

MARCH 8, 2005

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FLOOR DEBATE

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SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chambers. Our chaplain of the day is Pastor John Emslie, from Trinity Lutheran Church, Blair, Nebraska, Senator Mines' district, District 18. Pastor.

PASTOR EMSLIE: (Prayer offered.)

SENATOR CUDABACK: Thank you, Pastor Emslie and Senator Mines, for being with us. I call the thirty-ninth day, Ninety-Ninth Legislature, First Session, to order. Senators, please check in. Record please, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

SENATOR CUDABACK: Any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CUDABACK: Any messages, reports, or announcements?

CLERK: Mr. President, bills read on Final Reading Thursday, the last day of the session, were presented to the Governor on Thursday at 12:25 p.m. (Re: LB 1, LB 2, LB 3, LB 11, LB 15, LB 16, LB 17, LB 18, LB 20, LB 21, LB 33, LB 37, LB 51, LB 52, LB 54, LB 176, LB 53, LB 59, LB 61, LB 80, LB 83, LB 88, LB 89, LB 118, LB 119, LB 162, LB 175, LB 216, LB 261, LB 263, LB 283, LB 301, LB 329, LB 383.)

Your Committee on Enrollment and Review reports LB 169 as correctly engrossed. Confirmation hearing report from the Judiciary Committee, that signed by Senator Bourne. Mr. President, I have a communication received from the Department of Health and Human Services, specifically, the Division of Behavioral Health, and an accompanying communication from the Clerk to the Chair of the Executive Board. Gubernatorial appointment letters; those will be referred to Reference for referral to standing committee. New resolutions: LR 48 and LR 49, by Senator Cunningham. Both those will be laid over. And I have a priority bill designation: Senator Schimek,

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LB 9, 401

as Chair of Government, has selected LB 401 as one of the committee's two priority bills for this session. And that's all that I had, Mr. President. (Legislative Journal pages 737-741.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We now go to General File, consent calendar bills. And I suggest that you read the rules for consent calendar, Rules 1 and Rule 2. Mr. Clerk, LB 9.

CLERK: Mr. President, LB 9, by Senator Landis. (Read title.) Bill introduced on January 6, referred to the Government Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Senator Landis, to open on LB 9.

SENATOR LANDIS: Thank you, Senator Cudaback, members of the Legislature. This bill was reported out unanimously by the Government, Military Affairs Committee. It is the same as a measure that was reported last year out from the committee, but died for lack of time to pass the process. In the city of Lincoln, we allow our city council to delegate to the planning division the acceptance of certain kinds of plats. We have a preliminary plat system, we have a final plat system, for subdivision. And by delegating it, we save about...anyplace from 20 to 40, 45 days in the planning process. This bill applies only to a county with a primary class city; so therefore, it's only for Lancaster County. It allows the county to do the same thing that the city can do, and that is that the county commissioners may delegate the approval of a subdivision plat for...to the county planning commission or to the planning director. Understand that an aggrieved party by such an approval will have the rights to appeal. So it's not the final word. Anybody who is, as I said, aggrieved, may appeal. What the process will do is to allow us to streamline what we're now doing, use our resources better. We won't save money, but we will save the application of time by personnel who have lots of work to do, at a more limited basis, and it will also speed the process of plat approval. It will also mirror that practice which is done inside the city limits with those that are done in the county, so that developers who are working in both will have

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a standardized format with which to proceed with respect to subdivision development. I would ask for the advancement of LB 9 as reported out by the Government Committee.

SENATOR CUDABACK: Thank you, Senator Landis. You've heard the opening on LB 9. Open for discussion. There are no Senators wishing to speak, Senator Landis. He waives the opportunity to close. The question before the body is, shall LB 9 advance to E & R Initial? All in favor vote aye; opposed, nay. Voting on advancement of LB 9. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of the bill.

SENATOR CUDABACK: LB 9 does advance. (Visitors introduced.) Mr. Clerk, LB 55.

CLERK: LB 55 is a bill introduced by Senator Foley. (Read title.) Introduced on January 6, referred to Government, advanced to General File. I do have committee amendments, Mr. President. (AM0137, Legislative Journal page 382.)

SENATOR CUDABACK: Senator Foley, to open on LB 55.

SENATOR FOLEY: Thank you very much, Mr. President and members. Good morning. The bill before you this morning, LB 55, was introduced early in the session by myself on behalf of the Nebraska Commission on the Blind and Visually Impaired. And I want to thank Senator Schimek, Chair of the Government Committee, and members of the committee for scheduling a quick hearing on the bill early in the session, getting the bill moved out so rapidly. It's very helpful to passage of this bill. The bill expands on the work that we commenced last year with the passage of LB 1155, which created some employment opportunities for blind and visually impaired citizens here in Nebraska by enabling them to establish vending operations in our state office buildings. The bill before you this morning, LB 55, expands on that concept, and redefines the term "vending" to include the terms "cafeterias" and "snackbars" and "cart services" and so forth. And the reason we're doing that is to

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bring ourselves more fully into compliance with the federal statute on this matter. When we passed our legislation last year, Nebraska became 1 of about 40 states that have joined with the federal government in something called the Randolph-Sheppard Act. The Randolph-Sheppard Act is a federal statute that dates back to 1930, that creates employment opportunities for the blind in federal office buildings. And about 40 states, including Nebraska, have now emulated that process here in our state office buildings. In addition to expanding that terminology beyond simple vending machines to include cafeterias and snackbars, we also delete some outdated language that related to an old funds transfer that took place on July 1 of 2000. And we're revising some language regarding the number of persons that can be involved in these vending companies. With that, Mr. President, I will conclude my opening, and entertain any questions if you have any. Thank you.

SENATOR CUDABACK: Thank you, Senator Foley. You've heard the opening. There are committee...by the Government, Military and Veterans Affairs Committee. Senator Schimek, you're recognized to open.

SENATOR SCHIMEK: Thank you, Mr. President and members. Because the committee amendment is...requires only a brief explanation, I'm going to take this opportunity to also mention to you that the cookies on your desk came from the Homestead Girl Scout Council here in Lincoln. And I've been getting lots of thanks for the cookies. I want to make sure that the thanks go to the right people. So, thank you. The committee amendment is simply an amendment to add the emergency clause to the bill. We thought it was important that we do this immediately. And the committee had absolutely no qualms about advancing the bill. They advanced it 7 to 1, with 1 person absent. So, would like your approval of the emergency clause on the committee amendment.

SENATOR CUDABACK: Thank you, Senator Schimek. You've heard the opening on AM0137, offered by the Government, Military and Veterans Affairs Committee. Open for discussion on that motion. Seeing no lights on, Senator Schimek. She waives her opportunity to close. The question before the body is adoption

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of committee amendments offered by the Government, Military and Veterans Affairs Committee, AM0137. All in favor of the motion vote aye; those opposed, nay. We're voting on the committee amendments to LB 55. Record please, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SENATOR CUDABACK: Committee amendments are adopted. Anything further on the bill, Mr. Clerk?

CLERK: Nothing further.

SENATOR CUDABACK: Discussion of the bill itself? Seeing no lights on, Senator Foley waives closing. The question before the body is, shall LB 55 advance to E & R Initial? All in favor vote aye; opposed, nay. Record please, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 55.

SENATOR CUDABACK: LB 55 does advance. Mr. Clerk, LB 450.

CLERK: LB 450, a bill by Senator Wehrbein. (Read title.) The bill was introduced on January 13, referred to the Banking Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Wehrbein, to open on LB 450.

SENATOR WEHRBEIN: Thank you, Mr. President, members of the body. LB 450 would eliminate the requirement that applications for trade name registration be notarized. This came to me from the Secretary of State. Based upon review of Nebraska's trade name laws, this provision is not necessary, and most other business filings with the Secretary of State do not require notarization. Passage of the bill would remove an impediment to electronic filing of trade name applications, and streamline the application process. Urge your adoption of this...or the advancement of this bill.

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LB 247, 450

SENATOR CUDABACK: Thank you, Senator Wehrbein. You've heard the opening on LB 450. Open for discussion on that motion. There are no lights on. Senator Wehrbein waives the opportunity to close. The question before the body is, shall LB 450 advance to E & R Initial? All in favor vote aye; opposed, nay. We're voting on advancement of LB 450. Have you all voted on the issue who care to? Record please, Mr. Clerk.

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB 450.

SENATOR CUDABACK: LB 450 does advance. Mr. Clerk, LB 247.

CLERK: LB 247, by Senator Baker. (Read title.) Introduced on January 10, referred to the Transportation Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Baker, to open on LB 247.

