strike "two hundred fifty" and insert "one hundred



- 8 twenty-five"; and in line 21 strike "five thousand dollars" and  
 9 insert "two thousand five hundred dollars per county";
- 10 3. On page 7, strike beginning with "three" in line 6  
 11 through "thousand" in line 7 and insert "four million"; in line 16  
 12 strike "equitable"; and in line 17 after the period insert "The  
 13 formula shall be solely based upon the total number of residents  
 14 per county who are twelve years of age through eighteen years of  
 15 age as provided by the most recently available federal census  
 16 data.";
- 17 4. On page 8, line 2, after "used" insert "exclusively";  
 18 in line 6 strike "detention."; in line 8 strike "counseling" and  
 19 insert "conferencing"; in line 11 after the period insert "Aid  
 20 received under this section shall not be used for capital  
 21 construction or the lease or acquisition of facilities."; and  
 22 strike beginning with "Aid" in line 19 through line 21; and after  
 23 line 21 insert:
- 1 "(6) The Office of Juvenile Services shall report  
 2 annually to the Governor and the Legislature on the distribution  
 3 and use of funds appropriated under the County Juvenile Services  
 4 Aid Program. On or before December 1, 2002, the Office of Juvenile  
 5 Services, in consultation with county representatives, shall  
 6 recommend to the Governor and the Legislature a statewide structure  
 7 for the delivery of juvenile services."; and
- 8 5. On page 13, line 13, strike "\$1,420,000" and insert  
 9 "\$1,545,000"; in line 14 strike "\$3,430,000" and insert  
 10 "\$3,555,000"; and in lines 20 and 21 strike "\$250,000" and insert  
 11 "\$125,000".

Senator Brashear filed the following amendment to LB 357A:  
 AM2183

- 1 1. Insert the following new section:
- 2 "Sec. 6. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

### SELECT COMMITTEE REPORTS Enrollment and Review

#### Correctly Engrossed

The following bills were correctly engrossed: LBs 329, 329A, and 809.

#### Enrollment and Review Change to LB 329

The following changes, required to be reported for publication in the Journal, have been made:

ER9085

1. In the Bromm amendment, FA284:
  - a. Section 30 has been renumbered as section 8;
  - b. Amendment 2 has been struck; and

c. On page 3, line 4, "and" has been inserted after the comma; in line 7 the comma has been struck; and the matter beginning with the colon in line 8 through "recommend" in line 9 has been struck and "the department may: Recommend" inserted.

2. In the Shrock amendment, AM1961:

a. On page 1, line 13, "2-2635," has been struck;

b. On page 2, line 5, "resource" has been struck and "resources" inserted;

c. On page 3, line 19, "fund" has been struck, shown as stricken, and "Pesticide Administrative Cash Fund" inserted; and

d. On page 16, line 6, "3-128," has been inserted after "2-2641,".

3. On page 1, the matter beginning with "revenue" in line 1 through line 7 has been struck and "public projects regulation and funding; to amend sections 2-2627, 2-2635, 2-2638, 2-2641, 3-128, 15-202, and 81-2,162.27, Reissue Revised Statutes of Nebraska, and sections 2-15,122, 2-15,123, 2-2634, 13-519, and 66-1345, Revised Statutes Supplement, 2000; to change provisions relating to the Natural Resources Enhancement Fund, the Pesticide Administrative Cash Fund, pesticide registration, pesticide dealer licenses, pesticide applicator licenses, duties of the Department of Aeronautics, budget limitations, and the Fertilizers and Soil Conditioners Administrative Fund; to rename a fund; to change taxing powers in certain cities; to require reports by the Department of Environmental Quality and natural resources districts; to change and eliminate fees; to harmonize provisions; to repeal the original sections; to outright repeal section 77-4401, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

### **Enrollment and Review Change to LB 809**

The following changes, required to be reported for publication in the Journal, have been made:

ER9086

1. In the Hartnett amendment, AM2022, on page 2, line 3, "renewal" has been struck and "renewed" inserted.

(Signed) Philip Erdman, Chairperson

### **SELECT FILE**

**LEGISLATIVE BILL 75.** Senator Bruning moved to bracket until January 10, 2002.

Senator Bruning withdrew his motion to bracket.

Senator Chambers withdrew his pending amendments, AM1270, AM1271, AM1272, AM1273, AM1274, AM1275, AM1276, AM1277, AM1278, AM1279, AM1280, AM1281, AM1282, AM1283, AM1284, AM1285, AM1286, AM1287, and FA166, found on pages 1313, 1314, 1315, 1316, and 1380.

Senator Robak withdrew her pending amendment, AM1301, found on page 1316.

Senator Connealy withdrew his pending amendment, FA167, found on page 1380.

Senators Connealy and Bruning withdrew their pending motion, found on page 2129, to suspend the rules, Rule 3, Section 14 and withdraw LB 75.

Senator Chambers renewed the Chambers et al. pending amendment, AM2141, printed separately and referred to on page 2204.

Senators Bruning and Wickersham offered the following amendment to the Chambers et al. pending amendment:

AM2159

(Amendments to AM2141)

- 1 1. Strike section 4 and insert the following new
- 2 section:
- 3 "Sec. 4. (1) The retirement plan shall be administered
- 4 by the retirement board. The retirement board shall adopt and
- 5 promulgate rules and regulations to administer the retirement plan
- 6 and to carry out the Legislative Employees Supplemental Retirement
- 7 Plan Act.
- 8 (2) The retirement board shall:
- 9 (a) Enter into contracts for any actuarial services
- 10 required to transact the business of the retirement plan;
- 11 (b) Determine the eligibility of an individual to be a
- 12 member of the retirement plan and other questions of fact in the
- 13 event of a dispute between an individual and the Legislature; and
- 14 (c) Prescribe the form in which the Legislature reports
- 15 contributions, hours worked, payroll information, and any other
- 16 information necessary to carry out the retirement board's duties.
- 17 (3) The Auditor of Public Accounts shall make an annual
- 18 audit of the retirement system and file an annual report of its
- 19 condition with the Clerk of the Legislature.
- 20 (4) The retirement board shall employ a director and such
- 21 employees as may be necessary to efficiently discharge the duties
- 22 imposed by the Legislative Employees Supplemental Retirement Plan
- 23 Act. The director shall keep a record of all acts and proceedings
- 1 taken by the retirement board. The director shall keep a complete
- 2 record of all members with respect to name, current address, age,
- 3 contributions, length of service, compensation, and any other facts
- 4 as may be necessary in the administration of the act. The
- 5 information in the records shall be provided by the Executive Board
- 6 of the Legislative Council in an accurate and verifiable form, as
- 7 specified by the director. The director may, from time to time,
- 8 carry out sampling procedures to verify the accuracy of such
- 9 information. For the purpose of obtaining such facts and
- 10 information, the director shall have access to the records of the

11 various state departments and agencies. A certified copy of a  
 12 birth certificate or delayed birth certificate shall be prima facie  
 13 evidence of the age of the person named in the certificate. The  
 14 director shall develop and implement an employer education program  
 15 using principles generally accepted by public employees retirement  
 16 systems so that all employers have the knowledge and information  
 17 necessary to prepare and file reports as the retirement board  
 18 requires."

19 2. On page 3, strike beginning with "The" in line 14  
 20 through "section" in line 21 and insert "Within thirty days after  
 21 the effective date of this act"; and in line 24 strike "December  
 22 31, 2001" and insert "July 1, 2002".

23 3. On page 4, strike beginning with "The" in line 6  
 24 through line 8.

25 4. On page 5, line 25, strike "November 30" and insert  
 26 "December 31"; and in line 27 strike "December 1, 2001" and insert  
 27 "January 1, 2002".

1 5. Renumber the remaining sections and correct internal  
 2 references accordingly.

Senator Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

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.

The Bruning-Wickersham amendment was adopted with 35 ayes, 1 nay, 7 present and not voting, and 6 excused and not voting.

Senators Bruning and Wickersham offered the following amendment to the Chambers et al. pending amendment:

AM2161

(Amendments to AM2141)

1 1. Insert the following new section:  
 2 "Sec. 6. The Legislative Employees Supplemental Reserve  
 3 Fund is created. The required deposits from the compensation of  
 4 members pursuant to section 11 of this act shall be accumulated in  
 5 the fund. Member contributions shall equal one percent of  
 6 compensation. Member contributions shall remain in the fund until  
 7 the retirement board has received a favorable determination letter  
 8 regarding the retirement plan from the Internal Revenue Service.  
 9 If a favorable determination letter is received, the retirement  
 10 board shall transfer the member contributions contained in the  
 11 Legislative Employees Supplemental Reserve Fund, plus any and all  
 12 accrued interest, to the Legislative Employees Supplemental  
 13 Retirement Fund. If the retirement board does not receive a  
 14 favorable letter from the Internal Revenue Service, the member  
 15 contributions, along with any and all accrued interest, shall be

16 returned to the employees within sixty days after receiving the  
 17 determination letter. Once the member contributions have been  
 18 returned, the Legislative Employees Supplemental Reserve Fund will  
 19 terminate and cease to exist."

20 2. On page 5, line 11, after "fund" insert "except as  
 21 provided in section 6 of this act"; in line 17 strike "fund" and  
 22 insert "Legislative Employees Supplemental Reserve Fund and the  
 23 Legislative Employees Supplemental Retirement Fund".

1 3. Renumber the remaining sections and correct internal  
 2 references accordingly.

The Bruning-Wickersham amendment was adopted with 37 ayes, 0 nays, 6  
 present and not voting, and 6 excused and not voting.

Senators Bruning and Wickersham offered the following amendment to the  
 Chambers et al. pending amendment:

AM2163

(Amendments to AM2141)

1 1. On page 9, lines 8 and 13, strike "seventy-five" and  
 2 insert "fifty-five".

The Bruning-Wickersham amendment was adopted with 31 ayes, 0 nays, 12  
 present and not voting, and 6 excused and not voting.

The Chambers et al. amendment, AM2141, as amended, was adopted with  
 27 ayes, 6 nays, 10 present and not voting, and 6 excused and not voting.

Senator Bruning requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Aguilar	Bourne	Brashear	Brown	Chambers
Connealy	Coordsen	Cudaback	Dierks	Hartnett
Hilgert	Janssen	Kristensen	Kruse	Preister
Price	Raikes	Robak	Schimek	Schrock
Suttle	Thompson	Tyson	Vrtiska	Wehrbein

Voting in the negative, 16:

Baker	Bromm	Bruning	Burling	Erdman
Foley	Hudkins	Jensen	Jones	Kremer
Landis	Quandahl	Redfield	Smith	Stuhr
Wickersham				

Present and not voting, 2:

Engel	Maxwell
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Excused and not voting, 6:

Beutler            Byars            Cunningham    McDonald       Pedersen, Dw.  
Pederson, D.

Advanced to E & R for engrossment with 25 ayes, 16 nays, 2 present and not voting, and 6 excused and not voting.

#### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Chambers asked unanimous consent to have his name added as cointroducer to LB 75. No objections. So ordered.

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 611. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were 60 fourth grade students and teachers from Westridge Elementary School, Elkhorn; Don, Dorothy, and Cindy Vacek from Omaha; and 37 fourth grade students and teachers from Randolph Elementary School.

#### **ADJOURNMENT**

At 7:32 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Thursday, May 24, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTY-SEVENTH DAY - MAY 24, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****EIGHTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 24, 2001

**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 McDonald and D. Pederson who were excused; and Senators Burling, Hartnett, Robak, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-sixth day was approved.

**UNANIMOUS CONSENT - Member Excused**

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 260.** Introduced by Aguilar, 35.

WHEREAS, Grand Island Central Catholic High School has a long tradition of excellence, including excellence in athletics; and

WHEREAS, Grand Island Central Catholic High School sophomore Jenny Green set the Class B girls' pole vault record at the 2001 State High School Track and Field Meet, with a vault of 12 feet, 2 inches, beating the record of 11 feet, 10 inches, that she set in 2000; and

WHEREAS, this and her teammates' efforts resulted in a third-place finish in the 2001 Class B State Track and Field Meet for Grand Island Central Catholic High School; and

WHEREAS, these athletic accomplishments by Jenny Green and the Grand Island Central Catholic High School girls' track and field team continue the long tradition of athletic excellence at Grand Island Central Catholic High School.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Jenny Green and the coaches of the Grand Island Central Catholic High School girls' track and field team.

2. That copies of this resolution be sent to Jenny Green and Coaches Keith Kester and Bob Zavala of the Grand Island Central Catholic High School girls' track and field team.

Laid over.

**LEGISLATIVE RESOLUTION 261.** Introduced by Aguilar, 35.

WHEREAS, Grand Island Central Catholic High School has a long tradition of excellence, including excellence in athletics; and

WHEREAS, Grand Island Central Catholic High School senior Tori Peterson won the gold medal in Class B girls' triple jump competition at the 2001 State High School Track and Field Meet, with a distance of 36 feet, 11 3/4 inches; and

WHEREAS, this and her teammates' efforts resulted in a third-place finish in the 2001 Class B State Track and Field Meet for Grand Island Central Catholic High School; and

WHEREAS, these athletic accomplishments by Tori Peterson and the Grand Island Central Catholic High School girls' track and field team continue the long tradition of athletic excellence at Grand Island Central Catholic High School.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Tori Peterson and the coaches of the Grand Island Central Catholic High School girls' track and field team.

2. That copies of this resolution be sent to Tori Peterson and Coaches Keith Kester and Bob Zavala of the Grand Island Central Catholic High School girls' track and field team.

Laid over.

**LEGISLATIVE RESOLUTION 262.** Introduced by Aguilar, 35.

WHEREAS, Grand Island Central Catholic High School has a long tradition of excellence, including excellence in athletics; and

WHEREAS, the Grand Island Central Catholic High School girls' tennis team won the 2001 Class B state tennis tournament, defeating Lincoln Pius X High School in the finals to win a third consecutive Class B state tennis championship, an accomplishment of only two other Class B tennis teams in the 26-year history of the tournament; and

WHEREAS, this accomplishment by the Grand Island Central Catholic



High School girls' tennis team continues the long tradition of athletic excellence at Grand Island Central Catholic High School.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the members and coaches of the Grand Island Central Catholic High School girls' tennis team.
2. That copies of this resolution be sent to Coach Jill Tesmer of the Grand Island Central Catholic High School girls' tennis team.

Laid over.

### SELECT FILE

**LEGISLATIVE BILL 657.** The Vrtiska pending amendment, AM2168, found on page 2234, was renewed.

Senator Suttle moved the previous question. The question is, "Shall the debate now close?"

Senator Suttle moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 not voting.

The Vrtiska amendment lost with 11 ayes, 27 nays, 6 present and not voting, and 5 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 Tyson asked unanimous consent to replace his pending amendment, AM2175, found on page 2236, with a substitute amendment. No objections. So ordered.

Senator Tyson withdrew his pending amendment, AM2175, found on page 2236.

Senator Tyson offered the following substitute amendment:  
FA287

(Amendments to E & R amendments, AM7080)

1. On page 5, line 23, strike "twenty-one", show as stricken, and insert "nineteen"; and in line 25 after the period insert "Commencing July 1, 2009, and continuing until July 1, 2016, the State Treasurer shall place the equivalent of nineteen cents of such tax in the General Fund." and strike "2009", show as stricken, and insert "2016".

2. On page 6, lines 13 and 23, strike "twenty-one-cent" and show as stricken; and in line 25 strike the new matter and reinstate the stricken matter.

3. On page 7, line 1, strike the new matter and reinstate the stricken matter; in lines 9 and 11 strike "five-sevenths of"; and in line 12 strike "twenty-one-cent" and show as stricken.

Pending.

## GENERAL FILE

**LEGISLATIVE BILL 600.** Title read. Considered.

The Standing Committee amendment, AM1916, printed separately and referred to on page 1891, was considered.

Senator Wickersham offered the following amendment to the Standing Committee amendment:

AM2187

(Amendments to Standing Committee amendments, AM1916)

- 1 1. Insert the following new section:
- 2 "Sec. 19. Section 3, Legislative Bill 170, Ninety-seventh
- 3 Legislature, First Session, 2001, is amended to read:
- 4 Sec. 3. Class or subclass of real property means a group
- 5 of properties that share one or more characteristics typically
- 6 common to all the properties in the class or subclass, but are not
- 7 typically found in the properties outside the class or subclass.
- 8 Class or subclass includes, but is not limited to, the
- 9 ~~classifications~~ categories of agricultural land or horticultural
- 10 land listed in section 77-1363 and section 5 of this act, parcel
- 11 use, parcel type, location, geographic characteristics, zoning,
- 12 city size, parcel size, and market characteristics. Appropriate
- 13 for the valuation of such land, a class or subclass based on market
- 14 characteristics shall be based on characteristics that affect the
- 15 actual value in a different manner than it affects the actual value
- 16 of properties not within the market characteristic class or
- 17 subclass."
- 18 2. On page 6, line 7, after "(6)" insert "Dryland
- 19 cropland means land that is primarily used for crop production
- 20 without irrigation. Dryland cropland includes, but is not limited
- 21 to, land for growing all cultivated row crops, small grains, seeded
- 22 hay, and forage crops under dryland conditions;
- 23 (7)"; in line 12 strike "(7)" and insert "(8)"; in line
- 1 7 strike "(8)" and insert "(9)"; in line 21 strike "(9)" and
- 2 insert "(10) Irrigated cropland means land that is primarily used
- 3 for crop production using irrigation. Irrigated cropland includes,
- 4 but is not limited to, land used for growing all cultivated row
- 5 crops, small grains, seeded hay, forage crops, and grasses using
- 6 irrigation;

- 7 (11)"; and in line 26 strike "(10)" and insert "(12)".  
 8 3. On page 7, line 6, strike "(11)" and insert "(13)";  
 9 in line 11 strike "(12)" and insert "(14)"; and in line 17 strike  
 10 "(13)" and insert "(15)".  
 11 4. On page 25, line 20, strike "and"; and in line 21  
 12 after the last comma insert "and section 3, Legislative Bill 170,  
 13 Ninety-seventh Legislature, First Session, 2001,".  
 14 5. Renumber the remaining sections and correct internal  
 15 references accordingly.

Senator Brashear asked unanimous consent to be excused until he returns.  
 No objections. So ordered.

### **SENATOR CUDABACK PRESIDING**

Senator Jones 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 amendment was adopted with 29 ayes, 0 nays, 16 present  
 and not voting, and 4 excused and not voting.

Senator Landis offered the following amendment to the Standing Committee  
 amendment:

FA288

Amend AM1916

Insert a new section:

In section 77-2701.02 strike five percent and insert five and one-quarter  
 percent.

Senator Maxwell asked unanimous consent to be excused until he returns.  
 No objections. So ordered.

### **SPEAKER KRISTENSEN PRESIDING**

Senator Dierks moved the previous question. The question is, "Shall the  
 debate now close?"

Senator Dierks moved for a call of the house. The motion prevailed with 26  
 ayes, 0 nays, and 23 not voting.

