

SEVENTY-FIRST DAY - APRIL 30, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****SEVENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 30, 2009

PRAYER

The prayer was offered by Pastor Aaron Householder, Southview Baptist Church, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senator Janssen who was excused; and Senators Cornett and Lautenbaugh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventieth day was approved.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 421. Placed on General File with amendment.
AM1261

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 66-6,100, Revised Statutes Cumulative
- 4 Supplement, 2008, is amended to read:
- 5 66-6,100 (1) Compressed fuel means ~~compressed natural~~
- 6 gas.
- 7 (a) Until the earlier of January 1, 2015, or the first
- 8 day of the first calendar quarter following the year during which
- 9 the annual usage or consumption of compressed natural gas for
- 10 fueling motor vehicles in the state exceeds one million gallon
- 11 equivalent, liquefied petroleum gas, liquefied natural gas, butane,
- 12 and any other type of compressed gas or compressed liquid suitable
- 13 for fueling a motor vehicle ~~except compressed natural gas; and-~~
- 14 (b) Commencing the earlier of January 1, 2015, or the

15 first day of the first calendar quarter following the year during
 16 which the annual usage or consumption of compressed natural gas
 17 for fueling motor vehicles in the state exceeds one million
 18 gallon equivalent, compressed natural gas, liquefied petroleum gas,
 19 liquefied natural gas, butane, and any other type of compressed gas
 20 or compressed liquid suitable for fueling a motor vehicle.

21 (2) Compressed fuel does not include motor vehicle fuel
 22 as defined in section 66-482 or diesel fuel as defined in section
 23 66-482.

1 (3) The department shall make the determination of gallon
 2 equivalent usage and consumption in the state based upon retailer
 3 reports pursuant to section 66-6,110.

4 Sec. 2. Section 66-6,110, Revised Statutes Cumulative
 5 Supplement, 2008, is amended to read:

6 66-6,110 Each retailer shall file a tax return with the
 7 department on forms prescribed by the department. Annual returns
 8 are required if the retailer's yearly tax liability is less
 9 than two hundred fifty dollars. Quarterly returns are required
 10 if the retailer's yearly tax liability is at least two hundred
 11 fifty dollars but less than six thousand dollars. Monthly returns
 12 are required if the retailer's yearly tax liability is at least
 13 six thousand dollars. The return shall contain a declaration by
 14 the person making the return to the effect that the statements
 15 contained in the return are true and are made under penalties
 16 of law, which declaration has the same force and effect as a
 17 verification of the return and is in lieu of such verification.
 18 The return shall show such information as the department reasonably
 19 requires for the proper administration and enforcement of the
 20 Compressed Fuel Tax Act. The retailer shall file the return in
 21 such format as prescribed by the department on or before the
 22 twenty-fifth day of the next succeeding calendar month following
 23 the reporting period to which it relates. If the final filing date
 24 falls on a Saturday, Sunday, or legal holiday, the next secular
 25 or business day is the final filing date. The return is filed
 26 on time if transmitted or postmarked before midnight of the final
 27 filing date. Each retailer shall also file a report of compressed
 1 natural gas usage and consumption as required by the department
 2 until January 1, 2015.

3 Sec. 3. This act becomes operative on July 1, 2009.

4 Sec. 4. Original sections 66-6,100 and 66-6,110, Revised
 5 Statutes Cumulative Supplement, 2008, are repealed.

6 Sec. 5. Since an emergency exists, this act takes effect
 7 when passed and approved according to law.

LEGISLATIVE BILL 186. Indefinitely postponed.

LEGISLATIVE BILL 249. Indefinitely postponed.

LEGISLATIVE BILL 380. Indefinitely postponed.

LEGISLATIVE BILL 469. Indefinitely postponed.

LEGISLATIVE BILL 474. Indefinitely postponed.