SENATOR BAKER: Thank you, Mr. President, members. LB 247 is intended to clarify the Public Service Commission's existing power to revoke, suspend, or modify the certificates, permits, registrations, licenses, and authorities within its jurisdiction. Under its grant of authority, the commission has the power to revoke or otherwise modify an authority within its jurisdiction. The commission simply believed that by passing this bill it would make their authority explicit in the statutory language, and it will alleviate any potential problems. A very simple concept; they have this power, they simply want to clarify it. And think it would, as I said...any potential problems would hopefully go away, because it specifies that the authority over competitive natural gas providers, if in violation of statutes, and so on, would be under their jurisdiction. They have that power now. And it's nothing to do with the natural gas wars I understand are going on. It's simply clarifying what they already have authority to do. I'd be glad to answer any questions.

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LB 247, 544

SENATOR CUDABACK: Thank you, Senator Baker. You've heard the opening on the advancement of LB 247. Open for discussion on that motion. Senator Schrock.

SENATOR SCHROCK: Mr. President, members of the Legislature, Senator Baker, I had an individual stop by my office this morning, and they were concerned about some language in this as it pertains to the...they're not having a problem with complying with the statute, but they're concerned about the rules and regulations portion of it. And all I would ask is that you would sit down with me and the concerned individual between now and Select File and see if there's a way we can resolve that issue. And, Senator Baker, would you respond?

SENATOR CUDABACK: Senator Baker, would you respond?

SENATOR BAKER: Yes, I would. And I'd be glad to sit down with you and explain just what they're doing there. Not a problem.

SENATOR SCHROCK: Thank you, Senator Baker. That's all the time I need.

SENATOR CUDABACK: Thank you, Senator Schrock. Further discussion on the advancement of LB 247? Seeing no lights on, Senator Baker waives the opportunity to close. The question before the body is, shall LB 247 advance to E & R Initial? All in favor vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 247.

SENATOR CUDABACK: LB 247 does advance. Mr. Clerk, LB 544.

CLERK: LB 544, by Senator Schrock. (Read title.) Introduced on January 14, referred to Natural Resources, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Senator Schrock, you're recognized to open on LB 544.

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LB 122, 544

SENATOR SCHROCK: Mr. President, this bill removes a section of the Geologist Regulation Act that would require a public official to refuse to receive or to approve any plans, specifications, geologic maps, and other reports that have not been prepared in accordance with the Geologist Regulation Act. An individual who violates this provision is subject to a criminal penalty if it is not stricken from the act. We don't want innocent public officials to be charged with criminal acts because they unsuspectingly received a report that was not prepared by a geologist in accordance with the Geologist Regulation Act. This would put the geologist in the same category as the architects...as the Engineers and Architects Regulation Act, which was amended in the 2004 Session. And that bill was enacted, I believe, a year prior to the geologist act. So this would be kind of a cleanup measure. Sometimes you pass bills and there's some unintended consequences, and this bill cleans that up. And I would ask for your support.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on LB 544. Open for discussion. Senator Schrock, there are no lights on. He waives the opportunity to close. The question before the body is, shall LB 544 advance to E & R Initial? All in favor of the motion vote aye; those opposed to the motion vote nay. The question before the body is advancement of LB 544. Have you all voted on the issue who care to? Record please, Mr. Clerk.

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB 544.

SENATOR CUDABACK: LB 544 does advance. Mr. Clerk, LB 122, when you get time.

CLERK: LB 122, by Senator Cunningham. (Read title.) Introduced on January 6, referred to Business and Labor, advanced to General File. I do have committee amendments, Mr. President. (AM0204, Legislative Journal page 418.)

SENATOR CUDABACK: Senator Cunningham, to open on LB 122.

SENATOR CUNNINGHAM: Thank you, Senator Cudaback and members.

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LB 122 addresses an exception to the Boiler Inspection Act. In the original bill, there are a couple of technical changes, such as renumbering and capitalizing the first word. But the substantive changes are now in the committee amendment, and I will go into those when I introduce the committee amendment.

SENATOR CUDABACK: Senator Cunningham, there are committee amendments, as stated, by Business and Labor. You're recognized to open.

SENATOR CUNNINGHAM: Thank you, Senator Cudaback and members. Last year, a bill was introduced for the Department of Labor that concerned the Boiler Inspection Act. At that time, the industry had expressed concern that the act was not up to date with advancing technology pertaining to unfired pressure vessels. The committee asked that the industry and the department work together on drafting legislation. And while LB 122 was introduced, it was not a result of a compromise. However, the committee amendment that I am introducing now, AM0204, is the result of a compromise with the Department of Labor, and addresses their concerns with the original language in LB 122. More specifically, it removes the registry language, limits the types of vessels covered, and requires that the vessel be installed properly. You will note that the amendment replaces all of the...or at least most of the substantive language in LB 122. The amendment provides a narrow exemption for unfired pressure vessels that do not exceed a maximum allowable working pressure of 500 pounds per square inch that do not contain flammable gasses. The gasses that are specifically listed in the amendment are carbon dioxide, helium, oxygen, nitrogen, argon, and hydrofluorocarbon refrigerant. But another gas could be granted the exemption if the commissioner determines that the gas is not a risk to the public. Additionally, the unfired pressure vessel must be manufactured and repaired in accordance with applicable American Society of Mechanical Engineers standards, and installed in accordance with manufacturer's specifications. In 1997, legislation was passed amending the Boiler Inspection Act to include unfired pressure vessels within the definition of "boiler." In 1998, an exemption was added for unfired pressure vessels not exceeding five cubic feet in volume, or pressure of 250 pounds per square

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inch. Since that time, there have been technological improvements in the manufacture of unfired pressure vessels, resulting in the availability of unfired pressure vessels that have working pressures of greater than 250 pounds per square inch. These vessels, typically holding inert gasses such as carbon dioxide, oxygen, nitrogen, and other nonflammable gasses, are beginning to show up with increasing frequency in restaurants, bars, convenience stores, grocery stores, and other retail establishments. The Department of Labor is currently inspecting restaurants, bars, and other businesses that use these types of unfired pressure vessels holding carbon dioxide and nitrogen for the delivery of soda pop and other beverages. But the department concedes that these are merely visual inspections, because the vessel is closed and incapable of being opened without destroying it. I personally toured a site that had these types of vessels at their facility. These vessels consist of a stainless steel tank inside of a stainless steel outer wall. The vessels also contain dual safety relief valves. I asked, what could happen...or what damage, if damage occurred to one of these vessels? And basically, if the outer wall of this vessel were punctured, it would no longer operate, and the product would not stay cold. If the inner wall were damaged, the vapor pressure would release and the gas would turn to a solid and the gas...or the vapor would dissipate. In other words, the tank will shut down its intended use, and it would have to be replaced for the business to continue operating. I ask you vote for LB (sic) 204.

SENATOR CUDABACK: You've heard the opening on the Business and Labor Committee amendments. Open for discussion on those amendments, AM0204. Seeing none, Senator Cunningham, to close. He waives the opportunity to close. The question before the body is, shall AM0204, offered by Business and Labor, be adopted? All in favor vote aye; opposed, nay. Voting on the committee amendments offered by the Business and Labor Committee, AM0204. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of committee amendments.

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SENATOR CUDABACK: Committee amendments are adopted. Back to discussion of the bill itself. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to ask Senator Cunningham a question.

SENATOR CUDABACK: Senator Cunningham, would you respond?

SENATOR CUNNINGHAM: Yes.

SENATOR CHAMBERS: Senator Cunningham, is a broiler a chicken?

SENATOR CUNNINGHAM: Yes.

SENATOR CHAMBERS: Why would a broiler bill come to the Business and Labor instead of the Ag Committee?

SENATOR CUNNINGHAM: Well, Senator Chambers, I'm not sure. You're on the Exec Committee. (Laughter)

SENATOR CHAMBERS: Touche. (Laugh) Thank you, Senator.

SENATOR CUDABACK: Any further questions? Senator Cunningham, there are no lights on. Did you wish to close, Senator Cunningham? Senator Cunningham. He waives the opportunity. The question before the body is, shall LB 122 advance to E & R Initial as amended? All in favor vote aye; opposed, nay. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 122.

SENATOR CUDABACK: LB 122 does advance. LB 471, Mr. Clerk.

CLERK: Mr. President, before that, Revenue Committee will have an Executive Session at 10:45 underneath the south balcony; Revenue, 10:45. LB 471, by Senator Louden. (Read title.) Bill was introduced on January 13, referred to the Transportation Committee, advanced to General File. I have no

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amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Louden, to
oper. on LB 471.