Senator Landis requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 18:

Aguilar	Baker	Bromm	Bruning	Burling
Byars	Connealy	Cunningham	Dierks	Erdman
Hudkins	Jones	Kristensen	Kruse	Pedersen, Dw.
Smith	Vrtiska	Wickersham		

Voting in the negative, 18:

Bourne	Brown	Chambers	Engel	Hartnett
Hilgert	Jensen	Kremer	Landis	Preister
Price	Quandahl	Redfield	Schimek	Stuhr
Suttle	Thompson	Tyson		

Present and not voting, 8:

Beutler	Coordsen	Cudaback	Foley	Janssen
Raikes	Schrock	Wehrbein		

Excused and not voting, 5:

Brashear	Maxwell	McDonald	Pederson, D.	Robak
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The motion to cease debate failed with 18 ayes, 18 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

#### **SENATOR CUDABACK PRESIDING**

Senators Kristensen, Foley, Bourne, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

#### **SELECT FILE**

**LEGISLATIVE BILL 657.** The Tyson pending amendment, FA287, found in this day's Journal, was renewed.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Tyson moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Senator Tyson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 10:

Burling	Chambers	Engel	Erdman	Janssen
Jones	Schimek	Tyson	Vrtiska	Wickersham

Voting in the negative, 31:

Aguilar	Baker	Beutler	Bourne	Brashear
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Bromm	Brown	Bruning	Byars	Connealy
Coordsen	Cunningham	Hartnett	Hilgert	Hudkins
Jensen	Kremer	Kruse	Landis	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Schrock	Smith	Stuhr	Suttle	Thompson
Wehrbein				

Present and not voting, 1:

Cudaback

Excused and not voting, 7:

Dierks	Foley	Kristensen	Maxwell	McDonald
Pederson, D.	Robak			

The Tyson amendment lost with 10 ayes, 31 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Vrtiska renewed his pending amendment, AM2174, found on page 2236.

Senator Coordsen 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?"

Senator Beutler moved for a call of the house. The motion prevailed with 13 ayes, 1 nay, and 35 not voting.

Senator Vrtiska requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 28:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Cunningham	Hartnett	Hilgert	Hudkins	Jensen
Kremer	Kristensen	Kruse	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Smith
Stuhr	Suttle	Wehrbein		

Voting in the negative, 13:

Burling	Chambers	Dierks	Engel	Erdman
Janssen	Jones	Landis	Schrock	Thompson

Tyson            Vrtiska            Wickersham

Present and not voting, 3:

Cudaback        Maxwell           Schimek

Excused and not voting, 5:

Coordsen        Foley                McDonald        Pederson, D.    Robak

The motion to cease debate prevailed with 28 ayes, 13 nays, 3 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Vrtiska amendment lost with 15 ayes, 26 nays, 5 present and not voting, and 3 excused and not voting.

Senator Beutler moved to invoke cloture on LB 657, pursuant to Rule 7, Section 10.

Senator Beutler moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Beutler requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 37:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Foley	Hartnett	Hilgert	Jensen	Kremer
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Wehrbein			

Voting in the negative, 9:

Chambers	Engel	Erdman	Hudkins	Janssen
Thompson	Tyson	Vrtiska	Wickersham	

Present and not voting, 1:

Jones

Excused and not voting, 2:

McDonald        Pederson, D.

The Beutler motion to invoke cloture prevailed with 37 ayes, 9 nays, 1 present and not voting, and 2 excused and not voting.

Senator Bruning requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Aguilar	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Foley	Hartnett
Hilgert	Jensen	Kristensen	Kruse	Landis
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Stuhr	Suttle	Wehrbein		

Voting in the negative, 13:

Baker	Chambers	Engel	Erdman	Hudkins
Janssen	Jones	Kremer	Smith	Thompson
Tyson	Vrtiska	Wickersham		

Present and not voting, 1:

Burling

Excused and not voting, 2:

McDonald Pederson, D.

Advanced to E & R for engrossment with 33 ayes, 13 nays, 1 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 657A.** Advanced to E & R for engrossment.

The Chair declared the call raised.

### WITHDRAW - Amendments to LB 536

Senator Wehrbein withdrew the Wehrbein et al. pending amendment, AM1778, printed separately and referred to on page 1910, to LB 536.

Senator Erdman withdrew his pending amendment, AM1958, found on page 1983, to LB 536.

Senator Wehrbein withdrew the Wehrbein et al. pending amendment, AM1989, found on page 1984, to LB 536.

Senator Wehrbein withdrew his pending amendment, AM2015, found on page 1987, to LB 536.

Senator Chambers withdrew his pending amendment, FA255, found on page 2021, to LB 536.

Senator Wehrbein withdrew his pending amendment, AM2054, printed separately and referred to on page 2049, to LB 536.

Senator Wehrbein withdrew the Wehrbein-Dierks pending amendment, AM2133, printed separately and referred to on page 2175, to LB 536.

#### **MOTION - Return LB 536 to Select File**

Senator Wehrbein moved to return LB 536 to Select File for the Wehrbein-Dierks specific pending amendment, AM2160, printed separately and referred to on page 2234.

#### **PRESIDENT MAURSTAD PRESIDING**

The Wehrbein motion to return prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 536.** The Wehrbein-Dierks specific pending amendment, AM2160, printed separately and referred to on page 2234, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

**LEGISLATIVE BILL 536A.** Senator Chambers withdrew his pending motion, found on page 2067, to recommit to the Revenue Committee.

Senator Chambers withdrew his pending amendment, FA260, found on page 2067.

Senator Wehrbein renewed his pending amendment, AM2129, found on page 2205.

The Wehrbein amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 640.** E & R amendment, AM7110, found on page 1633, was adopted.

Senator Beutler withdrew his pending amendments, AM2117, AM2118, AM2119, AM2120, AM2121, AM2122, AM2123, and AM2124, found on page 2125.



Senator Jensen withdrew his pending amendment, AM2077, found on page 2129.

Senator Jensen renewed his pending amendment, AM2157, found on page 2246.

Senator Baker asked unanimous consent to be excused. No objections. So ordered.

The Jensen amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Chambers withdrew his pending amendment, AM1622, found on page 1636.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 640A.** Senator Jensen withdrew his pending amendment, AM2001, found on page 2049.

Senator Jones asked unanimous consent to be excused. No objections. So ordered.

Senator Jensen renewed his pending amendment, AM2127, found on page 2130.

The Jensen 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 465.** E & R amendment, AM7126, printed separately and referred to on page 2106, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 465A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 172.** E & R amendment, AM7129, found on page 2115, was adopted.

Senator Wickersham renewed his pending amendment, AM1790, found on page 1820.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Beutler withdrew his pending amendment, AM2113, found on page 2123.

Senator Beutler renewed his pending amendment, AM2153, found on page 2210.

The Beutler amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Robak asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for engrossment.

### **SELECT COMMITTEE REPORTS** **Enrollment and Review**

#### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 75, 142, and 180.

#### **Enrollment and Review Change to LB 75**

The following changes, required to be reported for publication in the Journal, have been made:  
ER9090

1. In the Bruning-Wickersham amendment, AM2161, on page 1, lines 5 and 6, "fund" has been struck and "Legislative Employees Supplemental Reserve Fund" inserted.

2. In the Bruning-Wickersham amendment, AM2159, on page 1, line 18, "system" has been struck and "plan" inserted.

3. In the Chambers amendment, AM2141:

a. On page 1, line 3, "24" has been struck and "25" inserted; and in line 24 the comma has been struck;

b. On page 3, line 24, "(3)" has been struck and "(2)" inserted;

c. On page 4, line 5, "legislative" has been inserted after "regular"; and in line 9 "(4)" has been struck and "(3)" inserted;

d. On page 6, line 10, "except as provided in section 6 of this act" has been inserted after "fund";

e. On page 7, line 5; and page 11, line 12, "17" has been struck and "18" inserted;

f. On page 8, line 10, ".85" has been struck and "eighty-five hundredths" inserted;

g. On page 10, line 15; page 11, line 14; page 12, lines 6, 12, and 22; and page 13, line 10, "12" has been struck and "13" inserted;

h. On page 10, line 17, "13" has been struck and "14" inserted; and

i. On page 12, line 22, "to" has been struck.

4. On page 1, the matter beginning with "motor" in line 1 through line 6 has been struck and "retirement; to adopt the Legislative Employees Supplemental Retirement Plan Act; to provide a penalty; and to appropriate funds." inserted.

**Enrollment and Review Change to LB 142**

The following changes, required to be reported for publication in the Journal, have been made:

ER9087

1. Sections have been renumbered and internal references changed to reflect all adopted amendments.

2. In the Schimek amendments, AM1726, on page 7, line 2, "and insert an underscored comma" has been struck.

3. In the E & R amendments, AM7100, on page 10, line 8, "Areas" has been struck and "An area" inserted.

4. On page 1, line 2, "13-804," has been inserted after the second comma and "14-2116," has been inserted after the third comma; in line 4 "13-2504, 23-1118," has been inserted after the third comma; and in line 5 "57-1302," has been inserted after the first comma.

(Signed) Philip Erdman, Chairperson

**RESOLUTIONS****LEGISLATIVE RESOLUTION 263.** Introduced by Janssen, 15.

WHEREAS, the North Bend Central High School boys' track team is the 2001 Class B state champion; and

WHEREAS, the North Bend Tigers boys' track team won the team title with 71 points, which is 12 more points than the point total posted by second-place Seward High School; and

WHEREAS, this is the first boys' team state championship in any sport for the North Bend Tigers; and

WHEREAS, the North Bend Tigers team was assisted by the first place wins of: Mark Richardson in the 800-meter run; Matt Hampl in the pole vault; Jeff Phelps in the 400-meter and 200-meter runs; and the 4 x 100 meter relay team consisting of Jeff Phelps, Chris Witthuhn, Syd Hamilton, and Jason Wehner; and

WHEREAS, the North Bend Tigers boys' track team displayed the many qualities that are important in a championship track team, including perseverance, dedication, effort, sportsmanship, and teamwork; and

WHEREAS, the whole community of North Bend should be proud of its support of the young men who are members of the state champion boys' track team and their coaches Fred Lambley, Tony Allgood, Rick Watson, and Steve Richardson.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the North Bend Central High School boys' track team and the team's coaches, parents, and supporters.

2. That a copy of this resolution be sent to North Bend Central High School and Coach Fred Lambley.

Laid over.

**LEGISLATIVE RESOLUTION 264.** Introduced by Smith, 48.

WHEREAS, the Mitchell High School boys' golf team is the 2001 Class C-1 team state champion; and

WHEREAS, Nate Lashley of the Mitchell High School boys' golf team is the 2001 Class C-1 individual state champion; and

WHEREAS, the Mitchell High School boys' golf team shot a combined score of 645 to win the team championship, for the second consecutive year; and

WHEREAS, Nate Lashley won the individual championship with a score of 146, beating his closest competitor by 11 strokes; and

WHEREAS, the Mitchell High School boys' golf team is coached by Mike Klein and includes golfers Jason Aschenbrenner, Travis Kaufman, Nate Lashley, Danny McLean, and Matt Schmidt; and

WHEREAS, the Legislature recognizes the hard work, effort, and determination of the Mitchell High School boys' golf team in winning the 2001 Class C-1 state team championship and Nate Lashley in winning the 2001 Class C-1 individual state championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Mitchell High School boys' golf team and Coach Mike Klein.

2. That a copy of this resolution be sent to the Mitchell High School boys' golf team and Coach Mike Klein.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Hudkins asked unanimous consent to have her name added as cointroducer to LB 600. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 50 fourth grade students and teachers from Mt. View Elementary School, Omaha; 15 fourth grade students and teacher from Raymond Central School, Ceresco; Yvonne Engel and Donna Clauff from Elkhorn; 50 fourth grade students and teachers from Wakonda Elementary School, Omaha; and 45 fourth grade students and teachers from Rockbrook Elementary School, Omaha.

**ADJOURNMENT**

At 2:19 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Tuesday, May 29, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature

**EIGHTY-EIGHTH DAY - MAY 29, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****EIGHTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, May 29, 2001

**PRAYER**

The prayer was offered by Father Paul Witt, St. Mary's Catholic 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 Kristensen, Landis, McDonald, Redfield, Robak, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 1981, line 16, strike "602" and insert "692".  
The Journal for the eightieth day was approved as corrected.

The Journal for the eighty-seventh day was approved.

**SELECT COMMITTEE REPORTS  
Enrollment and Review****Correctly Reengrossed**

The following bill was correctly reengrossed: LB 536.

**Correctly Engrossed**

The following bills were correctly engrossed: LBs 172, 465, 465A, 536A, 640, 640A, 657, and 657A.

**Enrollment and Review Change to LB 172**

The following changes, required to be reported for publication in the

Journal, have been made:

ER9091

1. In the Wickersham amendment, AM1790, section 12 has been renumbered as section 11.

2. On page 1, line 1, "sales and use" has been struck; and in line 3 "to authorize an agreement with Indian tribes regarding motor fuel taxes;" has been inserted after the semicolon.

### **Enrollment and Review Change to LB 536 (Final Reading copy)**

The following changes, required to be reported for publication in the Journal, have been made:

ER9089

1. In the Wehrbein-Dierks amendment, AM2160:

a. On page 3, line 27, "in" has been struck and "under" inserted; and

b. On page 9, line 5, an underscored comma has been inserted after "tax"; and in line 16 "that" has been struck and "for which" inserted.

2. On page 1, line 4, "and change provisions relating to" has been inserted after "create"; and in line 5 "and a report" has been inserted after "agreement".

### **Enrollment and Review Change to LB 640**

The following changes, required to be reported for publication in the Journal, have been made:

ER9093

1. In the Standing Committee amendments, AM1022, on page 11, line 18, "(e)" has been struck, shown as stricken, and "(d)" inserted; in line 22 "(f)" has been struck, shown as stricken, and "(e)" inserted; and in line 24 "(g)" has been struck, shown as stricken, and "(f)" inserted.

### **Enrollment and Review Change to LB 640A**

The following changes, required to be reported for publication in the Journal, have been made:

ER9092

1. On page 1, line 1, " to amend section 104, Legislative Bill 543, Ninety-seventh Legislature, First Session, 2001;" has been inserted after the semicolon; and in line 3 "to change appropriations as prescribed; to repeal the original section;" has been inserted after the semicolon.

### **Enrollment and Review Change to LB 657**

The following changes, required to be reported for publication in the Journal, have been made:

ER9088

1. The Beutler-Wehrbein amendment, AM1144, has been incorporated into the E & R amendments, AM7080.

(Signed) Philip Erdman, Chairperson

**MESSAGES FROM THE GOVERNOR**

May 25, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 23e, 23Ae, 24Ae, 38, 83, 83A, 92e, 92Ae, 152e, 152A, 154, 154A, 163, 163A, 169, 225, 225Ae, 238, 242, 243e, 244, 244A, 278, 278A, 303e, 303Ae, 313e, 313Ae, 334, 334A, 335, 335A, 368, 432, 432A, 433, 433A, 468, 468A, 516, 561A, 620e, 659, 659A, 677, 677A, 772, 827, 827A were received in my office on May 21, 2001.

These bills were signed by me on May 25, 2001, and delivered to the Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

May 25, 2001

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I am returning LB 24 without my signature and with my objections. LB 24A has been signed with the intent that the funding be used to support the legislative study authorized by Legislative Resolution 74.

LB 24 would create a task force to study the creation of a new Immunization Registry within the Department of Health and Human Services. The estimated annual cost of a registry, according to the "All Kids Count" study, is \$3.91 per child. In Nebraska, this would amount to an approximate \$600,000 annual cost for maintaining the registry. This cost does not include the estimated \$1 million to \$2 million dollar expense for the initial development and implementation of the registry. Promoting appropriate immunizations for children is critically important; however, I am concerned that creation of a state database to track immunizations may not be the most effective use of limited state financial resources.

Another factor in my veto decision is that LR 74 has been introduced to study the same issues presented by LB 24. The legislative study will involve

both public and private interests to study the registry issue. A determination on whether the benefits of a registry outweigh other beneficial annual expenditures per year on Nebraska children should be made prior to studying how to create and establish such a state registry.

For these reasons, I urge you to sustain my veto of LB 24.

Sincerely,  
(Signed) Mike Johanns  
Governor

May 25, 2001

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I have returned LB 238 with my signature. This bill will provide for state licensure of emergency medical service instructors. I am, however, returning LB 238A without my signature and with my objections.

This veto is exercised for two reasons. First, the rules and regulations that will be required to be promulgated by LB 238 are already scheduled for amendment within the next year. Second, funding for this licensure program can be redirected from within the current Department of Health and Human Services Regulation and Licensure budget appropriation.

For these reasons, I urge you to sustain the veto of LB 238A.

Sincerely,  
(Signed) Mike Johanns  
Governor

May 25, 2001

Mr. President, Mr. Speaker,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I am returning LB 451 and LB 451A without my signature and with my objections. LB 451 vests the Nebraska Probation System with responsibility for juvenile intake services and creates the position of "juvenile intake probation officer." Under the bill, juvenile intake probation officers would be developed as a specialized class of probation officers, trained in utilizing a uniform juvenile detention screening instrument.

LB 451 would also amend Neb. Rev. Stat. § 43-250(3) to require law



enforcement officers who take a juvenile into custody to deliver the juvenile to a "juvenile intake probation officer" instead of to the juvenile court. The current statute allows law enforcement officers the option of delivering a juvenile to either the court or to a probation officer for determining whether the juvenile will be released from custody or placed in detention pending further court disposition.

In order to perform the functions set forth in the legislation, LB 451A appropriates \$335,417 from General Funds for FY 2001-02 and \$344,755 from General Funds for FY 2002-03 to provide seven additional positions within the court to act in the capacity of juvenile probation intake officers. These seven officers, coupled with the six probation officers currently performing intake duties, would total only 13 probation officers who would be eligible to conduct the juvenile intake assessment for the entire State of Nebraska.

The goal of this legislation is laudable in that it seeks to ensure statewide consistency in juvenile detention decisions. My concern with the legislation is not this goal but, rather, the fact that it is moving the State towards an expansion of the number of state employees needed to perform existing juvenile intake functions. To accomplish the goal of consistency in the broadest manner across our State, I propose that all juvenile probation officers and juvenile courts receive the required juvenile intake service training to appropriately implement a uniform intake screening instrument. These procedural changes can be accomplished without the need for this legislation. Expanding such training to all probation officers and juvenile judges ensures that juveniles will be promptly and uniformly assessed upon their intake into the juvenile justice system.

My decision to veto this legislation also takes into consideration that the approved mainline budget for the Office of Probation Administration includes an additional \$640,000 of General Funds to provide salary funding for existing probation employees and to acquire additional probation staff.

For these reasons, I urge you to sustain my vetoes of LB 451 and LB 451A.

Sincerely,  
(Signed) Mike Johanns  
Governor

May 25, 2001

Mr. President, Mr. Speakers,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I am returning LB 671 and LB 671A without my signature and with my objections.

LB 671 would establish a \$500 license fee for out-of-state persons

shipping alcoholic products to consumers in Nebraska. LB 671A appropriates funds for the Nebraska Liquor Control Commission to carry out the provisions of the bill.