LEGISLATIVE BILL 480. Indefinitely postponed.
LEGISLATIVE BILL 521. Indefinitely postponed.
LEGISLATIVE BILL 616. Indefinitely postponed.
LEGISLATIVE BILL 617. Indefinitely postponed.
LEGISLATIVE BILL 618. Indefinitely postponed.
LEGISLATIVE BILL 632. Indefinitely postponed.
LEGISLATIVE BILL 640. Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 29, 2009, 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 and Jerram, P.C.
ABATE of Nebraska, Inc. (Withdrawn 04/27/2009)
Elevator Industry Work Preservation
Kubie, Kent
International Business Machines Corporation (IBM)
Shasky, Kelly Stevens
Washington Center, The

GENERAL FILE

LEGISLATIVE BILL 545. Senator White withdrew his motion, MO36, found on page 1164, to bracket until June 4, 2009.

The second committee amendment, AM1119, found on page 1136 and considered on pages 1142 and 1164, as amended, was renewed.

Senator Adams renewed his amendment, AM1232, found on page 1241, to the second committee amendment.

The Adams amendment was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The second committee amendment, as amended, was adopted with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

Senator Council withdrew her amendments, AM1165, AM1166, and AM1167, found on pages 1165, 1166, and 1167.

Senator Ashford withdrew his amendment, AM1178, found on page 1168.

Advanced to Enrollment and Review Initial with 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting.

AMENDMENT - Print in Journal

Senator Rogert filed the following amendment to LB195:
AM1263

(Amendments to AM930)

- 1 1. Strike section 2.
- 2 2. On page 1, strike lines 18 through 22, show the old
- 3 matter as stricken, and insert the following new subdivision:
- 4 "(b) Dispensing, incident to practice, (i) sample
- 5 medications which are provided by the manufacturer and are provided
- 6 to the patient and (ii) drugs for the prevention of tuberculosis
- 7 which are provided through the department and are dispensed to the
- 8 patient with prospective drug utilization review, labeling, patient
- 9 counseling, storage, and recordkeeping as set forth in the Pharmacy
- 10 Practice Act and rules and regulations adopted and promulgated
- 11 under the act that govern the practice of pharmacy if the facility
- 12 in which the dispensing of tuberculosis drugs occurs meets the
- 13 physical plant standards as set forth in the rules and regulations
- 14 and is subject to inspection by a pharmacy inspector; and".
- 15 3. Renumber the remaining sections accordingly.

COMMITTEE REPORT

Banking, Commerce and Insurance

LEGISLATIVE BILL 358. Placed on General File with amendment.
AM783

- 1 1. Strike section 3 and insert the following new section:
- 2 Sec. 3. (1)(a) In addition to the requirements of section
- 3 2 of this act, following the close of each calendar year, the board
- 4 shall conduct a review of health care provider reimbursement rates
- 5 for benefits payable under pool coverage for covered services. The
- 6 board shall report to the director the results of the review within
- 7 thirty days after the completion of the review.
- 8 (b) The review required by this section shall include
- 9 a determination of whether (i) health care provider reimbursement
- 10 rates for benefits payable under pool coverage for covered services
- 11 are in excess of reasonable amounts and (ii) cost savings in the
- 12 operation of the pool could be achieved by establishing the level
- 13 of health care provider reimbursement rates for benefits payable
- 14 under pool coverage for covered services as a multiplier of an
- 15 objective standard.
- 16 (c) In the determination pursuant to subdivision
- 17 (1)(b)(i) of this section, the board shall consider:
- 18 (i) The success of any efforts by the administering
- 19 insurer to negotiate reduced health care provider reimbursement
- 20 rates for benefits payable under pool coverage for covered services

21 on a voluntary basis;

22 (ii) The effect of health care provider reimbursement
23 rates for benefits payable under pool coverage for covered services
1 on the number and geographic distribution of health care providers
2 providing covered services to covered individuals;

3 (iii) The administrative cost of implementing a level of
4 health care provider reimbursement rates for benefits payable under
5 pool coverage for covered services; and

6 (iv) A filing by the administering insurer which shows
7 the difference, if any, between the aggregate amounts set for
8 health care provider reimbursement rates for benefits payable under
9 pool coverage for covered services by existing contracts between
10 the administering insurer and health care providers and the amounts
11 generally charged to reimburse health care providers prevailing
12 in the commercial market. No such filing shall require the
13 administering insurer to disclose proprietary information regarding
14 health care provider reimbursement rates for specific covered
15 services under pool coverage.