SENATOR LOUDEN: Thank you, Mr. President and members of the
body. LB 471 is intended to improve safety for railroad workers
and the motoring public. LB 471 would allow railroad vehicles,
that are stopped to load or unload passengers, to have rotating
amber lights. The statute to be amended currently lists five
other types of vehicles that may use these lights, and you may
read those in the bill. The railroads use a taxi service to
bring crews to and from trains that have been sidetracked, or
when crews run out of time, so to speak. This term is applied
to crewmen that have worked their allotted time and have not
reached their destination with the train they were operating.
Consequently, the railroads use the public highway to transport
new crews to the trains and return the crews who have completed
their shift. Many times, a vehicle that is loading and
unloading crews is parked on a public highway, because a large
numbers of miles of our highway system parallel a railroad
track. A case in point is Highway 2, from Crawford, in
District 49, that I represent. This highway parallels the
Burlington Northern Santa Fe almost all the way to Lincoln.
Also, the Union Pacific parallels state highways from west of
Morrill, in District 49, to North Platte, and beyond
Grand Island to Omaha. LB 471 had no opponents at the...at its
hearing before the Transportation and Telecommunications
Committee, and the bill was advanced with no dissenting votes
and no amendments. I ask for your vote to advance the bill.
Thank you.

SENATOR CUDABACK: Thank you, Senator Louden. You've heard the
opening on LB 471. Open for discussion on that motion. Senator
Louden, there are no...he waives the opportunity to close. The
question before the body is, shall LB 471 advance to E & R
Initial? All in favor vote aye; opposed, nay. Have you all
voted who care to? Record please, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of
LB 471.

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LB 105, 471

SENATOR CUDABACK: LB 471 does advance. Mr. Clerk, LB 105.

CLERK: LB 105, by Senator Chambers. (Read title.) The bill was introduced on January 6, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Chambers, to open on advancement of LB 105.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the Nebraska Supreme Court and the State Bar Association have put together a committee that would study issues of gender, race, and other matters that might lead to disparate treatment in the judicial system of various individuals and groups. In order to get the information that's needed so that they can look at all aspects of the system, the committee wants to be able to get information related to these jury lists. This information currently is not available to anybody. This bill would have the following language, and I will read it because I want it in the record: "Notwithstanding subsection (1) of this section," which makes this information off-limits, "the Supreme Court or an agent of the Supreme Court acting under the direction and supervision of the Chief Justice shall have access to juror qualification forms for research purposes. The Supreme Court and its agent shall treat such information as confidential, and nothing identifying any individual shall be released." This information will be obtained by the Supreme Court or its designated agent for research purposes only. Nothing that would identify any individual who had gone through this process of being qualified as a juror will be utilized. So I'm asking that you advance this bill, and strike a blow for justice, fairness, equality. Sometimes that blinder that's over the Statue of Justice's face will lift up a little bit, and the court will look at who is standing before it. A person's status, whether political, racial, sexual, sexual orientation, or any of a number of other inconsequential factors may be taken into consideration, and will result in a skewed decision. That decision will be skewed because a court should render a judgment, a jury should reach a

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verdict only on the basis of admissible, probative evidence. So this committee has really been doing some good work in ferreting out problems that exist. But in order to get to the bottom of all of them, or as close to the bottom as possible, information from these jury qualification forms will also be needed. If you have any questions, I will answer them, or maybe not. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on advancement of LB 105. Open for discussion. Senator Chambers, there are no lights on. He waives closing. The question before the body is, shall LB 105 advance to E & R Initial? All in favor vote aye; opposed, nay. The question before the body is advancement of LB 105. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 105.

SENATOR CUDABACK: LB 105 advances. Mr. Clerk, LB 360.

CLERK: LB 360, by Senator Bourne. (Read title.) Introduced on January 11, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Bourne, to open on LB 360.

SENATOR BOURNE: Thank you, Mr. President, members. LB 360 amends the current burglary statute, and removes the element of "breaking" from that offense. The statute is also narrowed to define burglary as those acts where a person, not privileged to do so, enters or remains unlawfully in a building or occupied structure, rather than any real estate, as currently prescribed. Nebraska presently defines the crime of burglary as the act of willfully, maliciously, and forcibly breaking and entering into any real estate or any improvement erected thereon with the intent to commit any felony, or with the intent to steal property of any value. For decades, the Nebraska courts have struggled to fully define "breaking." After much consideration, the court-settled definition of "breaking" is any act of

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physical force, however slight, to remove an obstruction to the entry of the premises. This has led to a series of inconsistent convictions under the law of burglary. The problem was specifically addressed in a Nebraska Supreme Court concurring opinion in the case of State v. Greer. An example was given in the concurring opinion: Under the present interpretation of "breaking," climbing over the newly erected fence at the Governor's mansion with the intent to commit any felony is not burglary, but opening and walking through the gate with the same intent is burglary. The concurring opinion called on the Legislature to resolve this issue. The purpose of LB 360 is to clarify the burglary statute through the removal of the element of "breaking" from the offense. The intent of the burglary statute is to protect the sanctity and security of homes and businesses, and this intent should not be hindered by formalistic and hypertechnical application of the law. Thank you.

SENATOR CUDABACK: Thank you, Senator Bourne. You've heard the opening on LB 360 by Senator Bourne. Open for discussion. Senator Bourne, there are no...he waives the opportunity to close. The question before the body is, shall LB 360 advance to E & R Initial? All in favor of the motion vote aye; those opposed, nay. The question before the body is advancement of LB 360. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 360.

SENATOR CUDABACK: LB 360 does advance. (Visitors introduced.) Mr. Clerk, LB 362.

CLERK: LB 362, by Senator Bourne. (Read title.) Bill introduced on January 11, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Bourne, to open on LB 362.

SENATOR BOURNE: Thank you, Mr. President, members. LB 362

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clarifies archaic language in Nebraska statutes, Section 29-504. Originally adopted in 1873, the statute contains awkward phrasing, directing the magistrate to, quote, proceed as soon as may be, in the presence of the accused, to inquire into the complaint, end quote. LB 362 changes the language, directing the magistrate to, proceed as soon as practical under the circumstances. LB 362 was advanced by the Judiciary Committee 7 to 0, and I urge your support in moving it on to Select File. Thank you.

SENATOR CUDABACK: Thank you, Senator Bourne. You've heard the opening on LB 362. Open for discussion on that motion. Senator Bourne, there are no lights on. He waives the opportunity to close. The question before the body is, shall LB 362 advance to E & R Initial? All in favor vote aye; opposed, nay. The question before the body is advancement of LB 362. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 362.

SENATOR CUDABACK: LB 362 does advance. Mr. Clerk, LB 363.

CLERK: LB 363, by Senator Bourne. (Read title.) Introduced January 11, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Bourne, to open on advancement of LB 363.

SENATOR BOURNE: Thank you, Mr. President, members. LB 363 inserts unintentionally omitted language pertaining to the crime of criminal attempt as defined in Nebraska statutes, Section 28-201. The statute penalizes criminal attempt based upon the felony grade of attempted crime, except where the attempted crime is a Class IC or a Class ID felony, which are currently...which are not currently referenced in the statute. The absence of these two recently created felony offenses is an oversight. LB 363 simply corrects the omission by including these two classes in the list of Class I felonies. The correction does not alter the intent or purpose of the crime of

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LB 363, 402

criminal attempt, but rather corrects an unintentional error. LB 363 was advanced by the Judiciary Committee on a 7 to 0 vote. And I would urge your support of this measure as well. Thank you.

SENATOR CUDABACK: Thank you, Senator Bourne. You've heard the opening on the advancement of LB 363. Open for discussion on that motion. Senator Bourne, there are no senators wishing to speak. He waives closing. The question before the body is, shall LB 363 advance to E & R Initial? All in favor vote aye; opposed, nay. We're voting on the advancement of LB 363. Record please, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB 363.

SENATOR CUDABACK: LB 363 does advance. Mr. Clerk, LB 402.

CLERK: LB 402, introduced by Senator Fischer. (Read title.) Introduced on January 12, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Fischer, to open on advancement of LB 402.

SENATOR FISCHER: Thank you, Mr. President and members of the body. LB 402 will change the requirements for updating master jury lists for counties with a population of 3,000 or less. In 2003, the final report of the Nebraska Minority and Justice Task Force contained a recommendation that counties refresh their jury pools annually to assure adequate representation of the population. Related legislation, LB 19, was adopted that year. Under current law, counties are required to update their jury list every year, regardless of the number of jury trials in the county. LB 402 would require counties with a population of less than 3,000 to refresh their jury pool every two years rather than annually. The new language would apply to the state's smallest 21 counties. Nine of these counties are in the 43rd District. The figure of 3,000 was used because that is what the Nebraska Supreme Court agreed to. Counties with a shifting population would generally be excluded from the

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two-year provisions due to size. All counties are starting from a new list, as required by the legislation adopted two years ago. Small counties that have a need for more frequent refreshment of their jury pool could do so. LB 402 permits the jury commissioner to put together the master jury list every two years, to save time and expense. Thank you.