Since final passage of this bill by the Legislature, I have been contacted directly by many constituents with conflicting views on the need for the legislation. I have also been advised that, later this year, the General Affairs Committee will review the issues presented by the bill as it considers the study authorized by Legislative Resolution 84. That study will examine specific matters related to the importation of alcoholic liquor into Nebraska for personal use. Therefore, I believe that any implementation of the LB 671 provisions at this time would be premature.

For these reasons, I urge you to sustain the vetoes of LB 671 and LB 671A.

Sincerely,  
(Signed) Mike Johanns  
Governor

May 25, 2001

Mr. President, Mr. Speakers,  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I am returning LB 772 with my signature and LB 772A with my signature and with certain line-item reductions.

Since passage of the bill, it has come to my attention that costs of certain services can be handled by existing legislative staff. Therefore, I have made line item reductions of \$12,594 for FY 2001-2002, and \$25,188 for FY 2002-2003, which represents the salary funding for the clerical staff position. This action will retain the executive director and board member travel costs for the non-governmental board members. The Legislative Council will use its existing staff to provide administrative support for the executive director and the board.

I urge you to sustain these reductions in LB 772A.

Sincerely,  
(Signed) Mike Johanns  
Governor

## REPORT

The following report was received by the Legislature:

**Intergovernmental Data Communications Advisory Council, Nebraska**  
2000 Annual Report

**RESOLUTION****LEGISLATIVE RESOLUTION 265.** Introduced by Hartnett, 45.

WHEREAS, the Bellevue West girls track team tied for first place at the 2001 Class A state track meet; and

WHEREAS, this is the first state track title in school history and came with first year Thunderbird Coach Matt Musiel; and

WHEREAS, Bellevue West placers at the state meet included Carli Seeba, Kym Bennett, Heidi Cunningham, Monica Greenhill, Cassie Perkins, Kimetha Williams, LaShanta Williams, and Danielle Fisher, many of whom will be back to compete next year; and

WHEREAS, the Thunderbirds rose to the challenge through the enthusiasm of their coach.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Bellevue West girls track team on their success at the state track meet.

2. That a copy of this resolution be sent to the Bellevue West girls track team and their coach, Matt Musiel.

Laid over.

**AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LB 391:  
AM2177

(Amendments to Standing Committee amendments, AM0588)

- 1 1. On page 1, lines 4, 5, and 11; page 3, line 21; and
- 2 page 8, line 7, after "Schools" insert "and Roads".
- 3 2. On page 1, lines 6, 9, 16, 17, and 24; page 2, lines
- 4 14, 15, and 18; page 3, lines 12, 15, 21, and 25; page 4, lines 13,
- 5 15, and 23; page 5, lines 2, 14, 15, 17, 20, and 24; page 6, lines
- 6 4 and 12; page 7, lines 17, 19, and 25; page 8, lines 5, 8, 10, 14,
- 7 16, 17, 19, 20, 23, and 25; page 9, lines 1, 3, 6, 16, 20, and 22;
- 8 page 10, lines 1, 2, 5, 9, 12, 14, 15, 18, 20, 23, and 25; page 11,
- 9 lines 2 and 15; and page 12, line 14, after each occurrence of
- 10 "district" insert "or the department".
- 11 3. On page 1, line 23, after "(3)" insert "Department
- 12 means the Department of Roads;
- 13 (4)".
- 14 4. On page 2, line 5, strike "(4)" and insert "(5)"; in
- 15 line 8 strike "(5)" and insert "(6)"; in line 11 strike "(6)" and
- 16 insert "(7)"; and in line 19 strike "(7)" and insert "(8)".
- 17 5. On page 3, line 3, strike "(8)" and insert "(9)"; in
- 18 line 7 strike "(9)" and insert "(10)"; in line 11 strike "(10)" and
- 19 insert "(11)"; in line 14 strike "(11)" and insert "(12)"; in line
- 20 16 strike "(12)" and insert "(13)"; and in line 20 after
- 21 "subdivision" insert "or the state".

22 6. On page 5, line 10; and page 9, line 10, after  
 23 "district" insert "or Department of Roads district".  
 1 7. On page 6, line 1; page 9, line 13; and page 11, line  
 2 3, strike "The" and insert "In the case of a school district, the".  
 3 8. On page 6, line 26; and page 7, line 7, after "board"  
 4 insert "or the State Highway Commission".  
 5 9. On page 11, line 14, after the period insert "In the  
 6 case of the department, the selection committee shall be a group of  
 7 not less than five persons designated by the State Highway  
 8 Commission."

### RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 253 was adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 253.

### MOTION - Return LB 851 to Select File

Senator Coordsen moved to return LB 851 to Select File for his specific pending amendment, AM2172, found on page 2224.

The Coordsen motion to return failed with 5 ayes, 24 nays, 16 present and not voting, and 4 excused and not voting.

### BILL ON FINAL READING

The following bill was read and put upon final passage:

### LEGISLATIVE BILL 851.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-504 and 32-505, Reissue Revised Statutes of Nebraska; to change district boundaries of the Representatives in the Congress of the United States; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Cudaback	Dierks	Engel	Erdman
Foley	Hartnett	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Landis

Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 5:

Connealy	Coordsen	Cunningham	Hilgert	Stuhr
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Excused and not voting, 3:

McDonald	Pederson, D.	Robak
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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: LB 851.

### SELECT FILE

**LEGISLATIVE BILL 357.** Advanced to E & R for engrossment.

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

**LEGISLATIVE BILL 357A.** Senator Brashear renewed his pending amendment, AM2183, found on page 2247.

The Brashear amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 389.** E & R amendment, AM7130, found on page 2225, was adopted.

Senator Chambers renewed his pending amendment, AM2167, found on page 2224.

The Chambers amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 593.** E & R amendment, AM7131, found on page 2230, was adopted.

Senator Chambers renewed his pending amendment, FA285, found on page 2224.

The Chambers amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 593A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 435.** E & R amendment, AM7119, found on page 1766 , was adopted.

Senator Chambers renewed his pending amendment, AM1744, found on page 1809.

The Chambers amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Dierks renewed his pending amendment, AM1849, found on page 1846.

The Dierks amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Dierks moved to bracket LB 435 until January 10, 2002.

The Dierks motion to bracket prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 29, 2001, at 9:45 a.m., was the following:  
LB 851.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 254, 255, and 256 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 254, 255, and 256.

**MOTIONS - Print in Journal**

Senator Thompson filed the following motion to LB 451:  
That LB 451 becomes law notwithstanding the objections of the Governor.

Senator Thompson filed the following motion to LB 451A:  
That LB 451A becomes law notwithstanding the objections of the Governor.

Senator Suttle filed the following motion to LB 24:  
That LB 24 becomes law notwithstanding the objections of the Governor.

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 266.** Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; Quandahl, 31; Smith, 48; Vrtiska, 1.

**PURPOSE:** The purpose of this study is to examine matters and issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature..

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 267.** Introduced by Stuhr, 24.

**WHEREAS,** the Seward High School boys' track team won the Class B-3 2001 Boys' State High School Track Meet and were Class B State Runners-Up in the same meet; 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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Seward High School boys' track team be congratulated for its exemplary effort this season and in the State Track Meet.

2. That a copy of this resolution be sent to Seward High School and Coaches Bob Drews and Steve Pinkall.

Laid over.

## SELECT FILE

**LEGISLATIVE BILL 84.** Senator Landis offered the following amendment:

AM2179

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. A real estate mortgage or trust deed may be
- 4 recorded and constructive notice of the same and the contents
- 5 thereof given in the following manner:
- 6 (1) An instrument which is a master form instrument for
- 7 mortgages or trust deeds containing a form or forms of covenants,
- 8 conditions, obligations, powers, and other clauses of a mortgage or
- 9 trust deed may be recorded in the office of the register of deeds
- 10 of any county. The register of deeds of such county, upon the
- 11 request of any person and the payment of the required fees, shall
- 12 record such instrument. Every such instrument shall be entitled on
- 13 the face thereof as a "Master form recorded by ..... (name of
- 14 person causing the instrument to be recorded)". Such instrument
- 15 need not be acknowledged to be recorded;
- 16 (2) When a master form instrument is recorded, the
- 17 register of deeds shall index such instrument under the name of the
- 18 person causing it to be recorded in the manner provided for
- 19 miscellaneous instruments relating to real estate;
- 20 (3) Thereafter any of the provisions of the master form
- 21 instrument may be incorporated by reference in any mortgage or
- 22 trust deed for real estate situated within this state, if such
- 23 reference in the mortgage or trust deed states that the master form
- 24 instrument was recorded in the county in which the mortgage or
- 1 trust deed is offered for record, the date when and the book and
- 2 page or pages or recording number where such master form instrument
- 3 was recorded, and that a copy of such master form instrument was
- 4 furnished to the person executing the mortgage or trust deed. The
- 5 recording of any mortgage or trust deed which has incorporated by
- 6 reference any of the provisions of a master form instrument
- 7 recorded as provided in this section shall have like effect as if
- 8 such provisions of the master form so incorporated by reference had
- 9 been fully set forth in the mortgage or trust deed; and
- 10 (4) Whenever a mortgage or trust deed is presented for
- 11 recording on which is set forth matter purporting to be a copy or
- 12 reproduction of the master form instrument or of part thereof,
- 13 identified by its title as provided in subsection (1) of this
- 14 section and stating the date when it was recorded and the book and
- 15 page or pages or recording number where it was recorded preceded by
- 16 the words "do not record" or "not to be recorded" and plainly
- 17 separated from the matter to be recorded as a part of the mortgage
- 18 or trust deed in such manner that it will not appear upon a
- 19 photographic reproduction of any page containing any part of the
- 20 mortgage or trust deed, such matter shall not be recorded by the



21 register of deeds to whom the instrument is presented for  
22 recording. In such case the register of deeds shall record only  
23 the mortgage of trust deed apart from such matter and shall not be  
24 liable for so doing, any other provisions of law to the contrary  
25 notwithstanding."

The Landis amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 85.** Senators Schimek and Chambers offered the following amendment:  
(Amendment on file in the Clerk's Office - Room 2018 - AM2208.)

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham offered the following amendment to the Schimek-Chambers pending amendment:

FA289

Amend AM2208

Strike section 5

Senators Engel and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham amendment lost with 7 ayes, 15 nays, 21 present and not voting, and 6 excused and not voting.

Senator Brashear offered the following amendment to the Schimek-Chambers pending amendment:

FA290

Insert a new section:

"If a section of this act is declared invalid or unconstitutional, such declaration shall not affect the remaining portions thereof."

The Brashear amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Wickersham offered the following amendment to the Schimek-Chambers pending amendment:

AM2213

(Amendments to AM2208)

1 1. Strike sections 5 and 6 and insert the following new  
2 sections:

3 "Sec. 5. (1) With approval from the Department of  
4 Correctional Services a private prison contractor may contract with  
5 the federal government or another state to provide for housing,

6 care, and control of minimum-security, medium-security, or  
7 community level inmates, as provided by subsection (9) of this  
8 section if such inmates are in the custody of the United States or  
9 another state, do not have histories of escape from medium-security  
10 or maximum-security adult correctional facilities, do not have  
11 histories of rioting, and are sentenced to terms of incarceration  
12 for conviction of a felony other than a felony that would be a  
13 capital offense if committed in this state. Such private prison  
14 contractor may perform other functions related to such  
15 responsibilities.

16 (2) Approval from the department allowing a private  
17 prison contractor to contract with the federal government or  
18 another state shall be based on the viability of the ongoing  
19 operation of the private prison facilities.

20 (3) Any offense which would be a crime if committed  
21 within a correctional facility operated by this state shall be a  
22 crime if committed in a facility owned or operated by a private  
23 prison contractor and shall be reported to law enforcement and the  
1 Director of Correctional Services.

2 (4) A private prison contractor shall not employ any  
3 personnel convicted of a felony if the person has been incarcerated  
4 in the private prison facility for which an application for  
5 employment is being considered. The department is authorized to  
6 provide training to personnel of the private prison contractor  
7 pursuant to contract. The department shall charge a reasonable fee  
8 for the training, not to exceed the cost of such training. If an  
9 inmate escapes from the facility, or in the event of any riot or  
10 other serious disturbance, personnel from the facility shall  
11 immediately implement the department's emergency response policy or  
12 similar procedure authorized by the department for the private  
13 prison.

14 (5) A private prison contractor housing federal inmates  
15 or inmates of another state shall not accept:

16 (a) Any inmate who would be incarcerated in the facility  
17 for conviction of a misdemeanor, unless such incarceration in the  
18 facility is consistent with American Correctional Association  
19 requirements relating to the incarceration of inmates convicted of  
20 more serious offenses; or

21 (b) Any maximum-security level inmate.

22 (6) If an inmate to be released or discharged from  
23 incarceration is released or discharged by any court order, is to  
24 be placed on probation or is paroled, or if the federal government  
25 or sending state requests transfer or the return of the inmate, the  
26 private prison contractor shall immediately transfer or return the  
27 inmate to the sending state which has legal authority over the  
1 sentence or, in the case of federal inmates, to the closest federal  
2 prison or to the federal authority of the state in which federal  
3 custody over the inmate originated.

4 (7) A private prison contractor housing federal inmates

5 from jurisdictions other than Nebraska or inmates sentenced  
6 pursuant to the legal authority of another state, shall not allow  
7 any such inmate to leave the premises of the facility, except to  
8 comply with an order to appear in a court of competent  
9 jurisdiction, to receive medical care not available at the  
10 facility, to work as provided in subsection (8) of this section, or  
11 to return or be transferred to another state as provided by  
12 subsection (6) of this section.

13 (8) A private prison contractor may allow  
14 minimum-security-B level and community custody level inmates as  
15 defined by the department to be used in public works projects if  
16 all of the following conditions are met:

17 (a) The public works project must be in and for the  
18 county in which the private prison is located or a county adjacent  
19 to such county or in and for a municipality in either of such  
20 counties;

21 (b) The private prison contractor has developed security  
22 procedures which will ensure the safety of the public and the  
23 department has approved such procedures;

24 (c) The public works project has been authorized by the  
25 county or municipal authorities of the county and municipality in  
26 which the public works project is located;

27 (d) The private prison contractor has procured and has in  
1 force and effect a policy of liability insurance which will provide  
2 coverage in an amount determined by the department for any loss  
3 resulting from the acts or omissions of inmates participating in  
4 the public works project or employees of the private prison  
5 contractor and for any injuries occurring to the inmates or  
6 employees; and

7 (e) The use of federal inmates for public works projects  
8 will be in strict compliance with the provisions of 18 U.S.C. 4002  
9 and any other applicable provisions of federal law.

10 (9) A private prison contractor housing federal inmates  
11 or inmates of another state shall be responsible for the  
12 reimbursement of all reasonable costs and expenses incurred by this  
13 state or a political subdivision of this state for legal actions  
14 brought in this state by or on behalf of any federal inmate or  
15 inmate of another state while incarcerated in the private prison,  
16 including court costs, sheriff's mileage fees, witness fees,  
17 district attorney expenses, expenses of the office of the Attorney  
18 General, public defender fees and costs, judicial expenses, court  
19 reporter expenses and any other costs, fees, or expenses associated  
20 with the proceedings or actions.

21 (10) For purposes of this section, unless federal custody  
22 status is specified, security level restrictions shall refer to the  
23 security levels applicable to inmates in institutions within the  
24 Department of Correctional Services, as determined by policy of the  
25 department, unless the department approves more restrictive levels  
26 of security as prescribed by the private prison contractor.

27 Private prison contractors housing federal inmates or inmates of  
1 another state shall be bound by such security level  
2 classifications.

3 (11) A private prison contractor shall not house inmates  
4 from this state with federal inmates or inmates from another state  
5 unless segregated or otherwise housed in such a manner as to  
6 satisfy the Director of Correctional Services.

7 (12) The State of Nebraska shall not assume jurisdiction  
8 or custody of any federal inmate or inmate from another state  
9 housed in a facility owned or operated by a private prison  
10 contractor. Such inmates from another state shall at all times be  
11 subject to the jurisdiction of that state, and federal inmates  
12 shall at all times be subject to federal jurisdiction. The State  
13 of Nebraska shall not be liable for loss resulting from the acts of  
14 such inmates or for any injuries to such inmates.

15 Sec. 6. (1) A private prison contractor which houses  
16 federal inmates or inmates of another state, within two months of  
17 commencing operations and thereafter as required by the Department  
18 of Correctional Services, shall:

19 (a) Obtain from the department approval of the internal  
20 and perimeter security of the private prison facility. Such  
21 approval shall be given only if the Director of Correctional  
22 Services determines that the security is adequate to protect the  
23 public;

24 (b) Show, to the satisfaction of the department, that  
25 adequate food, housing, and medical care will be available for  
26 inmates, that the facility will have the necessary qualified  
27 personnel to operate the facility, that the financial condition of  
1 the private prison contractor is such that the facility can be  
2 operated adequately, and that the facility has the ability to  
3 comply with applicable court orders and American Correctional  
4 Association standards;

5 (c) Furnish to the department satisfactory proof that the  
6 private prison contractor has obtained insurance or is  
7 self-insured, in such a manner and in such an amount as the  
8 director after consulting with the Risk Manager may deem necessary  
9 and adequate to reimburse this state or a political subdivision of  
10 this state, for expenses arising from any incident which occurs at  
11 such prison or which requires intervention by this state or a  
12 political subdivision of this state. Such insurance, in addition,  
13 shall be in an amount sufficient to indemnify this state and its  
14 officers and employees, for any liability or other loss, including  
15 property damage, judgments, costs, attorney's fees, or other  
16 expenses arising from the operation of the facility, and such  
17 facility shall in any event and regardless of the amount of  
18 insurance available indemnify and hold harmless this state and its  
19 officers and employees, for any and all acts of prison inmates and  
20 all officers, employees, and stockholders of such private prison  
21 contractor for any liability arising out of acts of inmates,

22 officers, employees, and stockholders of such private prison  
23 contractor in relation to the operation of the facility. The  
24 insurance required by this subdivision shall not provide coverage  
25 for more than one facility. If the private prison contractor owns  
26 or operates more than one facility, separate insurance coverage  
27 shall be obtained or provided for each facility; and

1 (d) A felony record search of fingerprints of the  
2 employee or prospective employee of the private prison contractor  
3 shall be required. The search shall be based on fingerprints and  
4 shall be conducted either by the Federal Bureau of Investigation or  
5 the Nebraska State Patrol. If the search is conducted by the  
6 Nebraska State Patrol, the patrol shall require that such employee  
7 or prospective person pays a search fee not to exceed fifty dollars  
8 or the cost of the search, whichever is less. The fees shall be  
9 remitted to the State Treasurer for credit to the General Fund.  
10 The private prison contractor may reimburse employees for the cost  
11 of the search. The Nebraska State Patrol may contact the Federal  
12 Bureau of Investigation in regard to the information requested, to  
13 obtain any felony convictions of the person involved. The record  
14 required by this subdivision shall include the name of the person,  
15 whether or not the person has been convicted of any felony offense,  
16 a list of any felony convictions, and the dates of such  
17 convictions. The search records of each such person shall be  
18 maintained by the private prison contractor for as long as he or  
19 she works for the private prison contractor. The records shall be  
20 subject to inspection by the Department of Correctional Services.