SENATOR CUDABACK: Thank you, Senator Fischer. You've heard the opening on LB 402. Open for discussion on that motion. Senator Fischer, there are no lights on. She waives the opportunity to close. The question before the body is, shall LB 402 advance to E & R Initial? All in favor of the motion vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB 402.

SENATOR CUDABACK: LB 402 does advance. Mr. Clerk, LB 648.

CLERK: LB 648, introduced by Senator Brashear. (Read title.) Introduced on January 19, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Brashear, you're recognized to open on LB 648.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. LB 648 addresses language currently in our statutes related to a pilot program for dispute resolution regarding a settlement escrow technique. In 2001, language was added to our civil procedures statutes in an attempt to consider the merits of the settlement escrow procedure as a method of alternative dispute resolution, or ADR. By its terms, such language terminated, or sunset, on July 1, 2004. Given that this language is no longer operative, it has been suggested by the Revisor of Statutes that it be stricken from the statutes, in order to maintain clarity and to relieve expense. LB 648 would outright repeal those sections. I'd ask for your support in advancement of LB 648. Thank you.

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SENATOR CUDABACK: Thank you, Senator Brashear. You've heard the opening on LB 648. Open for discussion on that motion. Senator Brashear, there are no lights on. He waives the opportunity to close. The question before the body is, shall LB 648 advance to E & R Initial? All in favor vote aye; opposed, nay. The question before the body is advancement of LB 648, offered by Senator Brashear, to E & R Initial. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB 648.

SENATOR CUDABACK: LB 648 does advance. Mr. Clerk, LB 649.

CLERK: LB 649, by Senator Brashear. (Read title.) Bill was introduced on January 19, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Brashear, you're recognized to open on advancement of LB 649.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. LB 649 makes clarifying changes to Section 25-1144 of the Nebraska Revised Statutes, regarding motions for a new trial. This is also done upon the recommendation of the Revisor of Statutes. Current law employs archaic language and archaic structure, and needs to be better harmonized with other statutes. LB 649 will ensure that Section 25-1144 employs proper cross-references to other sections, and makes use of the type of language used elsewhere in our statutes. I ask your support of and the advancement of LB 649. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. You've heard the opening on LB 649. Open for discussion. Senator Brashear, there are no lights on. He waives the opportunity to close. The question before the body is, shall LB 649 advance to E & R Initial? All in favor vote aye; those opposed, nay. The question before the body is advancement of LB 649. Have you all voted on the question who wish to? Record please, Mr. Clerk.

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March 8, 2005 LB 115, 649, 650

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of
LB 649.

SENATOR CUDABACK: LB 649 does advance. Mr. Clerk, LB 650.

CLERK: LB 650, by Senator Brashear. (Read title.) Introduced
on January 19, referred to the Judiciary Committee, advanced to
General File. I have no amendments to the bill.

SENATOR CUDABACK: Senator Brashear, you're recognized to open
on LB 650.

SPEAKER BRASHEAR: Thank you, Mr. President. Members of the
body, LB 650 clarifies language related to when an audiovisual
court appearance can be made. Current Section 29-4205 of the
Nebraska Revised Statutes could be deemed confusing and lacking
in some degree of organizational structure. The section
addresses the questions of when and for what purposes facsimile
and actual signatures are required, and the issue of when
videotaped copies of the proceedings must be retained. LB 650
would amend that section in order to divide the language into
subsections that enhance the organizational clarity. No
substantive changes to the requirements for actual signatures or
retention of videotapes are made by the bill. I urge your
consideration, support, and advancement of LB 650. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. You've heard
the opening on LB 650, offered by Senator Brashear. Open for
discussion. There are no senators wishing to speak. Senator
Brashear, you...Senator Brashear waives closing. Question
before the body is, shall LB 650 advance to E & R? All in favor
vote aye; opposed, nay. Question before the body is the
advancement of LB 650 to E & R Initial. Have you all voted on
the question who care to? Record please, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of
LB 650.

SENATOR CUDABACK: LB 650 does advance. Mr. Clerk, LB 115.

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CLERK: LB 115, introduced by Senator Friend. (Read title.)
Introduced on January 6, referred to the Judiciary Committee,
advanced to General File. I do have committee amendments,
Mr. President. (AM0107, Legislative Journal page 423.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Friend, to
open on LB 115.

SENATOR FRIEND: Thank you. Thank you, Mr. President, members
of the Legislature. LB 115 permits the automatic
decertification of a law enforcement officer upon final
conviction of a felony offense, without necessity of conducting
a hearing under the Administrative Procedures Act. For a little
bit of background, the Nebraska Revised Statutes
Section 81-1403, subsection (6), gives the Police Standards
Advisory Council the authority to revoke or suspend certificates
or diplomas as they issue. And additionally, the Nebraska
Revised Statutes Section 81-1410, subdivision (2)(f),
essentially restricts convicted felons from admission to the law
enforcement training academy. Currently, based on rule and
regulation, the policy...or, excuse me, the Police Standards
Advisory Council and the Crime Commission hold hearings to
decertify officers convicted of felony crimes. This requires
considerable preparation and presentation to conform to both
relevant rule and regulations, as well as Administrative
Procedures Act, this in spite of the fact that a convicted felon
cannot be admitted to the training center without a pardon, and
that essentially most law enforcement agencies would not
intentionally hire a convicted felon. And simply put, I think
LB 115 saves time and resources. With that, I would ask for the
advancement of LB 115. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Friend. You've heard the
opening on LB 115. As stated, there are committee amendments by
the Judiciary Committee. Senator Bourne, as Chairman of the
committee, you're recognized to open.

SENATOR BOURNE: Thank you, Mr. President, members. The
committee amendment makes two changes to the green copy of the
bill. The committee amendment first strikes the language in the
bill denying an individual who has been convicted of a felony

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the right to administratively appeal the revocation of his or her law enforcement certificate. The purpose of this change is to address concerns regarding the taking of an individual's professional license without due process. And the committee amendment accomplishes this by retaining the right to an administrative appeal. Secondly, the amendment makes a technical correction to the definition of "felony" in the bill. As introduced, the felony is defined as any crime carrying a potential sentence of one year or more, which would include Class I misdemeanors in Nebraska. The committee amendment changes this language to cover only sentences for more than one year, which properly limits its application to felony crimes. The committee amendment to LB 115 was advanced from the committee without opposition. And I would urge your adoption of this amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Bourne. You've heard the opening on AM0107, offered by the Judiciary Committee. Open for discussion. There are no lights on. Senator Bourne, did you wish to close? He waives the closing. The question before the body is, shall AM0107, by the Judiciary Committee, be adopted to LB 115? All in favor vote aye; opposed, nay. We're voting on the adoption of the committee amendments. Have you all voted on the question who wish to? Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SENATOR CUDABACK: Committee amendments are adopted. Anything further on the bill, Mr. Clerk?

CLERK: Nothing further, Mr. President.

SENATOR CUDABACK: Back to discussion of the bill itself. Seeing no lights on, Senator Friend, you're recognized to close. He waives closing. The question before the body is, shall LB 115 advance to E & R Initial? All in favor vote aye; opposed, nay. Have you all voted on the issue who care to? Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of

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LB 115, 342, 640

LB 115.

SENATOR CUDABACK: LB 115 advances as amended. Mr. Clerk, LB 342.

CLERK: LB 342, by Senator Baker. (Read title.) Introduced on January 11, referred to Natural Resources, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Baker, to open on advancement of LB 342.

SENATOR BAKER: Thank you, Mr. President and members. LB 342 eliminates the Data Bank Technical Advisory Committee. Senator Schimek should be glad with this. They last met in February of 2004, and voted to eliminate the board. There are ten members on the board. Since the statute creating this advisory committee was enacted, there have been a number of changes in information technology. What they were doing with the Data Bank Advisory Committee has now been replaced by the Geographic Information Systems Steering Committee in 1991. So I would ask for support of this. We're not changing statutes dealing with what goes into the data bank and what they do with it. It's simply under the Geographic Information Systems Steering Committee now and no longer need the Data Bank Technical Advisory Committee. Would ask for your support of LB 342. Thank you.

SENATOR CUDABACK: Thank you, Senator Baker. You've heard the opening on LB 342. Open for discussion on that motion. Senator Baker, there are no lights. He waives the opportunity to close. The question before the body is, shall LB 342 advance to E & R Initial? All in favor vote aye; opposed, nay. We're voting on advancement of LB 342. Record please, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB 342.

SENATOR CUDABACK: LB 342 does advance. Mr. Clerk, LB 640.

CLERK: LB 640, by Senator Connealy. (Read title.) Introduced

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on January 19, referred to the Banking Committee, advanced to General File. I have no amendments, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Connealy, to open on LB 640.