21 (2) All private prison contractors shall attain  
22 accreditation by the American Correctional Association within two  
23 years of commencing operation of a private prison facility and  
24 thereafter shall maintain such accreditation.

25 (3) The department shall monitor the performance and the  
26 continued compliance of the private prison contractor with this  
27 section. If at any time after commencing operations, a private  
1 prison contractor subject to subsection (1) of this section fails  
2 to comply with such subsection, the director may order the facility  
3 to cease operations. If a private prison contractor fails to  
4 attain or maintain the accreditation required by subsection (2) of  
5 this section, the director shall order the facility to cease  
6 operations. This order may be enforced by injunction.

7 (4) The department may charge the private prison  
8 contractor a reasonable fee for monitoring compliance with the  
9 provisions of subsection (1) of this section. The fee shall not  
10 exceed the cost incurred in performing the monitoring.

11 (5) All fees collected by the department pursuant to this  
12 section shall be remitted to the State Treasurer for credit to the  
13 Department of Correctional Services Facility Cash Fund.".

**SENATOR CUDABACK PRESIDING**

Senators Dierks and Cunningham 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 16 ayes, 0 nays, and 33 not voting.

Senator Hilgert requested a roll call vote on the Wickersham amendment.

Voting in the affirmative, 12:

Baker	Bromm	Bruning	Erdman	Jensen
Jones	Kremer	Kruse	Quandahl	Smith
Vrtiska	Wickersham			

Voting in the negative, 23:

Aguilar	Beutler	Bourne	Brashear	Brown
Byars	Chambers	Connealy	Hilgert	Kristensen
Landis	Pedersen, Dw.	Preister	Price	Raikes
Redfield	Schimek	Schrock	Stuhr	Suttle
Thompson	Tyson	Wehrbein		

Present and not voting, 8:

Burling	Coordsen	Cudaback	Foley	Hartnett
Hudkins	Janssen	Maxwell		

Excused and not voting, 6:

Cunningham	Dierks	Engel	McDonald	Pederson, D.
Robak				

The Wickersham amendment lost with 12 ayes, 23 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Schimek-Chambers amendment, AM2208, as amended, was adopted with 26 ayes, 5 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

### STANDING COMMITTEE REPORT Nebraska Retirement Systems

**LEGISLATIVE BILL 619.** Placed on General File as amended.  
Standing Committee amendment to LB 619:  
AM2093

1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. Section 16-1013, Reissue Revised Statutes of  
4 Nebraska, is amended to read:  
5 16-1013. If a police officer ~~quits~~ terminates employment  
6 or is discharged before his or her normal or early retirement date,  
7 the officer may request and receive as a lump-sum payment an amount  
8 equal to the retirement value of his or her employee account as  
9 determined at the valuation date preceding his or her termination  
10 of employment. Such police officer, if vested, shall also receive  
11 a deferred pension benefit in an amount purchased or provided by  
12 the retirement value at the date of retirement. The retirement  
13 value at such retirement date shall consist of the accumulated  
14 value of the police officer's employee account, as reduced by any  
15 lump-sum distributions received prior to retirement, together with  
16 a vested percentage of the accumulated value of the police  
17 officer's employer account at the date of retirement.  
18 The vesting schedule shall be as follows:  
19 (1) If the terminated police officer has been a member of  
20 the system for less than four years, ~~such~~ the vesting percentage  
21 shall be ~~nil~~ zero;  
22 (2) If the terminating officer has been a member of the  
23 paid department of the city of the first class for at least four  
24 years, ~~such~~ the vesting percentage shall be forty percent. ~~Such~~  
25 The vesting percentage shall be ~~fifty~~ sixty percent after five  
26 years, ~~sixty~~ eighty percent after six years, ~~seventy~~ percent after  
27 ~~seven~~ years, ~~eighty~~ percent after ~~eight~~ years, ~~ninety~~ percent after  
28 ~~nine~~ years, and one hundred percent after ~~ten~~ seven years; and  
29 (3) All police officers shall be one hundred percent  
30 vested upon attainment of age sixty while employed by the city as a  
31 police officer.  
32 The deferred pension benefit shall be payable on the  
33 first of the month immediately following the police officer's  
34 sixtieth birthday. At the option of the terminating police  
35 officer, such pension benefit may be paid as of the first of the  
36 month after such police officer attains the age of fifty-five.  
37 Such election may be made by the police officer any time prior to  
38 the payment of the pension benefits. The deferred pension benefit  
39 shall be paid in the form of the benefit options specified in  
40 subsection (1) of section 16-1007 as elected by the police officer.  
41 If the police officer's vested retirement value at the date of his  
42 or her termination of employment is less than three thousand five  
43 hundred dollars, the city may elect to pay such police officer his  
44 or her vested retirement value in the form of a single lump-sum  
45 payment.  
46 Effective January 1, 1997, a police officer may elect  
47 upon his or her termination of employment to receive his or her  
48 vested retirement value in the form of a single lump-sum payment.  
49 For a police officer whose termination of employment is prior to

26 January 1, 1997, this election shall be available only if the city  
 27 has adopted a lump-sum distribution option for terminating police  
 1 officers in the funding medium established for the retirement  
 2 system.

3 Upon any lump-sum payment of a terminating police  
 4 officer's retirement value under this section, such police officer  
 5 will not be entitled to any deferred pension benefit and the city  
 6 and the retirement system shall have no further obligation to pay  
 7 such police officer or his or her beneficiaries any benefits under  
 8 sections 16-1001 to 16-1019.

9 If the terminating police officer is not credited with  
 10 one hundred percent of his or her employer account, the nonvested  
 11 portion of the account shall be forfeited and first used to meet  
 12 the expense charges incurred by the city in connection with  
 13 administering the police officers retirement system and the  
 14 remainder shall then be used to reduce the city contribution which  
 15 would otherwise be required to fund pension benefits.

16 Sec. 2. Original section 16-1013, Reissue Revised  
 17 Statutes of Nebraska, is repealed."

(Signed) Jon Bruning, Chairperson

### **SELECT COMMITTEE REPORTS Enrollment and Review**

#### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 84, 357, 357A, 389, 593,  
 and 593A.

#### **Enrollment and Review Change to LB 84**

The following changes, required to be reported for publication in the  
 Journal, have been made:

ER9095

1. In the Landis amendment, AM2179, on page 2, line 13, "subsection"  
 has been struck and "subdivision" inserted; and in line 23 "of" has been  
 struck and "or" inserted.

2. On page 1, the matter beginning with "county" in line 1 through line 4  
 has been struck and "real property; to provide for filing and use of master  
 form documents as prescribed." inserted.

(Signed) Philip Erdman, Chairperson

### **VISITORS**

Visitors to the Chamber were Senator Cunningham's brother, Dave, sister-  
 in-law, Linda, and nephews, Dallas, Dillon, and Dakota, from Wausa; 46  
 fourth grade students and teacher from Paddock Lane Elementary School,



Beatrice; and 35 fourth grade students, teachers, and Senator Chambers' grandson, Blair, from Conestoga Elementary 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., President Maurstad presiding.

### ROLL CALL

The roll was called and all members were present except Senator D. Pederson who was excused; and Senators Beutler, Byars, Coordsen, Dierks, Landis, McDonald, Schimek, and Schrock who were excused until they arrive.

### SELECT FILE

**LEGISLATIVE BILL 400.** Considered.

Senator Jensen moved to indefinitely postpone LB 400.

Laid over.

### MOTIONS - Print in Journal

Senator Janssen filed the following motion to LB 671:

That LB 671 becomes law notwithstanding the objections of the Governor.

Senator Janssen filed the following motion to LB 671A:

That LB 671A becomes law notwithstanding the objections of the Governor.

### UNANIMOUS CONSENT - Add Cointroducers

Senators Schimek and Chambers asked unanimous consent to have their names added as cointroducers to LB 85. No objections. So ordered.

### WITHDRAW - Cointroducer

Senator Brashear withdrew his name as cointroducer to LB 85.

### UNANIMOUS CONSENT - Add Cointroducer

Senator Landis asked unanimous consent to have his name added as cointroducer to LB 84 and LB 215. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Brashear withdrew his name as cointroducer to LB 84.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 97.**

A BILL FOR AN ACT relating to the Unmarked Human Burial Sites and Skeletal Remains Protection Act; to amend section 12-1208, Reissue Revised Statutes of Nebraska; to provide reburial duties for the Nebraska State Historical Society and the Commission on Indian Affairs as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

McDonald      Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 97A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 97, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

McDonald      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 329 with 37 ayes, 4 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 329. With Emergency.**

A BILL FOR AN ACT relating to public projects regulation and funding; to amend sections 2-2627, 2-2635, 2-2638, 2-2641, 3-128, 15-202, and 81-2,162.27, Reissue Revised Statutes of Nebraska, and sections 2-15,122, 2-15,123, 2-2634, 13-519, and 66-1345, Revised Statutes Supplement, 2000; to change provisions relating to the Natural Resources Enhancement Fund, the Pesticide Administrative Cash Fund, pesticide registration, pesticide dealer licenses, pesticide applicator licenses, duties of the Department of Aeronautics, budget limitations, and the Fertilizers and Soil Conditioners Administrative Fund; to rename a fund; to change taxing powers in certain cities; to require reports by the Department of Environmental Quality and natural resources districts; to change and eliminate fees; to harmonize provisions; to repeal the original sections; to outright repeal section 77-4401, 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:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Foley	Hartnett	Jensen
Jones	Kremer	Kristensen	Kruse	Landis
Maxwell	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:

Erdman	Hilgert	Hudkins	Janssen
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Excused and not voting, 2:

McDonald Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 329A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 329, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Foley	Hartnett	Hilgert	Janssen
Jensen	Jones	Kremer	Kruse	Landis
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson

Vrtiska            Wehrbein

Voting in the negative, 0.

Present and not voting, 5:

Baker            Erdman            Hudkins            Kristensen            Wickersham

Excused and not voting, 2:

McDonald        Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 461 with 38 ayes, 2 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 461. With Emergency.**

A BILL FOR AN ACT relating to environmental protection; to amend sections 66-1516, 81-1505.04, 81-15,117, 81-15,119, 81-15,120, and 81-15,160, Reissue Revised Statutes of Nebraska, and sections 66-1518, 66-1519, 66-1523, 66-1525, 66-1529.02, and 81-1532, Revised Statutes Supplement, 2000; to change provisions relating to petroleum release remedial action reimbursements and methyl tertiary butyl ether testing; to change and eliminate provisions relating to emission fees; to limit grants and loans; to change provisions relating to the Waste Reduction and Recycling Incentive Fund; to eliminate an obsolete provision; to change provisions relating to the Petroleum Products and Hazardous Substances Storage and Handling Act; to define and redefine terms; to provide for a covenant not to sue; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Hartnett	Hilgert

Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	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, 1:

Foley

Excused and not voting, 2:

McDonald Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

#### **LEGISLATIVE BILL 461A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 461, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	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, 1:

Foley

Excused and not voting, 2:

McDonald 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 809 with 38 ayes, 2 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

### LEGISLATIVE BILL 809. With Emergency.

A BILL FOR AN ACT relating to parking; to amend sections 18-1738.01 and 18-1738.02, Reissue Revised Statutes of Nebraska, sections 18-1736, 18-1737, 18-1738, 18-1741.01, and 81-1108.15, Revised Statutes Supplement, 2000, and sections 18-1739 to 18-1741, Reissue Revised Statutes of Nebraska, as amended by sections 1 to 3, respectively, Legislative Bill 31, Ninety-seventh Legislature, First Session, 2001; to change provisions relating to permits for handicapped or disabled persons; to change provisions relating to enforcement of permit violations; to provide duties for the Department of Motor Vehicles; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Excused and not voting, 2:

McDonald Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 97, 97A, 329, 329A, 461, 461A, and 809.

### EASE

The Legislature was at ease from 2:23 p.m. until 2:27 p.m.

### MOTION - Return LB 75 to Select File

Senator Bruning moved to return LB 75 to Select File for the following specific amendment:  
AM2215

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 50-401.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 50-401.01. (1) The Legislative Council shall have an
- 6 executive board, to be known as the Executive Board of the
- 7 Legislative Council, which shall consist of a chairperson, a
- 8 vice-chairperson, and six members of the Legislature, to be chosen
- 9 by the Legislature at the commencement of each regular session of
- 10 the Legislature when the speaker is chosen, and the Speaker of the
- 11 Legislature. The Legislature at large shall elect two of its
- 12 members from legislative districts Nos. 1, 2, 15, 16, 21, 23 to 30,
- 13 32, 34, 35, and 46, two from legislative districts Nos. 3 to 14,
- 14 20, 31, 39, and 45, and two from legislative districts Nos. 17 to
- 15 19, 22, 33, 36 to 38, 40 to 44, and 47 to 49. The Chairperson of
- 16 the Committee on Appropriations shall serve as a nonvoting ex
- 17 officio member of the executive board whenever the board is
- 18 considering fiscal administration.
- 19 (2) The executive board shall:
- 20 (a) Supervise all services and service personnel of the
- 21 Legislature and may employ and fix compensation and other terms of
- 22 employment for such personnel as may be needed to carry out the
- 23 intent and activities of the Legislature or of the board, unless
- 1 otherwise directed by the Legislature, including the adoption of
- 2 policies by the executive board which permit (i) the purchasing of
- 3 an annuity for an employee who retires or (ii) the crediting of
- 4 amounts to an employee's deferred compensation account under
- 5 section 84-1504. The payments to or on behalf of an employee may



6 be staggered to comply with other law; and

7 (b) Appoint persons to fill the positions of Legislative  
8 Fiscal Analyst, Director of Research, and Revisor of Statutes. The  
9 persons appointed to these positions shall have training and  
10 experience as determined by the executive board and shall serve at  
11 the pleasure of the executive board. Their respective salaries  
12 shall be set by the executive board.

13 (3) Notwithstanding any other provision of law, the  
14 executive board may contract to obtain legal, auditing, accounting,  
15 actuarial, or other professional services or advice for or on  
16 behalf of the executive board, the Legislative Council, the  
17 Legislature, or any member of the Legislature. The providers of  
18 such services or advice shall meet or exceed the minimum  
19 professional standards or requirements established or specified by  
20 their respective professional organizations or licensing entities  
21 or by federal law. Such contracts, the deliberations of the  
22 executive board with respect to such contracts, and the work  
23 product resulting from such contracts shall not be subject to  
24 review or approval by any other entity of state government.

25 (4) By October 31, 2001, the Nebraska Retirement Systems  
26 Committee of the Legislature shall submit to the Executive Board of  
27 the Legislative Council a report on the design of a separate  
1 retirement system for employees of the Legislature as it is the  
2 intent of the Legislature to create a supplemental retirement plan  
3 for legislative employees. The elements of the plan shall include,  
4 but not be limited to, a decreased vesting schedule, an eighty-five  
5 percent income replacement ratio, and increased employee and  
6 employer contributions. The report shall include a recommended  
7 plan document that describes the various elements of the retirement  
8 system, a draft of proposed legislation to establish the plan, and  
9 an estimate of the cost of the plan. On or after December 15,  
10 2001, and after receiving approval from the Executive Board of the  
11 Legislative Council, the Nebraska Retirement Systems Committee  
12 shall cause the retirement plan to be reviewed by an actuary who is  
13 a member of the American Academy of Actuaries who shall make an  
14 actuarial study based on the employees who could elect to become  
15 members of the retirement plan.

16 Sec. 2. Section 84-1504, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 84-1504. (1) The Public Employees Retirement Board, on  
19 behalf of the state, may contract with any individual to defer a  
20 portion of such individual's compensation or with the Legislative  
21 Council to defer any other amount that the Legislative Council  
22 agrees to credit to an individual's account pursuant to section 457  
23 of the Internal Revenue Code.

24 (2) The compensation to be deferred at the election of  
25 the individual and any other amount credited on behalf of such  
26 individual by the Legislative Council shall not exceed the total  
27 compensation to be received by the individual from the employer or

1 exceed the limits established by the Internal Revenue Code for such  
2 a plan.

3 (3) The deferred compensation program shall serve in  
4 addition to but not be a part of any existing retirement or pension  
5 system provided for state or county employees or any other benefit  
6 program.

7 (4) Any compensation deferred at the election of the  
8 individual under such a deferred compensation plan shall continue  
9 to be included as regular compensation for the purpose of computing  
10 the retirement, pension, or social security contributions made or  
11 benefits earned by any employee.

12 (5) Any sum so deferred shall not be included in the  
13 computation of any federal or state taxes withheld on behalf of any  
14 such individual.

15 (6) The state, the board, the state investment officer,  
16 the agency, or the county shall not be responsible for any  
17 investment results entered into by the individual in the deferred  
18 compensation agreement.

19 (7) Nothing in this section shall in any way limit,  
20 restrict, alter, amend, invalidate, or nullify any deferred  
21 compensation plan previously instituted by any instrumentality or  
22 agency of the State of Nebraska, and any such plan is hereby  
23 authorized and approved.

24 (8) For purposes of this section, individual means (a)  
25 any state employee, whether employed on a permanent or temporary  
26 basis, full-time or part-time, (b) a person under contract  
27 providing services to the state who is not employed by the  
1 University of Nebraska or any of the state colleges or community  
2 colleges and who has entered into a contract with the state to have  
3 compensation deferred prior to August 28, 1999, and (c) any county  
4 employee designated as a permanent part-time or full-time employee  
5 or elected official whose employer does not offer a deferred  
6 compensation plan and who has entered into an agreement pursuant to  
7 section 48-1401.

8 Sec. 3. There is hereby appropriated \$400,000 from the  
9 General Fund for FY2001-02 to the Legislative Council, to purchase  
10 annuities for employees of the Legislature as provided in  
11 subdivision (2)(a)(i) of section 50-401.01.

12 Sec. 4. Original sections 50-401.01 and 84-1504, Reissue  
13 Revised Statutes of Nebraska, are repealed.

14 Sec. 5. Since an emergency exists, this act takes effect  
15 when passed and approved according to law."

16 2. On page 1, strike beginning with "retirement" in line  
17 1 through line 3 and insert "the Legislature; to amend sections  
18 50-401.01 and 84-1504, Reissue Revised Statutes of Nebraska; to  
19 change and provide provisions relating to retirement and deferred  
20 compensation; to appropriate funds; to repeal the original  
21 sections; and to declare an emergency."

**SENATOR CUDABACK PRESIDING**

Senators Dw. Pedersen and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

The Bruning motion to return prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 75.** The Bruning specific amendment, AM2215, found in this day's Journal, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

**MOTION - Return LB 75 to Select File**

Senator Bruning moved to return LB 75 to Select File for the following specific amendment:

AM2216

(Amendments to AM2215)

- 1 1. On page 3, line 2, strike "supplemental" and insert
- 2 "separate".
- 3 2. On page 5, line 11, after "50-401.01" insert "or to
- 4 credit amounts to an employee's deferred compensation account under
- 5 subdivision (2)(a)(ii) of such section".

The Bruning motion to return prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 75.** The Bruning specific amendment, AM2216, found in this day's Journal, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

**EASE**

The Legislature was at ease from 3:42 p.m. until 3:46 p.m.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 29, 2001, at 2:30 p.m., were the following: LBs 97, 97A, 329e, 329Ae, 461e, 461A, and 809e.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**STANDING COMMITTEE REPORT**  
**Urban Affairs**

**LEGISLATIVE BILL 384.** Placed on General File as amended.  
(Standing Committee amendment, AM2193, 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

**REPORT OF THE EXECUTIVE BOARD**

2001 Resolutions calling for an Interim Study

- LR 259 Interim study to construct basic frameworks based on various computable general equilibrium models relating to specific tax systems  
Revenue
- LR 266 Interim study to examine issues within the jurisdiction to the Government, Military and Veterans Affairs Committee  
Government, Military and Veterans Affairs

The following legislative study resolutions were rereferenced:

- LR 139 Rereferred from Transportation and Telecommunications to Judiciary
- LR 149 Rereferred from Judiciary to Transportation and Telecommunications

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 268.** Introduced by Smith, 48.

WHEREAS, Jim Downey, Tom Nye, and Dick Baumgartner, of Scottsbluff, died Tuesday, May 22, 2001, in a boating accident; and

WHEREAS, Jim Downey spent much of his life in Scottsbluff and photographed thousands of area residents, creating priceless family memories and photos that captured the beauty of western Nebraska. Jim participated in many community and family activities, including his church, the Boy Scouts of America, and the Sugar Valley Singers. Jim is survived by his wife, children and grandchildren, and other relatives who will miss him greatly; and

WHEREAS, Tom Nye spent his life in Scottsbluff as an independent insurance adjuster and was associated as a partner in West Nebraska Claims Service. Tom participated in many community and family activities,

including his church, the Panhandle Shrine Club, the Tehama Temple, the Boy Scouts of America, and the board of the YMCA. Tom is survived by his wife, children and grandchildren, and other relatives who will miss him greatly; and

WHEREAS, Dick Baumgartner spent his life in Scottsbluff and was in business with his father in Baumgartner's Variety Store and later owned and operated Baumgartner's Carpets. Dick participated in many community and family activities, including his church, the Kiwanis Club, the Robert W. Furnas Lodge #265 AF and AM, and the Tehama Shrine, York and Scottish Rites. Dick is survived by his wife, children and stepchildren, grandchildren and stepgrandchildren, and other relatives who will miss him greatly.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its sympathy to the families of Jim Downey, Tom Nye, and Dick Baumgartner.
2. That copies of this resolution be sent to their families.

Laid over.

**LEGISLATIVE RESOLUTION 269.** Introduced by Schimek, 27; Landis, 46; Beutler, 28.

WHEREAS, Harold D. Simpson was born on June 1, 1926, attended consolidated high school, married M. Jean Slagle on March 17, 1979; and

WHEREAS, Harold D. Simpson served in the U.S. Air Force during World War II, participated in Boy Scouts, was active in the Clinton Neighborhood Association, and did union work at both the state and national level; and

WHEREAS, Harold D. Simpson was elected to the Legislature in 1966 and served the Legislature for nine years; and

WHEREAS, Harold D. Simpson accomplished much as a foreman at Gooch Milling and Elevator Company and proposed and passed legislation for the good of his constituency; and

WHEREAS, Harold D. Simpson stepped down from the Legislature to serve on the Public Service Commission until 1988; and

WHEREAS, Harold D. Simpson passed away on May 27, 2001.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends sympathy to the family of Harold D. Simpson.
2. That the Legislature recognizes Harold D. Simpson for his service to the Legislature.
3. That the Legislature recognizes Harold D. Simpson for his service to the people of Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 270.** Introduced by Burling, 33.

WHEREAS, the Kenesaw parliamentary procedure team finished in the first runner-up position at the state Future Community Career Leaders of America (FCCLA) meet; and

WHEREAS, team members Kyle Swanson, Jason Douglas, Devyn Lambrecht, Nathan Steiner, Seth Binfield, Derrick Parr, Kayla Bush, and Samantha Ruhter and alternates Tim Shermer and Ashlee Muller displayed outstanding commitment to excellence; and

WHEREAS, the Kenesaw FCCLA team will represent the State of Nebraska at the National meet in Anaheim, California, in July 2001; and

WHEREAS, throughout the season the members of the team complemented their talents with motivation and hard work; 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-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Kenesaw FCCLA team on their impressive accomplishment.

2. That a copy of this resolution be sent to the team and FCCLA sponsor Robin Hollinger of Kenesaw High School.

Laid over.

#### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 85. No objections. So ordered.

#### **MOTION - Print in Journal**

Senator Kristensen filed the following motion:

Suspend the rules, Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 81, 103, 107, 127, 230, 246, 354, 359, 363, 374, 377, 383, 386, 405, 440, 442, 448, 449, 457, 466, 486A, 518, 526, 549, 573, 596, 614, 618, 621, 639, 673, 702, 703, 737, 739, 740A, 751, 794, 804, 831, 838, and 845.

#### **SELECT COMMITTEE REPORTS**

##### **Enrollment and Review**

##### **Correctly Reengrossed**

The following bill was correctly reengrossed: LB 75.

##### **Correctly Engrossed**

The following bill was correctly engrossed: LB 85.

**Enrollment and Review Change to LB 85**

The following changes, required to be reported for publication in the Journal, have been made:

ER9094

1. In lieu of the Brashear amendment, FA290, in the Schimek-Chambers amendment, AM2208:

a. The following new section has been inserted:

"Sec. 8. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions."; and

b. Section 8 has been renumbered as section 9.

2. In the Schimek-Chambers amendment, AM2208:

a. On page 1, line 3, "Sections 1 to 8 of this" has been struck and "This" inserted; and in line 19 "Prisons" has been struck and "Prison" inserted;

b. On page 12, line 11, "county" has been inserted before "board"; in line 12 "county commissioners" has been struck and "the county" inserted; and in line 27 "requests" has been struck and "request" inserted;

c. On page 13, line 25, a comma has been inserted after the first "Labor";

d. On page 17, line 21, "subsection (7) of" has been struck; and

e. On page 18, line 7, "department" has been struck and "Department of Correctional Services" inserted.

3. On page 1, the matter beginning with "civil" in line 1 through line 4 has been struck and "correctional services; to adopt the Private Prison Contracting Act; to provide severability; and to declare an emergency." inserted.

(Signed) Philip Erdman, Chairperson

**VISITORS**

Visitors to the Chamber were 50 fourth grade students and teachers from St. Cecilia School, Omaha; and Senator Price's brother and sister-in-law, Lyle and Judy Heiss from Page.

**ADJOURNMENT**

At 3:47 p.m., on a motion by Senator Jones, the Legislature adjourned until 9:00 a.m., Wednesday, May 30, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature





**EIGHTY-NINTH DAY - MAY 30, 2001****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
FIRST SESSION****EIGHTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, May 30, 2001

**PRAYER**

The prayer was offered by Pastor Rick Prettyman, Pleasant View Bible Church, Aurora, 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 McDonald and D. Pederson who were excused; and Senators Beutler, Brashear, Brown, Coordsen, Engel, Hartnett, and Wickersham who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-eighth day was approved.

**REPORTS**

The following reports were received by the Legislature:

**Health and Human Services System, Nebraska**

Youth Tobacco Survey Report and Evaluation Contractor

**Investment Finance Authority, Nebraska**

State Revolving Fund Revenue Bonds for Wastewater Treatment  
Facilities State Revolving Fund Program

**Labor, Department of**

Nebraska Certified and Licensed Occupations - 2000

**MOTIONS - Approve Appointments**

Senator Connealy moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 2033: Commission on Industrial Relations - Brenda Council.

Voting in the affirmative, 29:

Aguilar	Baker	Bourne	Bruning	Burling
Byars	Chambers	Connealy	Cunningham	Dierks
Erdman	Hilgert	Hudkins	Jensen	Jones
Kremer	Kruse	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Schrock	Smith
Stuhr	Suttle	Thompson	Vrtiska	

Voting in the negative, 0.

Present and not voting, 11:

Bromm	Cudaback	Foley	Janssen	Kristensen
Landis	Redfield	Robak	Schimek	Tyson
Wehrbein				

Excused and not voting, 9:

Beutler	Brashear	Brown	Coordsen	Engel
Hartnett	McDonald	Pederson, D.	Wickersham	

The appointment was confirmed with 29 ayes, 0 nays, 11 present and not voting, and 9 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 2133: Motor Vehicle Industry Licensing Board - Stephan Budke, James Campbell, and P. J. Morgan.

Voting in the affirmative, 36:

Aguilar	Baker	Bourne	Bromm	Bruning
Burling	Byars	Chambers	Cunningham	Dierks
Erdman	Hilgert	Hudkins	Janssen	Jensen
Jones	Kremer	Kristensen	Kruse	Landis
Maxwell	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 5:

Connealy	Cudaback	Foley	Robak	Suttle
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Excused and not voting, 8:

Beutler	Brashear	Brown	Coordsen	Engel
Hartnett	McDonald	Pederson, D.		

The appointments were confirmed with 36 ayes, 0 nays, 5 present and not voting, and 8 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 2133: State Personnel Board - Virgie Louis.

Voting in the affirmative, 34:

Aguilar	Baker	Bourne	Bruning	Burling
Byars	Chambers	Cudaback	Cunningham	Dierks
Engel	Erdman	Hilgert	Hudkins	Janssen
Jones	Kremer	Kruse	Landis	Maxwell
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Robak	Schimek	Schrock	Stuhr
Thompson	Tyson	Vrtiska	Wehrbein	

Voting in the negative, 0.

Present and not voting, 8:

Bromm	Connealy	Foley	Jensen	Kristensen
Smith	Suttle	Wickersham		

Excused and not voting, 7:

Beutler	Brashear	Brown	Coordsen	Hartnett
McDonald	Pederson, D.			

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 2211: Environmental Quality Council - Robert Bettger, Vaughn Blum, Robert Gottsch, Darlene Kiefer, William Podraza, Mark Whitehead, and Terry Zahn.

Voting in the affirmative, 31:

Baker	Bourne	Brashear	Bruning	Burling
Connealy	Coordsen	Cudaback	Dierks	Erdman
Hartnett	Hilgert	Hudkins	Janssen	Kremer
Kristensen	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Tyson				

Voting in the negative, 0.

Present and not voting, 14:

Aguilar	Bromm	Byars	Chambers	Cunningham
Engel	Foley	Jensen	Jones	Kruse
Robak	Vrtiska	Wehrbein	Wickersham	

Excused and not voting, 4:

Beutler	Brown	McDonald	Pederson, D.
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The appointments were confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 2211: Nebraska Environmental Trust Board - Warren Arganbright and Richard Gady.

Voting in the affirmative, 32:

Baker	Brashear	Bromm	Brown	Bruning
Burling	Byars	Chambers	Connealy	Cudaback
Dierks	Erdman	Hartnett	Hilgert	Hudkins
Jensen	Jones	Kremer	Landis	Maxwell
Preister	Price	Quandahl	Raikes	Redfield
Robak	Schimek	Schrock	Stuhr	Suttle
Tyson	Vrtiska			

Voting in the negative, 0.

Present and not voting, 14:

Aguilar	Bourne	Coordsen	Cunningham	Engel
Foley	Janssen	Kristensen	Kruse	Pedersen, Dw.
Smith	Thompson	Wehrbein	Wickersham	

Excused and not voting, 3:

Beutler	McDonald	Pederson, D.
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The appointments were confirmed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Dierks moved the adoption of the report of the Agriculture Committee for the following appointment found on page 2211: Dry Bean Commission - Nolan Berry.

Voting in the affirmative, 33:

Aguilar	Baker	Brashear	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Cudaback	Dierks	Erdman	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr		

Voting in the negative, 0.

Present and not voting, 13:

Bourne	Coordsen	Cunningham	Engel	Foley
Kristensen	Quandahl	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Excused and not voting, 3:

Beutler	McDonald	Pederson, D.
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The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 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 2235: Board of Emergency Medical Services - Jill Shea.

Voting in the affirmative, 36:

Aguilar	Baker	Bourne	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Cudaback	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Kremer	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Schimek
Schrock	Smith	Stuhr	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 0.

Present and not voting, 10:

Brashear	Coordsen	Cunningham	Dierks	Engel
Jones	Robak	Suttle	Thompson	Tyson

Excused and not voting, 3:

Beutler	McDonald	Pederson, D.
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The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 2241: Nebraska Environmental Trust Board - Vincent Kramper.

Voting in the affirmative, 34:

Aguilar	Baker	Bourne	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Cudaback	Engel	Erdman	Hartnett	Hilgert
Hudkins	Janssen	Jones	Kremer	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Stuhr	Wehrbein	Wickersham	

Voting in the negative, 0.

Present and not voting, 12:

Brashear	Coordsen	Cunningham	Dierks	Foley
Jensen	Kristensen	Smith	Suttle	Thompson
Tyson	Vrtiska			

Excused and not voting, 3:

Beutler	McDonald	Pederson, D.
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The appointment was confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Schrock moved the adoption of the report of Natural Resources Committee for the following appointments found on page 2241: Nebraska Ethanol Board - David Hallberg and James Ziebarth.

Voting in the affirmative, 37:

Baker	Bourne	Brashear	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy

Cudaback	Cunningham	Engel	Erdman	Foley
Hilgert	Hudkins	Janssen	Jones	Kremer
Kristensen	Kruse	Landis	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Stuhr	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 9:

Aguilar	Coordsen	Dierks	Hartnett	Jensen
Maxwell	Smith	Suttle	Thompson	

Excused and not voting, 3:

Beutler	McDonald	Pederson, D.		
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The appointments were confirmed with 37 ayes, 0 nays, 9 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 2199: Nebraska Advisory Commission on Compulsive Gambling - John Atherton.

Voting in the affirmative, 36:

Aguilar	Baker	Bourne	Brashear	Brown
Bruning	Burling	Byars	Chambers	Connealy
Cunningham	Dierks	Engel	Erdman	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Landis	Pedersen, Dw.	Preister	Price
Quandahl	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Thompson	Tyson	Vrtiska
Wehrbein				

Voting in the negative, 0.

Present and not voting, 10:

Bromm	Coordsen	Cudaback	Foley	Hartnett
Kruse	Maxwell	Raikes	Suttle	Wickersham

Excused and not voting, 3:

Beutler	McDonald	Pederson, D.		
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The appointment was confirmed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 258.** Read. Considered.

LR 258 was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**MOTION - Override Veto on LB 451**

Senator Thompson renewed her pending motion, found on page 2277, that LB 451 becomes law notwithstanding the objections of the Governor.

Senators Bruning, Kristensen, and Kremer asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Dw. Pedersen 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 Thompson moved for a call of the house. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Senator Chambers 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, 30:

Aguilar	Beutler	Bourne	Brashear	Bromm
Burling	Byars	Chambers	Connealy	Engel
Hartnett	Hilgert	Janssen	Jensen	Kristensen
Kruse	Landis	Maxwell	Pedersen, Dw.	Preister
Price	Raikes	Robak	Schimek	Schrock
Stuhr	Suttle	Thompson	Wehrbein	Wickersham

Voting in the negative, 17:

Baker	Brown	Bruning	Coordsen	Cudaback
Cunningham	Dierks	Erdman	Foley	Hudkins
Jones	Kremer	Quandahl	Redfield	Smith
Tyson	Vrtiska			

Excused and not voting, 2:

McDonald      Pederson, D.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.



The Chair declared the call raised.

**MOTION - Override Veto on LB 451A**

Senator Thompson renewed her pending motion, found on page 2277, that LB 451A becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 33:

Aguilar	Beutler	Bourne	Brashear	Bromm
Brown	Burling	Byars	Chambers	Connealy
Coordsen	Dierks	Engel	Hartnett	Hilgert
Janssen	Jensen	Kremer	Kruse	Landis
Maxwell	Pedersen, Dw.	Preister	Price	Raikes
Robak	Schimek	Schrock	Stuhr	Suttle
Thompson	Wehrbein	Wickersham		

Voting in the negative, 12:

Baker	Bruning	Cunningham	Erdman	Foley
Hudkins	Jones	Quandahl	Redfield	Smith
Tyson	Vrtiska			

Present and not voting, 2:

Cudaback      Kristensen

Excused and not voting, 2:

McDonald      Pederson, D.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

**MOTION - Override Veto on LB 24**

Senator Suttle renewed her pending motion, found on page 2277, that LB 24 becomes law notwithstanding the objections of the Governor.

Senator Suttle moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Suttle 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:

Aguilar	Beutler	Bourne	Byars	Chambers
Connealy	Coordsen	Hartnett	Hilgert	Janssen
Kristensen	Kruse	Landis	Maxwell	Pedersen, Dw.
Preister	Price	Raikes	Redfield	Robak
Schimek	Suttle	Thompson	Wehrbein	Wickersham

Voting in the negative, 16:

Baker	Brashear	Bromm	Bruning	Burling
Cunningham	Dierks	Erdman	Foley	Hudkins
Jensen	Jones	Quandahl	Smith	Tyson
Vrtiska				

Present and not voting, 6:

Brown	Cudaback	Engel	Kremer	Schrock
Stuhr				

Excused and not voting, 2:

McDonald      Pederson, D.

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 671**

Senator Janssen renewed his pending motion, found on page 2287, that LB 671 becomes law notwithstanding the objections of the Governor.

Senator Janssen 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 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, 32:

Aguilar	Bromm	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Dierks
Engel	Foley	Hartnett	Janssen	Jensen
Jones	Kremer	Kruse	Landis	Pedersen, Dw.