SENATOR CONNEALY: Thank you, Mr. President, members. LB 640 was brought to me by the abstracters. And it would coordinate the licensure with the time that they have to get continuing education. Currently, they have to have continuing education credits every two years, and they're licensed every year. So this just allows it, the license, to last for two years, and it doubles the fee for that license. So the license goes from \$100 now every year, to \$200 every two years. I ask...it came out of committee with 7 yes votes and 0 dissenting votes. I urge your passage of LB 640.

SENATOR CUDABACK: Thank you, Senator Connealy. You've heard the opening on LB 640. Open for discussion on that motion. Senator Connealy, there are no lights on. Do you wish to...he waives the opportunity to close. The question before the body is, shall LB 640 advance to E & R Initial? All in favor of the motion vote aye; those opposed to the motion vote nay. The question before the body is, shall LB 640 advance? Have you all voted on the question who wish to? Record please, Mr. Clerk.

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB 640.

SENATOR CUDABACK: LB 640 does advance. Mr. Clerk, LB 291.

CLERK: LB 291, by Senator Baker. (Read title.) Introduced on January 10, referred to Revenue, advanced to General File. I do have committee amendments, Mr. President. (AM0294, Legislative Journal page 456.)

SENATOR CUDABACK: Senator Baker, to open on LB 291.

SENATOR BAKER: Thank you, Mr. President, members. LB 291 changes the time frame in which a county can apply to the Property Tax Assessment Office for the state to take over those

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assessing duties. Right now, they can apply each four years. That's the requirement in statute. There is some chance that the Property Tax Administrator may be able to take a county at no additional cost, or very minimal, right now, an adjoining county to a currently state assessed county. And they would like to lower this threshold from every four years to every two years. And that is what the bill does. You can follow the language. But if...the process...the county board of any county may request the Property Tax Administrator to assume the county assessment function, perform those duties, each four years. It lowers it to two years. That's the gist of the bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Baker. You've heard the opening on LB 291. There are committee amendments, offered by the Revenue Committee. Senator Connealy, to open on those amendments.

SENATOR CONNEALY: Thank you, Mr. President. The committee amendment would reinstate stricken language that is in current law, and clarifies that the effective date of the takeover would be the second following July 1.

SENATOR CUDABACK: You've heard the opening on the Revenue amendments, offered by Vice Chairman Connealy. Open for discussion. There are no lights on. Senator Connealy waives. The question before the body is, shall AM0294 be adopted to LB 291? All in favor vote aye; opposed, nay. The question before the body is the Revenue Committee amendments, AM0294. Have you all voted on the amendments who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: 29 ayes, 0 nays on adoption of the committee amendments, Mr. President.

SENATOR CUDABACK: The amendments are adopted. Back to discussion of the bill itself, LB 291. Senator Baker. He waives closing. The question before the body is, shall LB 291 advance to E & R Initial? All in favor vote aye; opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

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CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 291.

SENATOR CUDABACK: LB 291 does advance. Mr. Clerk, LB 406.

CLERK: LB 406, by Senator Schimek. (Read title.) Introduced on January 12, referred to Urban Affairs, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Senator Schimek, to open on LB 406.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. LB 406 changes the way we issue handicapped parking licenses. And the bill came about because a constituent contacted me saying that when she tried to renew here handicapped parking permit, the office handling these permits was swamped. And even though she submitted her application in a timely manner, she heard nothing regarding her application. I'm actually reading from the letter that she sent me. The day before her old permit expired, she called the office and was told that it would be mailed in a week or two. That was long after the current one would have expired. The lady she spoke with said she would pull the papers and complete it on her lunch time if my constituent could stop by and pick up the permit later that afternoon. That allowed her to park in accessible places without breaking the law. And what she found out is that this happens every year, because it's always...these permits are all done on the same day of the year, September 30, every three years. And so all the bill does is put that on the applicant's birthday date. And it's every three years on their birthday date, the last day of the month, I believe is the way it reads. So, everybody who came in on this was supportive. I think it's a good bill. There's a little, teeny fiscal note, which probably the agency can eat. And with that, Mr. President, I would recommend advancing this to E & R Initial.

SENATOR CUDABACK: Thank you, Senator Schimek. You've heard the opening on LB 406. Open for discussion. Senator Schimek, there are no...she waives the opportunity to close. The question before the body is, shall LB 406 advance to E & R Initial? All in favor vote aye; opposed, nay. The question before the body

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is advancement of LB 406. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 406.

SENATOR CUDABACK: LB 406 does advance. (Visitors introduced.) Mr. Clerk, LB 241.

CLERK: LB 241, by Senator Schimek. (Read title.) Introduced on January 10, referred to the Government Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Schimek, you're recognized to open on LB 241.

SENATOR SCHIMEK: Thank you, Mr. President and members. This bill does indeed concern boards and commissions. And incidentally, Senator Baker, I do appreciate it when we do get rid of boards and commissions that are no longer necessary. This actually is a bill which would change the Government Committee's responsibility, to once every four years instead of once every two years, in doing this review and examination of all the boards and commissions we have in the state. I've brought with me today the very first publication that the Government Committee ever did. That was in 1994. And we had no idea what we were getting into, but what we wanted to do was try to see how accurate the lists were. And that was before statute was even passed requiring us to do that. Subsequently, we did pass a statute. And this was the result in 1999. Now, this book is a little bit thinner, because we started getting rid of some of the boards and commissions along the way. And then finally, I have to tell you that the book has gotten much, much thicker, because what we discovered was nobody really had a complete list. We feel that this is a pretty complete list of all the boards and commissions in this state. And we think we've really got it all compiled to the point where we can do it every four years now instead of every two years in doing that review. It's a tremendous amount of work. My staff does a great job on it. But I would ask you to advance this bill and lighten their load just a teeny-weeny bit. Thank you.

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LB 97, 241

SENATOR CUDABACK: Thank you, Senator Schimek. You've heard the opening on LB 241. Open for discussion. Senator Schimek, there are no lights on. Senator Schimek waives the opportunity to close. The question before the body is, shall LB 241 advance to E & R Initial? All in favor vote aye; opposed, nay. The question before the body is advancement of LB 241. Have you all voted on the question who care to? Record please, Mr. Clerk, when you get time.

CLERK: 30 ayes, 1 nay, Mr. President, on the advancement of LB 241.

SENATOR CUDABACK: LB 241 does advance. Mr. Clerk, LB 97.

CLERK: Mr. President, LB 97 is a bill by Senator Beutler. (Read title.) Introduced on January 6, referred to the Banking Committee, advanced to General File. I do have Banking, Commerce and Insurance Committee amendments pending, Mr. President. (AM0172, Legislative Journal page 519.)

SENATOR CUDABACK: Senator Beutler, you're recognized to open on LB 97.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I'm going to attempt to give a very simplified view of this, because it is something that, in its more elaborate format, requires some additional explanation. But basically, this is a bill that was brought to me by the banking industry. And they were concerned about 76-239, the statute that says, in part, after the expiration of 20 years from the date of a deed of trust or a mortgage, for example, the record of any such mortgage or real estate contract that has been recorded shall cease to be notice of the existence of a lien. So this is what's called a curative statute, that applies to mortgages, and it's been applied to deeds of trust, in fact, which basically indicates that title insurers, for example, are not going to show mortgages as a lien if 20 years has expired from the date of the mortgage. What the bankers found problematic in that was that there are certain types of mortgages and deeds of trust--deeds of trust, primarily, today--that have what's called

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a future advances clause in it. And that means simply that not only do they make a loan when the mortgage or deed of trust is filed initially, but, using that same mortgage or deed of trust, at some future time they may make an additional loan, secured by that same instrument. So 10 years out, 20 years out, 25 years out, they may be making loans secured by that deed of trust or mortgage. And they saw this curative statute as being a problem, and suggested, in the green copy of the bill, that that type of instrument that includes future advances clauses should be exempted out entirely from the operative provision of this curative statute. And the title insurance industry didn't like that particular solution. But the two groups were able to get together on a compromise solution that everybody is happy with, and that is in the committee amendment. And I will leave it to the Chair of the committee amendment to explain that compromise. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. You've heard the opening on LB 97. There are committee amendments, as stated. Senator Friend, as Chairman of the committee, you're recognized to open. Senator Mines.