Preister	Price	Raikes	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Vrtiska	Wickersham			

Voting in the negative, 10:

Baker	Beutler	Bourne	Brashear	Cunningham
Erdman	Kristensen	Redfield	Tyson	Wehrbein

Present and not voting, 5:

Brown	Hilgert	Hudkins	Maxwell	Quandahl
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Excused and not voting, 2:

McDonald      Pederson, D.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

### **MOTION - Override Veto on LB 671A**

Senator Janssen renewed his pending motion, found on page 2287, that LB 671A becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Aguilar	Bromm	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Dierks	Engel
Foley	Hartnett	Janssen	Jensen	Jones
Kremer	Kruse	Landis	Pedersen, Dw.	Preister
Price	Raikes	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Vrtiska
Wickersham				

Voting in the negative, 10:

Baker	Beutler	Bourne	Brashear	Cudaback
Cunningham	Erdman	Hilgert	Kristensen	Redfield

Present and not voting, 6:

Brown	Hudkins	Maxwell	Quandahl	Tyson
Wehrbein				

Excused and not voting, 2:

McDonald Pederson, D.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

**AMENDMENT - Print in Journal**

Senator Chambers filed the following amendment to LR 17:  
AM2217

1 1. Strike the original provisions and insert:  
2 "WHEREAS, pursuant to Public Law 280, the State of  
3 Nebraska was granted criminal and civil jurisdiction over the  
4 Santee Sioux Reservation in 1953; and  
5 WHEREAS, Public Law 90-284 adopted as an Act of Congress  
6 on April 11, 1968, contains a number of provisions dealing with  
7 civil rights and jurisdiction of Indians; and  
8 WHEREAS, Section 403(a) of Public Law 90-284 provides  
9 that the United States is authorized to accept a retrocession of  
10 all or any measure of the jurisdiction acquired by a state pursuant  
11 to Public Law 280 of 1953; and  
12 WHEREAS, the Santee Sioux Tribe has petitioned the State  
13 of Nebraska to effectuate retrocession of criminal and civil  
14 jurisdiction over the Santee Sioux Reservation to the United States  
15 and has demonstrated the capability to assume its portion of  
16 associated responsibilities; and  
17 WHEREAS, the Bureau of Indian Affairs has confirmed that  
18 it will detail law enforcement personnel to the Santee Sioux  
19 Reservation immediately upon the effective date of retrocession;  
20 and  
21 WHEREAS, the Nebraska State Patrol, the Santee Sioux  
22 Tribe, and the Bureau of Indian Affairs have agreed to enter into a  
23 cross-deputization agreement to be effective on the effective date  
24 of retrocession to fully empower (1) all officers of the Nebraska  
1 State Patrol to enforce all federal and tribal laws within the  
2 exterior boundaries of the Santee Sioux Reservation and (2) the  
3 Bureau of Indian Affairs and tribal officers to enforce all state  
4 laws within the Santee Sioux Reservation; and  
5 WHEREAS, the Santee Sioux Tribe, acting through the  
6 Tribal Council, adopted all Nebraska motor vehicle and related laws  
7 as tribal law by a unanimous vote, Resolution number 2001-41A on  
8 May 24, 2001, and the Legislature deems this adoption irrevocable.  
9 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE  
10 NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:  
11 1. That the Legislature retrocedes criminal and civil  
12 jurisdiction over the Santee Sioux Reservation acquired by the  
13 State of Nebraska pursuant to Public Law 280 of 1953, such

14 retrocession to be effective at 12:01 A.M., July 1, 2001.  
15 2. That the State of Nebraska and its political  
16 subdivisions shall take all necessary action to effectuate this  
17 resolution, including cooperative agreements with the Santee Sioux  
18 Tribe, the Bureau of Indian Affairs, or the Department of Interior  
19 deemed by the affected parties to be necessary to enhance the  
20 efficiency and effectiveness of criminal law enforcement on the  
21 Santee Sioux Reservation."

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 271.** Introduced by Wickersham, 49; Kristensen, 37; Vrtiska, 1; Coordsen, 32; Cudaback, 36; Chambers, 11.

WHEREAS, the Nebraska State Capitol is a symbol of Nebraska's government and Nebraska's history; and

WHEREAS, the Capitol and its art, architecture, and decorations are unique and valuable assets of the state; and

WHEREAS, the citizens of Nebraska are justifiably proud of their Capitol and have expressed their approval for its preservation and restoration; and

WHEREAS, the Department of Administrative Services and the state building division of the department are to be commended for extraordinary efforts in the planning, oversight, and management of the Capitol Masonry Restoration Project; and

WHEREAS, additional work necessary to restore and preserve the Capitol may be discovered during the work now being completed; and

WHEREAS, a continuing commitment is necessary to fully restore and preserve the Capitol.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature supports, encourages, and is committed to an ongoing effort to preserve and restore the Nebraska State Capitol.

2. That the Legislature through its Executive Board be kept fully informed concerning restoration and preservation of the Capitol.

3. That a copy of this resolution be sent to the state building division of the Department of Administrative Services.

Laid over.

**LEGISLATIVE RESOLUTION 272.** Introduced by Bourne, 8.

WHEREAS, Burke Dennison Bourne, at the age of fourteen, was awarded the rank of Eagle Scout in the Boy Scouts of America, that organization's highest rank, in April 2001; and

WHEREAS, Burke Dennison Bourne has been active in Boy Scout Troop 374 since March 1998; and

WHEREAS, Burke Dennison Bourne, for his Eagle Scout project, planted 1200 trees at the Neale Woods Nature Center in the fall of 2000; and

WHEREAS, Burke Dennison Bourne also was awarded the Order of the

Arrow by an election of his peers; and

WHEREAS, Burke Dennison Bourne will be attending the Boy Scout National Jamboree at Fort A.P. Hill in Virginia in the summer of 2001; and

WHEREAS, Burke Dennison Bourne has achieved great success as an exemplary member of the scouting program and has represented his troop with excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Burke Dennison Bourne on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes the outstanding leadership example he has provided his troop.

2. That a copy of this resolution be sent to Burke Dennison Bourne and his family.

Laid over.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR 258.

### **COMMUNICATION**

May 30, 2001

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Gale:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 451 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 451, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

### **CERTIFICATE**

Legislative Bill 451, 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 30th day of May, 2001.

(Signed) David I. Maurstad  
President of the Legislature

**COMMUNICATION**

May 30, 2001

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Gale:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 451A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 451A, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

**CERTIFICATE**

Legislative Bill 451A, 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 30th day of May, 2001.

(Signed) David I. Maurstad  
President of the Legislature

**COMMUNICATION**

May 30, 2001

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Gale:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 671 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 671, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

**CERTIFICATE**

Legislative Bill 671, 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 30th day of May, 2001.

(Signed) David I. Maurstad  
President of the Legislature

**COMMUNICATION**

May 30, 2001

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Gale:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 671A with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 671A, notwithstanding the objections of the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

**CERTIFICATE**

Legislative Bill 671A, 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 30th day of May, 2001.

(Signed) David I. Maurstad  
President of the Legislature

**MOTION - Print in Journal**

Senator Suttle filed the following motion to LR 74:  
Withdraw LR 74.

**VISITORS**

Visitors to the Chamber were 50 fourth grade students and teachers from Minne Lusa Elementary School, Omaha; and Jim Ward from Valentine.



**ADJOURNMENT**

At 11:58 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, May 31, 2001.

Patrick J. O'Donnell  
Clerk of the Legislature



**NINETIETH DAY - MAY 31, 2001**  
**LEGISLATIVE JOURNAL**  
**NINETY-SEVENTH LEGISLATURE**  
**FIRST SESSION**  
**NINETIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 31, 2001

**PRAYER**

The prayer was offered by Pastor Chris Bubak, Fellowship of Christian Athletes, 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 McDonald and Robak who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-ninth day was approved.

**MESSAGE FROM THE GOVERNOR**

May 30, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 97, 97A, 329e, 329Ae, 461e, 461A, 809e, and 851 were received in my office on May 29, 2001.

These bills were signed by me on May 30, 2001, and delivered to the Secretary of State.

Sincerely,  
(Signed) Mike Johanns  
Governor

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of May 31, 2001, 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

Carpenter, Rex  
Nebraska Rural Electric Association (Withdrawn 5/30/2001)

**UNANIMOUS CONSENT - Member Excused**

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 75.** With Emergency.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-401.01 and 84-1504, Reissue Revised Statutes of Nebraska; to change and provide provisions relating to retirement and deferred compensation; to appropriate funds; to repeal the original sections; and to declare an emergency.

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 with the emergency clause attached?'"

Voting in the affirmative, 30:

Aguilar	Beutler	Bourne	Brashear	Brown
Bruning	Byars	Chambers	Connealy	Coordsen
Cudaback	Dierks	Foley	Hartnett	Hilgert
Hudkins	Janssen	Kremer	Kristensen	Kruse
Pedersen, Dw.	Preister	Price	Raikes	Redfield
Schimek	Schrock	Suttle	Thompson	Wehrbein

Voting in the negative, 15:

Baker	Bromm	Burling	Cunningham	Engel
Erdman	Jensen	Jones	Landis	Quandahl
Smith	Stuhr	Tyson	Vrtiska	Wickersham

Excused and not voting, 4:

Maxwell McDonald Pederson, D. Robak

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 28:

Aguilar	Beutler	Bourne	Brashear	Bruning
Byars	Chambers	Connealy	Coordsen	Cudaback
Dierks	Foley	Hartnett	Hilgert	Hudkins
Janssen	Kristensen	Kruse	Pedersen, Dw.	Preister
Price	Raikes	Redfield	Schimek	Schrock
Suttle	Thompson	Wehrbein		

Voting in the negative, 15:

Baker	Bromm	Brown	Burling	Cunningham
Erdman	Jensen	Jones	Landis	Quandahl
Smith	Stuhr	Tyson	Vrtiska	Wickersham

Present and not voting, 2:

Engel Kremer

Excused and not voting, 4:

Maxwell McDonald Pederson, D. Robak

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

#### **LEGISLATIVE BILL 84.**

A BILL FOR AN ACT relating to real property; to provide for filing and use of master form documents 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, 45:

Aguilar	Baker	Beutler	Bourne	Brashear
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Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Pedersen, Dw.
Preister	Price	Quandahl	Raikes	Redfield
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Tyson	Vrtiska	Wehrbein	Wickersham

Voting in the negative, 0.

Excused and not voting, 4:

Maxwell      McDonald      Pederson, D.      Robak

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION - Return LB 85 to Select File**

Senator Quandahl moved to return LB 85 to Select File for the following specific amendment:

AM2218

(Amendments to Final Reading copy)

- 1 1. Strike sections 5 and 6.
- 2 2. On page 2, line 3, after "Services" insert ", any
- 3 county board, any city council, or any village board of trustees";
- 4 in line 6 strike "Department of Correctional Services" and insert
- 5 "department, county, city, or village"; in lines 7, 11, 21, 23, and
- 6 25 after "department" insert "county, city, or village"; and in
- 7 line 22 after "department" insert ", any county board, any city
- 8 council, or any village board of trustees".
- 9 3. On page 3, line 4, after "department" insert ", any
- 10 county board, any city council, or any village board of trustees";
- 11 in lines 7, 11, 16, 17, 18, and 21, after "department" insert
- 12 "county, city, or village"; in line 9 after "department" insert ",
- 13 county, city, or village regarding prisoner incarceration"; strike
- 14 beginning with "and" in line 12 through the comma in line 13 and
- 15 insert "or"; and in line 18 strike "as determined by" and insert
- 16 "equivalent to those required for employees having similar
- 17 functions within".
- 18 4. On page 5, lines 9 and 13, after "department" insert
- 19 ", county, city, or village"; strike beginning with the comma in
- 20 line 9 through the comma in line 12; in line 17 after "department"
- 21 insert "or any county, city, or village"; and in line 28 after
- 22 "state" insert "or any county, city, or village in Nebraska".
- 23 5. On page 6, line 13, after "department" insert "or any
- 1 county, city, or village"; in line 22 after "Services" insert "or

- 2 to the county, city, or village"; and in lines 23, 27, and 28 after  
3 "department" insert ", county, city, or village".
- 4 6. On page 7, lines 2, 5, 8, 20, 23, and 26, after  
5 "department" insert ", county, city, or village"; in line 7 after  
6 "Services" insert ", if the contract is to be awarded by the  
7 department, or by the governing board of the county, city, or  
8 village, if the contract is to be awarded by a county, city, or  
9 village"; in lines 20 and 21 strike "by the department"; and in  
10 line 21 strike "for his or her" and insert "or the appropriate  
11 governing body for".
- 12 7. On page 8, line 2, strike "for his or her" and insert  
13 "or the appropriate governing body for"; and in line 3 strike "The"  
14 and insert "In the case of a contract to be executed by the  
15 Department of Correctional Services under the Private Prison  
16 Contracting Act, the".
- 17 8. On page 9, line 23, after "subject" insert ", in the  
18 case of a contract awarded by the Department Of Correctional  
19 Services."; and in line 25 after "awarded" insert "by the  
20 Department of Correctional Services,".
- 21 9. On page 10, lines 1 and 13, after "Services" insert  
22 "or the governing board of the county, city, or village considering  
23 a contract under the act"; in lines 15 and 17 after "state" insert  
24 ", county, city, or village"; in lines 16 and 18 strike "prison"  
25 and insert "correctional"; and in line 20 after "laws" insert ",  
26 resolutions, ordinances,".
- 27 10. On page 11, line 1, after "state" insert "county,  
1 city, or village"; in line 4 strike "The" and insert "In the case  
2 of a contract executed by the department, the"; in line 5 after  
3 "designee" insert ", and in the case of a contract executed by a  
4 county, city, or village, the governing body or its designee,."; in  
5 line 24 after "Services" insert "or by the governing body of the  
6 county, city, or village"; in line 25 after "Services" insert "or a  
7 county, city, or village"; and in line 27 strike "prison" and  
8 insert "correctional facility".
- 9 11. On page 12, line 1, after "Services" insert "or by  
10 the governing body of the county, city, or village"; in line 7  
11 strike "a state" and insert "the"; in line 8 strike "between"  
12 through "and" and insert "with"; in line 11 strike  
13 "nondepartmental" and after "facility" insert "which is not owned  
14 by the department or a county, city, or village and which is"; in  
15 line 21 after "Services" insert "or the county, city, or village";  
16 in line 22 after "and" insert ", in the case of a contract between  
17 the department and a private prison contractor,."; and in line 25  
18 after "department" insert ", county, city, or village".
- 19 12. On page 13, line 3, strike "with the department" and  
20 insert "under the Private Prison Contracting Act"; in line 14 after  
21 "department" insert ", county, city, or village"; in line 15 strike  
22 "by the state"; in line 21 strike "State of Nebraska" and insert  
23 "state, county, city, or village"; in line 23 strike "state" and

24 insert "governmental"; in line 26 strike "state-operated" and  
 25 insert "governmental"; in line 26 strike "The department" and  
 26 insert "In the case of a contract with the Department of  
 27 Correctional Services, the Department of Correctional Services and  
 1 the Department of Administrative Services"; and in line 28 after  
 2 "state" insert ", county, city, or village".

3 13. On page 14, line 10, strike "to renew" and insert  
 4 "for additional two-year renewable contracts"; in line 13 after  
 5 "department" insert ", county, city, or village"; and in lines 24  
 6 and 26 after "state" insert ", county, city, or village".

7 14. On page 15, line 6, strike "At" through "department"  
 8 and insert "In the case of a contract with the Department of  
 9 Correctional Services, at the end of each fiscal year the  
 10 Department of Correctional Services and the Department of  
 11 Administrative Services"; in line 9 after "for" insert "maximum  
 12 security,"; in lines 12, 13, 15, 20, 22, and 28, after each  
 13 occurrence of "department" insert ", county, city, or village"; in  
 14 line 13 strike "thirty" and insert "one hundred twenty"; and in  
 15 line 27 after "state" insert ", county, city, or village".

16 15. On page 16, lines 2, 5, and 27, after "department"  
 17 insert ", county, city, or village"; in line 7 after "Services"  
 18 insert "or to the governing body of the county, city, or village";  
 19 in line 10 strike "by the department"; in line 11 after "director"  
 20 insert "or governing body"; in line 13 strike "thirty" and insert  
 21 "sixty"; in lines 18 and 26 after "Services" insert "or the  
 22 governing body of a county, city, or village"; and in line 24  
 23 strike "state".

24 16. On page 17, lines 3, 6, 21, and 22, after  
 25 "department" insert ", county, city, or village"; in line 10 after  
 26 "director" insert "or governing body"; in lines 14 and 16 after  
 27 "Nebraska" insert "or the contracting county, city, or village";  
 1 and in line 26 strike "If" and insert "In the case of a contract  
 2 between the department and a private prison contractor under the  
 3 Private Prison Contracting Act, if".

4 17. Renumber the remaining sections accordingly.

Pending.

## SELECT COMMITTEE REPORT Enrollment and Review

### Correctly Enrolled

The following bill was correctly enrolled: LB 75.

(Signed) Philip Erdman, Chairperson



**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 273.** Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Cunningham, 18; Erdman, 47; Maxwell, 9; Price, 26; Suttle, 10.

**PURPOSE:** LB 640 was introduced on January 16, 2001, at the request of the Governor. The bill was heard by the Health and Human Services Committee of the Legislature on February 8, 2001, and was advanced to General File with committee amendments (AM1022). LB 640 provides additional state General Funds to counties for juvenile services through a newly created County Juvenile Services Aid Program. Grants are also made available in the bill to counties for the development of comprehensive juvenile services plans.

The purpose of this study is to examine three specific issues raised by the introduction of LB 640 (2001): (1) The development of an "equitable formula" for the distribution of aid to counties under the County Juvenile Services Aid Program; (2) the coordination and integration of grants awarded by the Nebraska Commission on Law Enforcement and Criminal Justice and aid distributed to counties under the County Juvenile Services Aid Program; and (3) the distribution and use of aid provided under the bill as it relates to the statewide organization of juvenile justice services and the implementation of a comprehensive plan for the delivery of such services.

**NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:**

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 274.** Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12.

**PURPOSE:** With the filing of the consultant's report on our existing system of municipal natural gas regulation and the introduction and consideration of legislation based on that report to reform and restructure our current system (proposed amendments to LB 806 and LB 807), the issues surrounding the future shape of natural gas regulation in Nebraska have been identified and placed before the committee for further discussion, study, and development.

This study would involve a review of those issues currently before the Urban Affairs Committee and the development of a program for effective natural gas regulation in Nebraska, based upon the consultant's report and the amendments to LB 806 proposed at committee hearings on February 27 and March 6.

The goal will be to draft new legislation for introduction in the 2002 legislative session providing for a comprehensive natural gas regulatory program. In pursuing that goal, the committee will engage representatives from all interested groups and parties involved in providing natural gas to consumers in Nebraska and the consumers themselves in discussions aimed at narrowing differences and finding ways of arriving at consensus on the final solution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

**LEGISLATIVE RESOLUTION 275.** Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27; Vrtiska, 1.

PURPOSE: To study issues involving the passage of LB 193, Ninety-seventh Legislature, First Session, 2001, which established the Nebraska Workforce Investment Act. The study will examine whether successful implementation is taking place and whether legislative changes are necessary to assist with this workforce development transition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

#### **MOTIONS - Return LB 85 to Select File**

The Quandahl pending motion, found in this day's Journal, to return LB 85 to Select File for his specific pending amendment, AM2218, found 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, 6 nays, and 17 not voting.

Senator Quandahl requested a record vote on his motion to return to Select File.

Voting in the affirmative, 19:

Aguilar	Baker	Bromm	Bruning	Burling
Cunningham	Engel	Erdman	Foley	Hudkins
Jones	Kremer	Kruse	Quandahl	Redfield
Smith	Stuhr	Vrtiska	Wickersham	

Voting in the negative, 25:

Beutler	Bourne	Brashear	Brown	Byars
Chambers	Connealy	Coordsen	Cudaback	Hartnett
Hilgert	Janssen	Jensen	Kristensen	Landis
Pedersen, Dw.	Price	Raikes	Robak	Schimek
Schrock	Suttle	Thompson	Tyson	Wehrbein

Present and not voting, 3:

Dierks	Maxwell	Preister
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Excused and not voting, 2:

McDonald      Pederson, D.

The Quandahl motion to return failed with 19 ayes, 25 nays, 3 present and not voting, and 2 excused and not voting.