SENATOR MINES: Thank you, Mr. President, colleagues. As Senator Beutler explained, the committee amendment, which is AM0172, strikes the bill's original amendment and...to Section 76-239. Four provisions are included in the amendment. First, it provides that Section 76-239 applies to trust deeds, or deeds of trust, as well as to mortgages and real estate contracts. Secondly, it provides that in cases where the date of maturity of debt or obligation secured by a trust deed, mortgage, or real estate contract cannot be ascertained from the record of the deed of trust, mortgage, or contract, the record of the deed of trust, mortgage, or contract shall cease to be notice of the existence and lien of the deed of trust, mortgage, or contract to subsequent encumbrances and purchasers after the expiration of the operative is 30 years rather than 20 years from the date of the deed of trust, mortgage, or contract. Number three, it provides that the bill shall not affect or alter the status of any deed of trust, mortgage, or contract already rendered prior...excuse me, already rendered void prior to the effective date of the bill. And fourth and finally, it

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provides no specific mention of future advances clauses. With that, Mr. President, I would ask for the members' approval, and ask for advancement of the amendment and LB 97. Thank you.

SENATOR CUDABACK: Thank you. You've heard the opening by Chairman Mines of the Banking Committee on the committee amendments. Open for discussion. Senator Mines, there are no lights on. He waives the opportunity to close. The question before the body is adoption of the committee amendments, AM0172, to LB 97. All in favor vote aye; opposed, nay. The question before the body is, shall the committee amendments be adopted, offered by the Banking Committee, to LB 97? Record please, Mr. Clerk.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SENATOR CUDABACK: The committee amendments are adopted.

CLERK: I have nothing further, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Back to discussion of the bill itself. Senator Wehrbein.

SENATOR WEHRBEIN: Mr. President, members, I'd like to ask Senator Beutler a question.

SENATOR CUDABACK: Senator Beutler, would you respond?

SENATOR WEHRBEIN: I don't want to belabor your bill, Senator Beutler. You can give me a brief answer. How often is this a case, where there is not a date in a contract? I would think that would be fairly infrequent.

SENATOR BEUTLER: In...do you intend to speak of contracts, Senator, or mortgages or deeds of trust?

SENATOR WEHRBEIN: Mortgages...the whole ball of wax, I guess.

SENATOR BEUTLER: You know, I'm far enough away from my actual practice in the industry, and too far to tell you what

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percentage of them are one way or the other.

SENATOR WEHRBEIN: I was surprised to see...

SENATOR BEUTLER: But it's not uncommon to have...

SENATOR WEHRBEIN: I was...I would think...

SENATOR BEUTLER: ...no termination date.

SENATOR WEHRBEIN: ...there would not be very many that were dateless, if you will, that termination time, if I'm understanding it right?

SENATOR BEUTLER: Well, I'm just not familiar with what the practice is out there right now.

SENATOR WEHRBEIN: Okay.

SENATOR BEUTLER: I would think that, generally speaking, they would have a termination date.

SENATOR WEHRBEIN: That's what I would think.

SENATOR BEUTLER: But again, I'm not up to date on the actual practice.

SENATOR WEHRBEIN: Okay. Thank you. That's enough for now.

SENATOR BEUTLER: Okay.

SENATOR CUDABACK: Thank you, Senator Wehrbein. Further discussion? Seeing no lights on, Senator...Senator Beutler waives closing. The question before the body is, shall LB 97 advance to E & R Initial as amended? All in favor vote aye; opposed, nay. Voting on the advancement of LB 97. Record please, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 97.

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SENATOR CUDABACK: LB 97 does advance. Mr. Clerk, LB 451.

CLERK: LB 451, by Senator Wehrbein. (Read title.) The bill was introduced on January 13, referred to the Government Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Wehrbein, to open.

SENATOR WEHRBEIN: Thank you, Mr. President, members of the Unicameral. This is an updating of the statutes, if you will, relative to the Uniform Commercial Code financing statements. If you'll recall, in...LB 1321, in 1999, centralized the filing of UCC financing statements where the collateral was an agricultural product, in the Secretary of State's Office. Prior filings made at the county level had to be transitioned or refiled in the Secretary of State's Office, or they lapsed. Current law provides the origin of any filing which has not been lapsed or terminated be retained. But since the counties now are no longer accepting the filings, they have no way of knowing if such filings have been lapsed or terminated. As time goes on, there is more and more dead wood in the county offices. The NACO county clerks came to my office--and this is Secretary of State--and asked for my assistance in clarifying the law and allowing them to dispose of the documents, the information of which was transitioned to the Secretary of State's Office in 1999. This bill gives the counties clear authority to do away with the filings at the local courthouse. All filings of UCC and agriculture are now done at the Secretary of State's Office. There is no need to have them in the county offices. This bill allows them to do away with those financing that is...filings that are in the county courthouses, and because it is all done now at the Secretary of State's Office.

SENATOR CUDABACK: Thank you, Senator Wehrbein. You've heard the opening on LB 451. Open for discussion. Senator Wehrbein, there...Senator Wehrbein waives closing. The question before the body is, shall LB 451 advance to E & R Initial? All in favor vote aye; opposed, nay. Voting on the advancement of LB 451. Record please, Mr. Clerk.

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March 8, 2005 LB 451, 525

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of
LB 451.

SENATOR CUDABACK: LB 451 does advance. Mr. Clerk, LB 525.

CLERK: LB 525, by Senator Engel. (Read title.) Bill was
introduced on January 14, referred to the Government Committee,
advanced to General File. I have no amendments to the bill,
Mr. President.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Thank you, Mr. Clerk. Senator Engel, to
open, please.

SENATOR ENGEL: Thank you, Mr. Speaker and members of the body.
I introduced LB 525 in my capacity as Chairperson of the
Executive Board, to allow the Legislature to provide electronic
access through a gateway provider, for a fee, without having to
first get permission from the State Records Board. In 1997, the
Legislature amended the State Records Management Act to allow
the State Records Board to provide for electronic access to
public records, for a fee, through a centralized electronic
information system, also known as a gateway. Nebrask(at) Online
is the gateway for Nebraska, and the State Records Board
contracts with them to provide this service. As part of the
State Records Management Act, a state agency is required to get
approval from the State Records Board before it can provide
electronic access to public records through Nebrask(at) Online,
for a fee. The judicial branch, however, is specifically exempt
from this approval process, because of an amendment adopted at
the request of the court. The court's concern was that the
approval process violated the separation of powers doctrine, by
requiring the judicial branch to get permission from the State
Records Board, which could result in the executive branch making
decisions regarding the distribution of court records. LB 525
would provide the same exemption for the Legislature as for the
judicial branch. The bill would allow the Legislature to
provide electronic access to public records, for a fee, through
Nebrask(at) Online, so long as the Chairperson of the Executive

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Board files a report with the State Records Board. The report would include the same information that the court is required to provide. Why is the Executive Board interested in this now? Well, last year, the Executive Board and the State Records Board entered into a one-year agreement to have Nebrask(at) Online provide an enhanced bill tracking system for the 2005 Session. The system includes bill tracking, automatic e-mail notification, and the opportunity for development of user profiles. Fees are assessed to those who track large number of bills, but the basic electronic bill book and e-mail notification are available to the public at no charge. However, in order for Nebrask(at) Online to continue to collect this fee, the Executive Board would have to get approval from the State Records Board. That, of course, raises the same constitutional separation of powers issue that the court was concerned about earlier. LB 525 will exempt the Legislature from the approval process in the same way the courts are exempt. To summarize, under this proposed legislation, the Executive Board will be able to maintain its contract with the State Records Board to use the services of the state's gateway manager, Nebrask(at) Online. In turn, Nebrask(at) Online will receive direct access to legislative information, provide enhanced bill tracking services to the public at no charge, and charge a fee for premium bill tracking services. In addition, Nebrask(at) Online will continue to provide both the enhanced and premium bill tracking services to the Legislature and state agencies at no charge. The Executive Board will keep the State Records Board informed by providing a report, and will take into consideration any recommendations made by the State Records Board. If you have any questions, I would be happy to answer them. Thank you.

SPEAKER BRASHEAR: Thank you, Senator Engel. Further speaking to LB 525? Senator Engel, I see none. You may close. Senator Engel waives closing. The question before the body is the advancement of LB 525. All those in favor signify by voting aye; those opposed, nay. Have you all voted? Record please, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB 525.

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March 8, 2005 LB 201, 525
 LR 46

SPEAKER BRASHEAR: Thank you, Mr. Clerk. LB 525 is advanced. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR 46. Mr. Clerk.

CLERK: Mr. President, LB 201, by Senator Cudaback. (Read title.) Introduced on January 7, referred to General Affairs, advanced to General File. I have no amendments, Mr. President.

SPEAKER BRASHEAR: Thank you, Mr. Clerk. Senator Cudaback, to open, please.

SENATOR CUDABACK: Thank you, Mr. Speaker. Mr. Speaker, members, LB 201 is one of those bills that we have to do every third year. That third year is here. I've done this for the last 15 years on this same particular bill. And it simply updates our State Electrical Board, the rules they have to follow by the National Electric Code. It's a minimum code. And it simply updates the code that the state board follows and Nebraska follows. And I'm here to open on that today, and those are my remarks.