Senator Wickersham moved to return LB 85 to Select File for the following specific amendment:

FA293

Strike the enacting clause.

Senator Wickersham withdrew his motion to return.

Senator Quandahl moved to return LB 85 to Select File for the following specific amendment:

AM2213

(Amendments to AM2208)

1 1. Strike sections 5 and 6 and insert the following new  
 2 sections:  
 3 "Sec. 5. (1) With approval from the Department of  
 4 Correctional Services a private prison contractor may contract with  
 5 the federal government or another state to provide for housing,  
 6 care, and control of minimum-security, medium-security, or  
 7 community level inmates, as provided by subsection (9) of this  
 8 section if such inmates are in the custody of the United States or  
 9 another state, do not have histories of escape from medium-security  
 10 or maximum-security adult correctional facilities, do not have  
 11 histories of rioting, and are sentenced to terms of incarceration  
 12 for conviction of a felony other than a felony that would be a

13 capital offense if committed in this state. Such private prison  
14 contractor may perform other functions related to such  
15 responsibilities.

16 (2) Approval from the department allowing a private  
17 prison contractor to contract with the federal government or  
18 another state shall be based on the viability of the ongoing  
19 operation of the private prison facilities.

20 (3) Any offense which would be a crime if committed  
21 within a correctional facility operated by this state shall be a  
22 crime if committed in a facility owned or operated by a private  
23 prison contractor and shall be reported to law enforcement and the  
1 Director of Correctional Services.

2 (4) A private prison contractor shall not employ any  
3 personnel convicted of a felony if the person has been incarcerated  
4 in the private prison facility for which an application for  
5 employment is being considered. The department is authorized to  
6 provide training to personnel of the private prison contractor  
7 pursuant to contract. The department shall charge a reasonable fee  
8 for the training, not to exceed the cost of such training. If an  
9 inmate escapes from the facility, or in the event of any riot or  
10 other serious disturbance, personnel from the facility shall  
11 immediately implement the department's emergency response policy or  
12 similar procedure authorized by the department for the private  
13 prison.

14 (5) A private prison contractor housing federal inmates  
15 or inmates of another state shall not accept:

16 (a) Any inmate who would be incarcerated in the facility  
17 for conviction of a misdemeanor, unless such incarceration in the  
18 facility is consistent with American Correctional Association  
19 requirements relating to the incarceration of inmates convicted of  
20 more serious offenses; or

21 (b) Any maximum-security level inmate.

22 (6) If an inmate to be released or discharged from  
23 incarceration is released or discharged by any court order, is to  
24 be placed on probation or is paroled, or if the federal government  
25 or sending state requests transfer or the return of the inmate, the  
26 private prison contractor shall immediately transfer or return the  
27 inmate to the sending state which has legal authority over the  
1 sentence or, in the case of federal inmates, to the closest federal  
2 prison or to the federal authority of the state in which federal  
3 custody over the inmate originated.

4 (7) A private prison contractor housing federal inmates  
5 from jurisdictions other than Nebraska or inmates sentenced  
6 pursuant to the legal authority of another state, shall not allow  
7 any such inmate to leave the premises of the facility, except to  
8 comply with an order to appear in a court of competent  
9 jurisdiction, to receive medical care not available at the  
10 facility, to work as provided in subsection (8) of this section, or  
11 to return or be transferred to another state as provided by

12 subsection (6) of this section.

13 (8) A private prison contractor may allow  
14 minimum-security-B level and community custody level inmates as  
15 defined by the department to be used in public works projects if  
16 all of the following conditions are met:

17 (a) The public works project must be in and for the  
18 county in which the private prison is located or a county adjacent  
19 to such county or in and for a municipality in either of such  
20 counties;

21 (b) The private prison contractor has developed security  
22 procedures which will ensure the safety of the public and the  
23 department has approved such procedures;

24 (c) The public works project has been authorized by the  
25 county or municipal authorities of the county and municipality in  
26 which the public works project is located;

27 (d) The private prison contractor has procured and has in  
1 force and effect a policy of liability insurance which will provide  
2 coverage in an amount determined by the department for any loss  
3 resulting from the acts or omissions of inmates participating in  
4 the public works project or employees of the private prison  
5 contractor and for any injuries occurring to the inmates or  
6 employees; and

7 (e) The use of federal inmates for public works projects  
8 will be in strict compliance with the provisions of 18 U.S.C. 4002  
9 and any other applicable provisions of federal law.

10 (9) A private prison contractor housing federal inmates  
11 or inmates of another state shall be responsible for the  
12 reimbursement of all reasonable costs and expenses incurred by this  
13 state or a political subdivision of this state for legal actions  
14 brought in this state by or on behalf of any federal inmate or  
15 inmate of another state while incarcerated in the private prison,  
16 including court costs, sheriff's mileage fees, witness fees,  
17 district attorney expenses, expenses of the office of the Attorney  
18 General, public defender fees and costs, judicial expenses, court  
19 reporter expenses and any other costs, fees, or expenses associated  
20 with the proceedings or actions.

21 (10) For purposes of this section, unless federal custody  
22 status is specified, security level restrictions shall refer to the  
23 security levels applicable to inmates in institutions within the  
24 Department of Correctional Services, as determined by policy of the  
25 department, unless the department approves more restrictive levels  
26 of security as prescribed by the private prison contractor.  
27 Private prison contractors housing federal inmates or inmates of  
1 another state shall be bound by such security level  
2 classifications.

3 (11) A private prison contractor shall not house inmates  
4 from this state with federal inmates or inmates from another state  
5 unless segregated or otherwise housed in such a manner as to  
6 satisfy the Director of Correctional Services.

7 (12) The State of Nebraska shall not assume jurisdiction  
8 or custody of any federal inmate or inmate from another state  
9 housed in a facility owned or operated by a private prison  
10 contractor. Such inmates from another state shall at all times be  
11 subject to the jurisdiction of that state, and federal inmates  
12 shall at all times be subject to federal jurisdiction. The State  
13 of Nebraska shall not be liable for loss resulting from the acts of  
14 such inmates or for any injuries to such inmates.

15 Sec. 6. (1) A private prison contractor which houses  
16 federal inmates or inmates of another state, within two months of  
17 commencing operations and thereafter as required by the Department  
18 of Correctional Services, shall:

19 (a) Obtain from the department approval of the internal  
20 and perimeter security of the private prison facility. Such  
21 approval shall be given only if the Director of Correctional  
22 Services determines that the security is adequate to protect the  
23 public;

24 (b) Show, to the satisfaction of the department, that  
25 adequate food, housing, and medical care will be available for  
26 inmates, that the facility will have the necessary qualified  
27 personnel to operate the facility, that the financial condition of  
1 the private prison contractor is such that the facility can be  
2 operated adequately, and that the facility has the ability to  
3 comply with applicable court orders and American Correctional  
4 Association standards;

5 (c) Furnish to the department satisfactory proof that the  
6 private prison contractor has obtained insurance or is  
7 self-insured, in such a manner and in such an amount as the  
8 director after consulting with the Risk Manager may deem necessary  
9 and adequate to reimburse this state or a political subdivision of  
10 this state, for expenses arising from any incident which occurs at  
11 such prison or which requires intervention by this state or a  
12 political subdivision of this state. Such insurance, in addition,  
13 shall be in an amount sufficient to indemnify this state and its  
14 officers and employees, for any liability or other loss, including  
15 property damage, judgments, costs, attorney's fees, or other  
16 expenses arising from the operation of the facility, and such  
17 facility shall in any event and regardless of the amount of  
18 insurance available indemnify and hold harmless this state and its  
19 officers and employees, for any and all acts of prison inmates and  
20 all officers, employees, and stockholders of such private prison  
21 contractor for any liability arising out of acts of inmates,  
22 officers, employees, and stockholders of such private prison  
23 contractor in relation to the operation of the facility. The  
24 insurance required by this subdivision shall not provide coverage  
25 for more than one facility. If the private prison contractor owns  
26 or operates more than one facility, separate insurance coverage  
27 shall be obtained or provided for each facility; and

1 (d) A felony record search of fingerprints of the

2 employee or prospective employee of the private prison contractor  
3 shall be required. The search shall be based on fingerprints and  
4 shall be conducted either by the Federal Bureau of Investigation or  
5 the Nebraska State Patrol. If the search is conducted by the  
6 Nebraska State Patrol, the patrol shall require that such employee  
7 or prospective person pays a search fee not to exceed fifty dollars  
8 or the cost of the search, whichever is less. The fees shall be  
9 remitted to the State Treasurer for credit to the General Fund.  
10 The private prison contractor may reimburse employees for the cost  
11 of the search. The Nebraska State Patrol may contact the Federal  
12 Bureau of Investigation in regard to the information requested, to  
13 obtain any felony convictions of the person involved. The record  
14 required by this subdivision shall include the name of the person,  
15 whether or not the person has been convicted of any felony offense,  
16 a list of any felony convictions, and the dates of such  
17 convictions. The search records of each such person shall be  
18 maintained by the private prison contractor for as long as he or  
19 she works for the private prison contractor. The records shall be  
20 subject to inspection by the Department of Correctional Services.  
21 (2) All private prison contractors shall attain  
22 accreditation by the American Correctional Association within two  
23 years of commencing operation of a private prison facility and  
24 thereafter shall maintain such accreditation.  
25 (3) The department shall monitor the performance and the  
26 continued compliance of the private prison contractor with this  
27 section. If at any time after commencing operations, a private  
1 prison contractor subject to subsection (1) of this section fails  
2 to comply with such subsection, the director may order the facility  
3 to cease operations. If a private prison contractor fails to  
4 attain or maintain the accreditation required by subsection (2) of  
5 this section, the director shall order the facility to cease  
6 operations. This order may be enforced by injunction.  
7 (4) The department may charge the private prison  
8 contractor a reasonable fee for monitoring compliance with the  
9 provisions of subsection (1) of this section. The fee shall not  
10 exceed the cost incurred in performing the monitoring.  
11 (5) All fees collected by the department pursuant to this  
12 section shall be remitted to the State Treasurer for credit to the  
13 Department of Correctional Services Facility Cash Fund.".

Senator Quandahl 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 85 with 30 ayes, 2 nays, 15 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 85.** With Emergency.

A BILL FOR AN ACT relating to correctional services; to adopt the Private Prison Contracting Act; 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, 28:

Aguilar	Beutler	Bourne	Brashear	Brown
Byars	Chambers	Connealy	Cudaback	Dierks
Hartnett	Hilgert	Janssen	Jensen	Kristensen
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Raikes	Robak	Schimek	Schrock	Suttle
Thompson	Tyson	Wehrbein		

Voting in the negative, 19:

Baker	Bromm	Bruning	Burling	Coordsen
Cunningham	Engel	Erdman	Foley	Hudkins
Jones	Kremer	Kruse	Quandahl	Redfield
Smith	Stuhr	Vrtiska	Wickersham	

Excused and not voting, 2:

McDonald      Pederson, D.

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 28:

Aguilar	Beutler	Bourne	Brashear	Brown
Byars	Chambers	Connealy	Cudaback	Dierks
Hartnett	Hilgert	Janssen	Jensen	Kristensen
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Raikes	Robak	Schimek	Schrock	Suttle
Thompson	Tyson	Wehrbein		



Voting in the negative, 19:

Baker	Bromm	Bruning	Burling	Coordsen
Cunningham	Engel	Erdman	Foley	Hudkins
Jones	Kremer	Kruse	Quandahl	Redfield
Smith	Stuhr	Vrtiska	Wickersham	

Excused and not voting, 2:

McDonald      Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 142 with 42 ayes, 3 nays, 3 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 142.**

A BILL FOR AN ACT relating to local government; to amend sections 9-625, 10-131, 10-133, 10-142, 13-804, 13-2202, 14-2116, 23-2323.03, 32-567, 39-2501, 39-2503, 39-2504, 39-2507, 39-2508, 39-2509, 39-2511, 39-2512, 39-2513, 39-2514, 39-2517, 39-2518, 39-2519, 66-4,148, 77-2711, and 77-4106, Reissue Revised Statutes of Nebraska, and sections 10-127, 13-503, 13-2401, 13-2504, 23-1118, 23-2301, 23-2306, 23-2331, 57-1302, 74-1305, 77-2704.31, 77-3442, 77-3443, and 77-4105, Revised Statutes Supplement, 2000; 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.

Whereupon the 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	Bourne	Brashear	Brown
Bruning	Byars	Coordsen	Cudaback	Dierks
Foley	Hilgert	Jensen	Kremer	Kruse
Landis	Maxwell	McDonald	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson
Wehrbein	Wickersham			

Voting in the negative, 12:

Baker	Bromm	Chambers	Cunningham	Erdman
Hartnett	Hudkins	Janssen	Jones	Pedersen, Dw.
Tyson	Vrtiska			

Present and not voting, 4:

Burling	Connealy	Engel	Kristensen
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Excused and not voting, 1:

Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **MOTION - Return LB 172 to Select File**

Senator Schimek moved to return LB 172 to Select File for the following specific amendment:

FA291

Strike the enacting clause.

Senator Schimek withdrew her motion to return.

#### **BILLS ON FINAL READING**

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 172.**

A BILL FOR AN ACT relating to taxes; to amend section 77-2701, Revised Statutes Supplement, 2000; to adopt the Uniform Sales and Use Tax Administration Act; to authorize an agreement with Indian tribes regarding motor fuel taxes; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Preister	Price	Quandahl	Raikes

Redfield	Robak	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 1:

Erdman

Excused and not voting, 1:

Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 180.** With Emergency.

A BILL FOR AN ACT relating to labor; to amend sections 48-301, 48-311, 48-2111, and 48-2114, Reissue Revised Statutes of Nebraska, and sections 48-303 and 48-446, Revised Statutes Supplement, 2000; to change provisions relating to child employment in detasseling, child employment certificates, and worker safety programs; to define and redefine terms; to provide duties; to change penalties; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Preister	Price	Quandahl	Raikes
Redfield	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein
Wickersham				

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Robak

Excused and not voting, 1:

Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **MOTIONS - Return LB 215 to Select File**

Senator Smith moved to return LB 215 to Select File for the following specific amendment:

FA292

Strike the enacting clause.

Senator Smith withdrew his motion to return.

Senator Chambers moved to return LB 215 to Select File for the following specific amendment:

FA299

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 215 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 215.**

A BILL FOR AN ACT relating to real estate; to amend sections 76-2,120, 76-2403, 76-2407, 76-2417 to 76-2419, 76-2421, 76-2422, 76-2426, 81-885.03, 81-885.12, 81-885.13, 81-885.17 to 81-885.19, 81-885.24, 81-885.29, 81-885.33, 81-885.34, 81-885.40, 81-885.45, and 81-885.51 to 81-885.53, Reissue Revised Statutes of Nebraska, and sections 81-885.01, 81-885.11, and 81-885.21, Revised Statutes Supplement, 2000; to change provisions relating to real estate disclosure statements and regulation and licensure of real estate professionals; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Aguilar	Beutler	Bourne	Bromm	Brown
Byars	Chambers	Connealy	Coordsen	Hartnett
Hilgert	Janssen	Kristensen	Kruse	Landis
Maxwell	McDonald	Pedersen, Dw.	Preister	Price
Raikes	Robak	Schimek	Suttle	Thompson
Wehrbein	Wickersham			

Voting in the negative, 16:

Baker	Burling	Cunningham	Dierks	Engel
Erdman	Foley	Jensen	Jones	Kremer
Quandahl	Redfield	Smith	Stuhr	Tyson
Vrtiska				

Present and not voting, 5:

Brashear	Bruning	Cudaback	Hudkins	Schrock
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Excused and not voting, 1:

Pederson, D.

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 357.** With Emergency.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Revised Statutes Supplement, 2000; to change judges' salaries; 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	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kruse
Landis	Maxwell	McDonald	Pedersen, Dw.	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Smith	Stuhr	Suttle	Thompson

Vrtiska            Wehrbein            Wickersham

Voting in the negative, 0.

Present and not voting, 5:

Burling            Chambers            Kristensen            Preister            Tyson

Excused and not voting, 1:

Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 357A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 357, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kruse
Landis	Maxwell	McDonald	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Smith	Stuhr	Suttle
Thompson	Wehrbein	Wickersham		

Voting in the negative, 0.

Present and not voting, 5:

Chambers            Cudaback            Kristensen            Tyson            Vrtiska

Excused and not voting, 1:

Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 389.**

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-808, 86-1403, 86-1905, 86-1907, and 86-1908, Reissue Revised Statutes of Nebraska, sections 86-1405 and 86-1909, Revised Statutes Supplement, 2000, and section 86-804, Reissue Revised Statutes of Nebraska, as amended by section 15, Legislative Bill 585, Ninety-seventh Legislature, First Session, 2001; to change and provide powers and duties of the Public Service Commission; to change provisions of the Telephone Consumer Slamming Prevention Act; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
McDonald	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**SELECT COMMITTEE REPORT**  
**Enrollment and Review**

**Correctly Enrolled**

The following bill was correctly enrolled: LB 85.

(Signed) Philip Erdman, Chairperson

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 75, 84, 85, 142, 172, 180, 215, 357, 357A, and 389.

**REPORT OF THE EXECUTIVE BOARD**2001 Resolutions calling for an Interim Study

- LR 273 Interim study to examine issues raised by LB 640, 2001, relating to providing additional general funds to counties for juvenile services  
Health and Human Services
- LR 274 Interim study to examine issues relating to municipal natural gas regulation  
Urban Affairs
- LR 275 Interim study to examine issues raised by LB 193, 2001, which would establish the Nebraska Workforce Investment Act  
Business and Labor

(Signed) George Coordsen, Chairperson  
Legislative Council  
Executive Board

**STANDING COMMITTEE REPORT**  
**Judiciary**

**LEGISLATIVE BILL 453.** Placed on General File as amended.

Standing Committee amendment to LB 453:

AM0551

- 1 1. On page 2, line 28, after the semicolon insert "or".
- 2 2. On page 3, strike beginning with the semicolon in
- 3 line 1 through "device" in line 4; in line 10 after "person" insert
- 4 ", state agency, or political subdivision of the state"; strike
- 5 beginning with "is" in line 11 through "Nebraska" in line 14 and
- 6 insert "may be subject to liability under the common law and
- 7 statutory law of Nebraska"; and in line 15 strike "Nebraska Supreme
- 8 Court" and insert "Department of Correctional Services".

(Signed) Kermit A. Brashear, Chairperson

**VISITORS**

Visitors to the Chamber were 38 fourth grade students and teachers from Catlin Elementary School, Omaha.

**RECESS**

At 11:56 a.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.



**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

**ROLL CALL**

The roll was called and all members were present except Senator D. Pederson who was excused; and Senators Brashear, Engel, Kristensen, Landis, and McDonald who were excused until they arrive.