SPEAKER BRASHEAR: Thank you, Senator Cudaback. You've heard the opening on LB 201. Is there further speaking? I see none. Pardon me. Senator Janssen.

SENATOR JANSSEN: Thank you, Mr. Speaker, members of the Legislature. This is a bill that Senator Cudaback has brought the General Affairs Committee ever since I've been here. It's something that needs to be done. Senator Cudaback does a fine job when introducing it. And I hope for your passage. Thank you.

SPEAKER BRASHEAR: Thank you, Senator Janssen. Further speaking to advancement? I see none. Senator Cudaback, to close. Senator Cudaback waives closing. All those in favor of the advancement of LB 201 signify by voting aye; those opposed, nay.

SENATOR CUDABACK PRESIDING

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SENATOR CUDABACK: Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB 201.

SENATOR CUDABACK: LB 201 advances. Mr. Clerk, LB 647.

CLERK: LB 647, a bill by Senator Brashear. (Read title.) Bill was introduced on January 19, referred to the Banking Committee, advanced to General File. I do have an amendment to the bill, Mr. President.

SENATOR CUDABACK: Senator Brashear, you're recognized to open on LB 647.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. LB 647 would require that limited liability companies file a biennial report in each odd-numbered year, beginning in the year 2007. The bill is patterned after similar longstanding requirements for corporate biennial reports. Although statutory provisions call for both corporations and limited liability companies to file appropriate papers with the Secretary of State when they dissolve or otherwise terminate their existence, many businesses, many such entities, do not do so. The Secretary of State dissolves them as a penalty under the law at the rate of approximately 5 percent of the state's corporations per year for the failure to file those reports. Presumably, limited liability companies are going out of business at a similar or even greater rate, as the LLC form is rapidly becoming preferred among limited liability organizational entities, those for small businesses and business start-ups. The record of the Secretary of State is relied upon by lending institutions, title insurance companies, and many others, including consumers, to determine the legal status of a business entity. With a 5 percent per year rate of dissolution, it is easy to see how over time the records of the Secretary of State will become less and less reliable. In addition to the general issue of the integrity of the records, this situation would make it easier for someone to pirate a defunct LLC and, in essence, commit business identity theft by operating under the name of an LLC no longer in actual

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LB 647

existence, but still legally recognized on the books and records of the state, under the control of the Secretary of State. In recognizing the concern of added red tape and paperwork for businesses, the bill has been drafted in such a way as to require that the form to be developed by the Secretary of State will be a page or less. The filing fee is \$10. And the Secretary of State will also explore the possibility of these reports being filed electronically. I ask your consideration and support of LB 647, and the advancement thereof. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. Mr. Clerk.

CLERK: Senator Beutler would move to amend, Mr. President, with AM0701. (Legislative Journal page 744.)

SENATOR CUDABACK: Senator Beutler, to open on your amendment, AM0701.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, this is a small technical amendment that doesn't change in any way Senator Brashear's intent. He indicated that the filing fee was the ordinary filing fee for filings pursuant to the Limited Liability Company Act of \$10. In Section 3 there is the argument of ambiguity with regard to what filing fee would be applicable. And it eliminates that ambiguity and makes...and clarifies that the bill does exactly what Senator Brashear intended it to do. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. You've heard the opening on the amendment to the bill itself. Open for discussion. Senator Brashear.

SPEAKER BRASHEAR: Mr. President, members of the body, I wanted to rise in support of Senator Beutler's amendment, and ask your support and advancement of it. Thank...adoption of it. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. Further discussion on the Beutler amendment? Seeing no lights on, Senator Beutler. He waives closing. The question before the body is, shall AM0701, offered by Senator Beutler, be adopted to

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LB 647, 676

LB 647? All in favor vote aye; opposed, nay. Voting on the adoption of the Beutler amendment to LB 647. Have you all voted on the amendment who care to? Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of Senator Beutler's amendment.

SENATOR CUDABACK: The motion was successful. The amendment has been adopted.

CLERK: I have nothing further, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Open for discussion on advancement of LB 647. Seeing no lights on, Senator Brashear waives closing. The question before the body is, shall LB 647 advance to E & R Initial? All in favor vote aye; opposed, nay. The question before the body is advancement of LB 647. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB 647.

SENATOR CUDABACK: LB 647 does advance. Mr. Clerk, LB 676.

CLERK: LB 676, by Senator Langemeier. (Read title.) The bill was introduced on January 19, referred to the Banking, Commerce and Insurance Committee, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Langemeier, to open on LB 676.

SENATOR LANGEMEIER: Mr. President, members of the body, LB 676 would exempt a Nebraska appraiser serving as a referee for a county board of equalization from the established requirements of the USPAP, Uniform Standards of Professional Appraisers (sic) Practice, in their duties as assisting county boards. It also does have the E clause in it, which would allow this to take effect for June protests. Thank you, Mr. Clerk. I return my time.

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LB 528, 676

SENATOR CUDABACK: Thank you, Senator Langemeier. You've heard the opening on LB 676. Open for discussion on that motion. Senator Langemeier, there are no lights on. Did you wish to close? He does not wish to close. The question before the body is, shall LB 676 advance to E & R Initial? All in favor vote aye; opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB 676.

SENATOR CUDABACK: LB 676 does advance. Mr. Clerk, LB 528.

CLERK: LB 528, Mr. President, a bill by Senator Connealy. (Read title.) The bill was introduced on January 14, referred to Urban Affairs, advanced to General File. I have no amendments to the bill, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Connealy, to open on LB 528.

SENATOR CONNEALY: Thank you, Mr. President, members. LB 528 modifies the procedure for filing monthly treasurer's reports in cities of the first and second class, and villages. For all classes of cities and villages, the bill extends the due date of the monthly treasurer's report from 10 days to 20 days, and gives the governing body discretion in establishing a due date of the report. Oftentimes, ten days is not enough time to receive back the bank statements and other documents needed to prepare this report, and this will allow more discretion on the part of these cities and villages. For cities of the first and second class and villages, the bill also provides that the mayor, with the consent of the council, or, in cases of a village, with the chairperson and the consent of the trustees, may consider the failure to issue a timely report as a cause for removal of a treasurer from office. Current law provides that, by resolution of the mayor and the council and chairperson and trustees, the position may be declared vacant, or cause for removal from office. The new language more accurately reflects the procedure for removing an appointed official from office. LB 528 updates the procedural filing, the monthly reports, and

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gives governing bodies more discretion. I ask for your advance of LB 528.

SENATOR CUDABACK: Thank you, Senator Connealy. Open for discussion on the advancement. Senator Connealy, there are no lights on. Senator Connealy waives the opportunity to close. The question before the body is, shall LB 528 advance to E & R Initial? All in favor vote aye; opposed, nay. Voting on the advancement of LB 528. Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 528.

SENATOR CUDABACK: LB 528 does advance. Mr. Clerk LB 626.

CLERK: LB 626, by Senator Combs. (Read title.) Introduced on January 19 of this year, referred to the Urban Affairs Committee, advanced to General File. I have no amendments, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Combs, to open.

SENATOR COMBS: Thank you, Mr. President, members of the body. LB 626 was introduced to eliminate obsolete requirements that committee members be freeholders in order to participate on certain committees and boards in a city or village. The new provision simply requires that these members be residents of the city or village. The committees or boards include the board of park commissioners, the board of public trust, the board of park and recreation commissioners, and the committee appointed to appraise the damages caused by the change of street or alley grade or grading. It advanced from Urban Affairs Committee with unanimous vote of all members present. And I urge you to advance LB 626 to Select File. Thank you.

SENATOR CUDABACK: Thank you, Senator Combs. You've heard the opening on LB 626. Open for discussion. Senator Combs, there are no lights on. Senator Combs waives closing. The question before the body is, shall LB 626 advance to E & R Initial? All in favor vote aye; opposed, nay. Voting on advancement of

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LB 626. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 626.

SENATOR CUDABACK: LB 626 does advance. Mr. Clerk, LB 639.

CLERK: LB 639, introduced by Senator Hudkins. (Read title.) Bill was introduced on January 19, referred to Transportation, advanced to General File. I do have committee amendments, Mr. President. (AM0443, Legislative Journal page 562.)

SENATOR CUDABACK: Senator Hudkins, to open on LB 639.