**PRESIDENT MAURSTAD PRESIDING**

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 31, 2001, at 12:00 p.m., were the following: LBs 75, 84, 85, 142, 172, 180e, 215, 357e, 357Ae, and 389.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

**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 465 with 35 ayes, 1 nay, 7 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 465.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-702, 77-5003, 77-5005, 77-5009, 77-5016, 77-5018, and 77-5019, Revised Statutes Supplement, 2000, and sections 77-1510 and 77-5004, Revised Statutes Supplement, 2000, as amended by sections 18 and 19, respectively, Legislative Bill 170, Ninety-seventh Legislature, First Session, 2001; to change and eliminate appeal provisions and related powers and duties concerning property tax valuation and equalization; to change membership on, qualifications for, and powers and duties of the Tax Equalization and Review Commission; to authorize property tax referees; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal section 77-1511, 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	Beutler	Bourne	Bromm	Brown
Bruning	Byars	Chambers	Connealy	Cudaback
Cunningham	Dierks	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
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, 3:

Baker	Burling	Coordsen
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Excused and not voting, 4:

Brashear	Engel	McDonald	Pederson, D.
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 465A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 465, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Beutler	Bourne	Bromm	Brown
Bruning	Burling	Byars	Chambers	Connealy
Coordsen	Cudaback	Cunningham	Dierks	Engel
Erdman	Foley	Hartnett	Hilgert	Hudkins
Janssen	Jensen	Jones	Kremer	Kristensen
Kruse	Landis	Maxwell	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, 1:

Baker

Excused and not voting, 3:

Brashear      McDonald      Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **LEGISLATIVE BILL 536.**

A BILL FOR AN ACT relating to ethanol; to amend section 66-1330, Reissue Revised Statutes of Nebraska, and sections 66-1344 to 66-1345.02 and 66-1345.04, Revised Statutes Supplement, 2000; to create and change provisions relating to production incentives; to impose excise taxes; to require a written agreement and a report; to state intent; 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
Pedersen, Dw.	Preister	Price	Quandahl	Redfield
Robak	Schimek	Schrock	Smith	Stuhr
Suttle	Thompson	Tyson	Vrtiska	Wehrbein

Voting in the negative, 3:

Chambers      Raikes      Wickersham

Excused and not voting, 1:

Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 536A.**

A BILL FOR AN ACT relating to appropriations; to transfer funds to aid in carrying out the provisions of Legislative Bill 536, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
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, 1:

Chambers

Excused and not voting, 1:

Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 593.**

A BILL FOR AN ACT relating to law enforcement; to prohibit racial profiling as prescribed; to provide duties for the Nebraska State Patrol and other law enforcement agencies as prescribed and the Nebraska Commission on Law Enforcement and Criminal Justice; and to provide for reports.

Whereupon the 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	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers

Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
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, 1:

Burling

Excused and not voting, 1:

Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **LEGISLATIVE BILL 593A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 593, Ninety-seventh Legislature, First Session, 2001.

Whereupon the 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Kruse	Landis	Maxwell	McDonald
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, 1:

Hartnett

Excused and not voting, 1:

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 640 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 640. With Emergency.

A BILL FOR AN ACT relating to juveniles; to amend section 43-413, Reissue Revised Statutes of Nebraska, and sections 43-2401 to 43-2406, 43-2408, 43-2409, 43-2412, and 43-3503, Revised Statutes Supplement, 2000; to change provisions relating to detention and evaluation costs; to change provisions of the Juvenile Services Act; to state intent; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
McDonald	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 640A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 104, Legislative Bill 543, Ninety-seventh Legislature, First Session, 2001; to appropriate funds to aid in carrying out the provisions of Legislative Bill 640, Ninety-seventh Legislature, First Session, 2001; to change appropriations 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, 48:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
McDonald	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 657.** With Emergency.

A BILL FOR AN ACT relating to the cigarette tax; to amend section 77-2602, Revised Statutes Supplement, 2000; to change distribution of proceeds; to create funds; to provide for bonds; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass

with the emergency clause attached?' "

Voting in the affirmative, 34:

Aguilar	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Foley	Hartnett
Hilgert	Hudkins	Jensen	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Stuhr	Suttle	Wehrbein	

Voting in the negative, 13:

Baker	Chambers	Engel	Erdman	Janssen
Jones	Kremer	McDonald	Smith	Thompson
Tyson	Vrtiska	Wickersham		

Present and not voting, 1:

Burling

Excused and not voting, 1:

Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **LEGISLATIVE BILL 657A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 657, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Aguilar	Beutler	Bourne	Brashear	Bromm
Brown	Bruning	Byars	Connealy	Coordsen
Cudaback	Cunningham	Dierks	Foley	Hartnett
Hilgert	Hudkins	Jensen	Kristensen	Kruse
Landis	Maxwell	Pedersen, Dw.	Preister	Price
Quandahl	Raikes	Redfield	Robak	Schimek
Schrock	Stuhr	Suttle	Wehrbein	



Voting in the negative, 13:

Baker	Chambers	Engel	Erdman	Janssen
Jones	Kremer	McDonald	Smith	Thompson
Tyson	Vrtiska	Wickersham		

Present and not voting, 1:

Burling

Excused and not voting, 1:

Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 852 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 852.**

A BILL FOR AN ACT relating to redistricting; to amend sections 50-1101 to 50-1118, 50-1119.01 to 50-1140, 50-1141.01 to 50-1150, and 50-1152, Reissue Revised Statutes of Nebraska; to change district boundaries of the legislative districts; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 50-1151, 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, 38:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Byars	Chambers
Coordsen	Cudaback	Engel	Foley	Hartnett
Hilgert	Janssen	Jensen	Kremer	Kristensen
Landis	Maxwell	McDonald	Pedersen, Dw.	Preister
Price	Quandahl	Raikes	Redfield	Robak
Schimek	Schrock	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 5:

Cunningham Dierks Erdman Kruse Smith

Present and not voting, 5:

Burling Connealy Hudkins Jones Stuhr

Excused and not voting, 1:

Pederson, D.

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 853.** With Emergency.

A BILL FOR AN ACT relating to redistricting; to amend sections 24-201.02 and 24-201.04, Reissue Revised Statutes of Nebraska; to change boundaries of the Supreme Court judicial districts; 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, 47:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kruse	Landis	Maxwell	McDonald
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, 1:

Kristensen

Excused and not voting, 1:

Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 854.** With Emergency.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-510, 85-103.01, and 85-103.02, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the Board of Regents of the University of Nebraska; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Bruning	Burling	Byars	Chambers
Connealy	Coordsen	Cudaback	Cunningham	Dierks
Engel	Erdman	Foley	Hartnett	Hilgert
Hudkins	Janssen	Jensen	Jones	Kremer
Kristensen	Landis	Maxwell	McDonald	Pedersen, Dw.
Preister	Price	Raikes	Redfield	Robak
Schimek	Schrock	Stuhr	Suttle	Thompson
Tyson	Vrtiska	Wehrbein	Wickersham	

Voting in the negative, 3:

Brown	Kruse	Smith
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Present and not voting, 1:

Quandahl

Excused and not voting, 1:

Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 855.** With Emergency.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-509, 75-101.01, and 75-101.02, Reissue Revised Statutes of Nebraska; to change boundaries of the public service commissioner districts; to eliminate obsolete language; to harmonize provisions; to repeal the original sections;

to outright repeal section 75-101.03, 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	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett
Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
McDonald	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Schimek	Schrock	Smith
Stuhr	Suttle	Thompson	Tyson	Vrtiska
Wehrbein	Wickersham			

Voting in the negative, 1:

Robak

Excused and not voting, 1:

Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **LEGISLATIVE BILL 856.** With Emergency.

A BILL FOR AN ACT relating to redistricting; to amend sections 32-511, 79-311, and 79-312, Reissue Revised Statutes of Nebraska; to change district boundaries for members of the State Board of Education; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Aguilar	Baker	Beutler	Bourne	Brashear
Bromm	Brown	Bruning	Burling	Byars
Chambers	Connealy	Coordsen	Cudaback	Cunningham
Dierks	Engel	Erdman	Foley	Hartnett

Hilgert	Hudkins	Janssen	Jensen	Jones
Kremer	Kristensen	Kruse	Landis	Maxwell
McDonald	Pedersen, Dw.	Preister	Price	Quandahl
Raikes	Redfield	Robak	Schimek	Schrock
Smith	Stuhr	Suttle	Thompson	Tyson
Vrtiska	Wehrbein	Wickersham		

Voting in the negative, 0.

Excused and not voting, 1:

Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 465, 465A, 536, 536A, 593, 593A, 640, 640A, 657, 657A, 852, 853, 854, 855, and 856.

### MESSAGES FROM THE GOVERNOR

May 31, 2001

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 215 without my signature and with my objections.

My objections to this legislation are focused solely on those provisions that make it unlawful for licensed real estate professionals to discriminate against individuals based upon their "sexual orientation." My position on the issue of giving separate legal recognition to individuals on the basis of their personal sexual preference is longstanding and clear. I oppose such efforts.

LB 215 goes beyond mere tolerance and clearly creates a legal classification based upon sexual choices that our citizens make in their personal lives. There is no distinction between the "sexual orientation" provisions set forth in this bill and ones that would be suggested in any other state licensure laws. In my view, therefore, the legislation should be viewed as beginning a precedent that our State would embark upon in many other areas.

For these reasons, I urge you to sustain my veto of LB 215.

Sincerely,  
(Signed) Mike Johanns  
Governor

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 17.** Read. Considered.

Senator Chambers renewed his pending amendment, AM2217, found on page 2314.

**SENATOR JANSSEN PRESIDING**

**PRESIDENT MAURSTAD PRESIDING**

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Senator Byars asked unanimous consent to be excused. No objections. So ordered.

LR 17, as amended, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE RESOLUTION 271.** Read. Considered.

LR 271 was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

**UNANIMOUS CONSENT - Withdraw LR 74**

Senator Suttle asked unanimous consent to withdraw LR 74, pursuant to her pending motion found on page 2318. No objections. So ordered.

**MOTION - Withdraw Bills**

Senator Kristensen moved to withdraw LB 817, LB 818, LB 819, LB 820, LB 821, and LB 822.

The Kristensen motion to withdraw prevailed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

**MOTION - Override Veto on LB 215**

Senator Chambers moved that LB 215 becomes law notwithstanding the objections of the Governor.

Senator McDonald 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 30 ayes, 0 nays, and 19 not voting.

Senator Chambers 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 the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 26:

Aguilar	Beutler	Bourne	Bromm	Brown
Chambers	Connealy	Coordsen	Cudaback	Hartnett
Hilgert	Janssen	Kristensen	Kruse	Landis
Maxwell	Pedersen, Dw.	Preister	Price	Raikes
Robak	Schimek	Suttle	Thompson	Wehrbein
Wickersham				

Voting in the negative, 19:

Baker	Bruning	Burling	Cunningham	Dierks
Engel	Erdman	Foley	Hudkins	Jensen
Jones	Kremer	Quandahl	Redfield	Schrock
Smith	Stuhr	Tyson	Vrtiska	

Excused and not voting, 4:

Brashear	Byars	McDonald	Pederson, D.
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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 - Suspend Rules**

Senator Kristensen moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 257, LR 260, LR 261, LR 262, LR 263, LR 264, LR 265, LR 267, LR 268, LR 269, LR 270, and LR 272.

The Kristensen motion to suspend the rules prevailed with 33 ayes, 0 nays, 12 present and not voting; and 4 excused and not voting.

**RESOLUTIONS**

Pursuant to Rule 4, Section 5, LR 257, 260, 261, 262, 263, 264, 265, 267, 268, 269, 270, and 272 were adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**SELECT COMMITTEE REPORT  
Enrollment and Review****Correctly Enrolled**

The following resolution was correctly enrolled: LR 17.

(Signed) Philip Erdman, Chairperson

**ENROLLED RESOLUTION****LEGISLATIVE RESOLUTION 17.** Introduced by Chambers, 11.

WHEREAS, pursuant to Public Law 280, the State of Nebraska was granted criminal and civil jurisdiction over the Santee Sioux Reservation in 1953; and

WHEREAS, Public Law 90-284 adopted as an Act of Congress on April 11, 1968, contains a number of provisions dealing with civil rights and jurisdiction of Indians; and

WHEREAS, Section 403(a) of Public Law 90-284 provides that the United States is authorized to accept a retrocession of all or any measure of the jurisdiction acquired by a state pursuant to Public Law 280 of 1953; and

WHEREAS, the Santee Sioux Tribe has petitioned the State of Nebraska to effectuate retrocession of criminal and civil jurisdiction over the Santee Sioux Reservation to the United States and has demonstrated the capability to assume its portion of associated responsibilities; and

WHEREAS, the Bureau of Indian Affairs has confirmed that it will detail law enforcement personnel to the Santee Sioux Reservation immediately upon the effective date of retrocession; and

WHEREAS, the Nebraska State Patrol, the Santee Sioux Tribe, and the Bureau of Indian Affairs have agreed to enter into a cross-deputization agreement to be effective on the effective date of retrocession to fully empower (1) all officers of the Nebraska State Patrol to enforce all federal and tribal laws within the exterior boundaries of the Santee Sioux Reservation and (2) the Bureau of Indian Affairs and tribal officers to enforce all state laws within the Santee Sioux Reservation; and

WHEREAS, the Santee Sioux Tribe, acting through the Tribal Council, adopted all Nebraska motor vehicle and related laws as tribal law by a unanimous vote, Resolution number 2001-41A on May 24, 2001, and the Legislature deems this adoption irrevocable.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:



1. That the Legislature retrocedes criminal and civil jurisdiction over the Santee Sioux Reservation acquired by the State of Nebraska pursuant to Public Law 280 of 1953, such retrocession to be effective at 12:01 A.M., July 1, 2001.

2. That the State of Nebraska and its political subdivisions shall take all necessary action to effectuate this resolution, including cooperative agreements with the Santee Sioux Tribe, the Bureau of Indian Affairs, or the Department of Interior deemed by the affected parties to be necessary to enhance the efficiency and effectiveness of criminal law enforcement on the Santee Sioux Reservation.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 17, 257, 260, 261, 262, 263, 264, 265, 267, 268, 269, 270, 271, and 272.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on May 31, 2001, at 2:50 p.m., were the following: LBs 465e, 465Ae, 536, 536A 593, 593A, 640e, 640Ae, 657e, 657Ae, 852, 853e, 854e, 855e, and 856e.

(Signed) Diana Bridges  
Clerk of the Legislature's Office

### **MOTION - Suspend Rules**

Senator Kristensen renewed his pending motion, found on page 2300, to suspend the rules, Rule 6, Sections 3 and 5, and Rule 7, Sections 3 and 7, to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 81, 103, 107, 127, 230, 246, 354, 359, 363, 374, 377, 383, 386, 405, 440, 442, 448, 449, 457, 466, 486A, 518, 526, 549, 573, 596, 614, 618, 621, 639, 673, 702, 703, 737, 739, 740A, 751, 794, 804, 831, 838, and 845.

The Kristensen motion to suspend rules prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

### **COMMUNICATIONS**

May 31, 2001

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Gale:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 24, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

May 31, 2001

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Gale:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 215, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

May 31, 2001

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Gale:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 238A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

May 31, 2001

The Honorable John Gale  
Secretary of State  
2300 State Capitol  
Lincoln, NE 68509

Dear Mr. Gale:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Johanns of LB 772A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,  
(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

### **MOTION - Notify Governor**

Senator Cunningham moved that a committee of five be appointed to notify the Governor that the Ninety-Seventh Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

The Chair appointed Senators Schimek, Bromm, Maxwell, Erdman, and Raikes.

The committee returned and escorted Governor Mike Johanns to the rostrum where he delivered a message to the members.

### **MOTION - Journal, Session Laws, and Indexes**

Senator Robak moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

### **VISITORS**

Visitors to the Chamber were Marsha Myers from Fremont, Julie and Bill Dunn from Bennington, and Sandra and Peter Barilla from East Providence, Rhode Island; and Ken Gnadt and Gary Mader from Grand Island.

**MOTION - Adjourn Sine Die**

Speaker Kristensen moved that the Journal for the Ninetieth Day, as prepared by the Clerk of the Legislature, be approved and that the Ninety-Seventh Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 4:18 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell  
Clerk of the Legislature

**RECEIVED AFTER ADJOURNMENT**  
**LEGISLATIVE JOURNAL**  
**NINETY-SEVENTH LEGISLATURE**  
**FIRST SESSION**  
**MESSAGES FROM THE GOVERNOR**

May 31, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 84, 85, 142, 172, 180e, 357e, 357Ae, 389, 465e, 465Ae, 536, 536A, 593, 593A, 640e, 640Ae, 657e, 657Ae, 852, 853e, 854e, 855e, and 856e were received in my office on May 31, 2001.

These bills were signed by me on May 31, 2001, and delivered to the Secretary of State.

As LB 75 pertains to the Legislature's employment benefit decision related solely to its employees, it is my intent to allow the bill to become law without my signature. LB 75 will be delivered to the Secretary of State on June 6, 2001.

Sincerely,  
(Signed) Mike Johanns  
Governor

June 7, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 75 was received in my office on May 31, 2001.

This bill became law without my signature pursuant to Article IV, Section 15 of the Constitution of the State of Nebraska, and was delivered to the

Secretary of State on June 7, 2001.

Sincerely,  
(Signed) Mike Johanns  
Governor

cc: John Gale  
Secretary of State

**MESSAGE FROM THE SECRETARY OF STATE**

June 8, 2001

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell

This letter is to inform you and also place in the Legislative Journal the fact that Engrossed Legislative Bill 75 was filed in the Office of the Secretary of State at 10:30 A.M. on June 7, 2001.

Please be advised that Governor Mike Johanns did not sign Engrossed Legislative Bill 75 nor did he veto said measure. The Governor allowed Engrossed Legislative Bill 75 to become law without his signature pursuant to Article IV, Section 15 of the Constitution.

Respectfully submitted,  
(Signed) John A. Gale  
Secretary of State-Nebraska

Enclosure

**CERTIFICATE**

STATE OF NEBRASKA

United States of America, )  
) ss. Department of State  
State of Nebraska )

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that Engrossed Legislative Bill 75 was filed in the Office of the Secretary of State at 10:30 A.M. on June 7, 2001.

Further I hereby certify that Governor Mike Johanns attached to the bill and delivered to my office a letter dated June 7, 2001, the contents of which are as follows:

"Engrossed Legislative Bill 75 was received in my office on May 31, 2001. This bill became law without my signature pursuant to Article IV, Section 15 of the Constitution of the State of Nebraska, and was delivered to the Secretary of State on June 7, 2001."

Further, I hereby certify that inasmuch as Engrossed Legislative Bill 75 was neither signed by the Governor nor vetoed by the Governor and was held for seven days by the Governor before delivery to the Office of the Secretary of State, the bill has become law as provided in Article IV, Section 15 of the Constitution of the State 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 eighth day of June in the year of our Lord, two thousand and one.

(SEAL)

John A. Gale, Secretary of State

### REPORT

The following report was received by the Legislature:

**Roads, Department of**

Board of Public Roads Classifications and Standards Minutes for  
April 20, 2001

### CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies provided concerning action on bills after adjournment of the Ninety-Seventh Legislature, First Session, and other correspondence.

Patrick J. O'Donnell  
Clerk of the Legislature

June 8, 2001  
Lincoln, Nebraska