SENATOR HUDKINS: Thank you, Mr. President and members of the board (sic). What this bill does, it ensures that if there is a proposed beltway that has been approved following all of the expensive planning and study, including an examination of its anticipated environmental impact, if that corridor receives protection similar to that already...to that enjoyed by the state, doing so will prevent such a project from being obstructed by subsequent development of an area that the beltway has been planned to traverse. In other words, around Lincoln, for example, there is talk of a south beltway and an east beltway. It takes a lot of planning and engineering to determine the course for that beltway. Once that is done, there is nothing that would stop anyone from developing a huge housing development or a commercial enterprise. And so this bill would just ensure that once that beltway area has been designated, that it is protected. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Hudkins. There are committee amendments, as stated by the Clerk. Senator Baker, as Chairman of the committee, you're recognized to open.

SENATOR BAKER: Thank you, President Cudaback, members of the body. The committee amendment simply clarifies that once this beltway has been designated by a county or a municipality, that that county or municipality will assume the duty of what had typically been the Department of Roads' to provide a map and so

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on. And it simply clarifies that if a city or a municipality or county proposes a beltway and it's approved, that those duties fall back onto the county or municipality, rather than the Department of Roads. For clarification, that's what the amendment does, AM0443. Thank you.

SENATOR CUDABACK: Thank you, Senator Baker. You've heard the opening on the committee amendments. Open for discussion on AM0443. Senator Baker, there are...Senator Baker waives closing. The question before the body is, shall AM0443 be adopted to LB 639? All in favor vote aye; opposed, nay. The question before the body is adoption of the committee amendments by the Transportation Committee. Have you all voted who care to? Record please, Mr. Clerk, when you get time.

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

SENATOR CUDABACK: Committee amendments are adopted. Anything further on the bill, Mr. Clerk?

CLERK: I have nothing further, Mr. President.

SENATOR CUDABACK: Open for discussion. Senator Hudkins, there are no lights on. You're recognized to close, if you care to. Do you care to close? Senator Hudkins does not close. The question before the body is, shall LB 639 advance to E & R Initial? All in favor vote aye; opposed, nay. Record please, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 639.

SENATOR CUDABACK: LB 639 does advance. Mr. Clerk, when you get time, LB 306.

CLERK: LB 306, Mr. President, is a bill by Senator Byars. (Read title.) Introduced on January 11, referred to Health and Human Services, advanced to General File. I have no amendments at this time, Mr. President.

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LB 306

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Byars, to open on LB 306.

SENATOR BYARS: Thank you, Mr. President. LB 306 makes three changes in the uniform licensing laws. Section 2 enables the Department of Health and Human Services Regulation and Licensure to obtain information about possible criminal convictions of persons who are applying for licenses in professions which are authorized to prescribe controlled substances. These professions include physicians, physician assistants, and nurse practitioner. New applicants would be required to undergo national criminal background checks conducted by the Federal Bureau of Investigation. It would also require new applicants to submit a full set of fingerprints to be forwarded to the Nebraska State Patrol for submission to the FBI, authorize release of the results of the background check to the department, and pay the actual cost of the fingerprinting and background check. Section 3 makes two changes to the state's mandatory self-reporting law, which applies to credentialed healthcare providers. First, it amends the requirement that credential persons report adverse judgments, settlements, or awards, to clarify that the term "settlements" encompasses only those payments on behalf of a credentialed person which result in the patient releasing a professional liability claim against a credentialed person. This change is needed to encourage credentialed persons and their insurers to deal with patients' concerns about quality of care issues, without triggering the self-reporting requirements. Section 3 adds a provision of the duty of a credentialed person to report an adverse judgment or award under the self-reporting law is satisfied if a report is submitted by a professional liability insurance company on behalf of the credentialed person. This change is needed to clarify that it is not necessary for both a credentialed person and the insurer to file duplicate reports of the same event. This bill was heard in Health and Human Services with no opposition. I would ask that you advance LB 306.

SENATOR CUDABACK: Thank you, Senator Byars. You've heard the opening on LB 306. Open for discussion. There are no senators wishing to speak. Senator Byars waives closing. The question before the body is advancement of LB 306 to E & R Initial. All

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in favor of the motion vote aye; those opposed to the motion vote nay. The question before the body is advancement of LB 306, offered by Senator Byars. Have you all voted on the motion who care to? Record please, Madam Clerk.

ASSISTANT CLERK: 28 ayes, 0 nays on the advancement of LB 306, Mr. President.

SENATOR CUDABACK: LB 306 does advance.

CLERK: Mr. President, I have a motion on the desk. Senator Chambers would move to suspend Rule 6, Section 3; Rule 7, Section 3; to permit the following bills be advanced to Select File. And, Senator, I need to make inquiry of you. Would this include to Select File with committee amendments adopted? Because some of these have committee amendments. Is that your intent, just so I'm clear?

SENATOR CHAMBERS: Every bill that would be there would be...that's listed, would be moved.

CLERK: But...

SENATOR CHAMBERS: And then any...

CLERK: But how about the committee amendments, Senator? Just so I know what you're thinking, would the committee amendments be adopted as part of this motion then, too?

SENATOR CHAMBERS: Yes.

CLERK: Okay. To suspend Rule 6, Section 3; Rule 7, Section 3; permit the following bills be advanced to General File...be advanced to Select File, excuse me, on a single vote: LB 259, LB 476, LB 501, LB 762, LB 319, LB 78, LB 331, LB 453, LB 534, LB 320, LB 396, LB 754, LB 475, and LB 380. (Legislative Journal page 745.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on your motion.

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I do not make a practice of suspending the rules. When I decide to do it, it's for a matter of consequence. And I consider this to be a matter of consequence. This is not the first time that a motion such as this has been made, and it has been successful in the past. The reason I would do it on a consent calendar listing is because these bills were scrutinized very carefully by several people before they were ever put on consent calendar. You can see that every bill has moved without taking the allotted amount of time. There is no reason to suspect that any of the remaining bills would not move in a similar fashion were enough time remaining. There is no guarantee that there will be another consent calendar during the session. There is something you might be wondering, and that's whether or not I mentioned this to the Speaker, which I did. I have examined all of these bills. I have been supporting all of those, and the attendant amendments when they were presented, that have come before us thus far. I don't see any impediment to our taking this vote and moving these bills along. Because I've said everything that I think needs to be said at this point, I will end my comments and see what the discussion is. And I will answer any questions anybody would like to put to me. Thank you, Mr. President.

SENATOR CUDABACK: You've heard the opening on the motion offered by Senator Chambers to suspend the rules. Open for discussion on that motion. Senator Chambers, there are no lights on.

SENATOR CHAMBERS: I will waive closing.

SENATOR CUDABACK: Senator Chambers waives closing. Mr. Clerk, would you please state the motion, please, as stated?

CLERK: Mr. President, Senator Chambers would move to suspend Rule 6, Section 3; Rule 7, Section 3; to permit the following bills, with committee amendments where appropriate, be advanced to E & R Initial on a single vote: LB 259 with committee amendments, LB 476, LB 501, LB 762, LB 319 with committee amendments, LB 78, LB 331, LB 453, LB 534, LB 320, LB 396, LB 754 with committee amendments, LB 475, and LB 380.

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LR 50

Business and Labor Committee, chaired by Senator Cunningham, reports LB 230 to General File. Agriculture Committee, chaired by Senator Kremer, reports LB 131 to General File with amendments; and LB 439 to General File with amendments.

Mr. President, priority bill designations: Senator Hudkins, LB 268; Senator Kremer, LB 439; Senator Baker, LB 695; Senator Kruse, LB 594. Mr. President, a Reference report regarding gubernatorial appointees. New resolution, LR 50, by Senator Howard. That will be laid over. New A bill. (Read LB 306A by title for the first time.) Mr. President, a series of...before that, I should say I have two explanation of votes from Senator Stuthman. (Re: LB 37, LB 53, LB 175, LB 261.) Amendments to be printed: Senator Mines...excuse me, Senator Flood to LB 217; Senator Beutler to LB 501. A unanimous consent request, Mr. President, with respect to the Business and Labor Committee hearing room, and that is that on their hearing schedule for Monday, March 14 and March 15, they be held in Room 1510. (Legislative Journal pages 745-768.)

SENATOR CUDABACK: Any objections? So ordered, Mr. Clerk.

CLERK: I have an Attorney General's Opinion (re LB 186), addressed to Senator Beutler, to be inserted. And, Mr. President, name adds: Senator Price to LB 55, LB 299, LB 306, LB 320, LB 396, LB 406, LB 475, and LB 476; Senator Schimek to LB 577. (Legislative Journal pages 768-777.)

Mr. President, a priority motion: Senator McDonald would move to adjourn until Wednesday morning, March 9, at 9:00 a.m.

SENATOR CUDABACK: Thank you, Mr. Clerk. You've heard the motion to adjourn till Wednesday morning, 9:00 a.m., 9:00 a.m. All in favor of the motion say aye. Opposed to the motion, nay. We are adjourned.

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