16 (d) If the board determines that cost savings in the
17 operation of the pool could be achieved, the board shall set forth
18 specific findings supporting the determination and may establish
19 the level of health care provider reimbursement rates for benefits
20 payable under pool coverage for covered services as a multiplier of
21 an objective standard.

22 (2) A health care provider who provides covered services
23 to a covered individual under pool coverage and requests payment
24 is deemed to have agreed to reimbursement according to the health
25 care provider reimbursement rates for benefits payable under pool
26 coverage for covered services established pursuant to this section.
27 Any reimbursement paid to a health care provider for providing
1 covered services to a covered person under pool coverage is limited
2 to the lesser of billed charges or the health care provider
3 reimbursement rates for benefits payable under pool coverage for
4 covered services established pursuant to this section. A health
5 care provider shall not collect or attempt to collect from a
6 covered individual any money owed to the health care provider
7 by the pool. A health care provider shall not have any recourse
8 against a covered individual for any covered services under pool
9 coverage in excess of the copayment, coinsurance, or deductible
10 amounts specified in the pool coverage. Nothing in this section
11 shall prohibit a health care provider from billing a covered
12 individual under pool coverage for services which are not covered
13 services under pool coverage.

14 2. On page 2, line 7, strike "review" and insert "conduct
15 a review of".

16 3. On page 3, line 11, after "medicare" insert "by reason
17 of age".

(Signed) Rich Pahls, Chairperson

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 342. Placed on Select File with amendment.
ER8104

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 68-901, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:
5 68-901 Sections 68-901 to 68-956 and section 2 of this
6 act shall be known and may be cited as the Medical Assistance Act.
7 Sec. 2. (1) On or before July 1, 2010, the Department
8 of Health and Human Services shall submit an application to the
9 Centers for Medicare and Medicaid Services of the United States
10 Department of Health and Human Services amending the state medicaid
11 plan to provide for medicaid payments for the comprehensive
12 treatment of pediatric feeding disorders through interdisciplinary
13 treatment.
14 (2) For purposes of this section, interdisciplinary
15 treatment means the collaboration of medicine, psychology,
16 nutrition science, speech therapy, occupational therapy, social
17 work, and other appropriate medical and behavioral disciplines in
18 an integrated program.
19 (3) This section terminates on January 1, 2015, unless
20 extended by action of the Legislature.
21 Sec. 3. Original section 68-901, Revised Statutes
22 Cumulative Supplement, 2008, is repealed.
23 2. On page 1, line 5, after the last semicolon insert
1 "and"; and in line 6 strike beginning with the semicolon through
2 "emergency".

LEGISLATIVE BILL 568. Placed on Select File with amendment.
ER8105

- 1 1. In the Standing Committee amendments, AM732, on
2 page 2, line 15, strike "or", show as stricken, and insert an
3 underscored comma; in line 16 after "system" insert an underscored
4 comma; and in line 17 after "writing" insert an underscored comma.
5 2. On page 1, strike beginning with "sections" in line 1
6 through line 5 and insert "section 66-911.01, Reissue Revised
7 Statutes of Nebraska; to provide requirements and conditions
8 for wind agreements; to harmonize provisions; and to repeal the
9 original section."

LEGISLATIVE BILL 630. Placed on Select File with amendment.
ER8106

- 1 1. In the Standing Committee amendments, AM874:
2 a. Renumber sections 4 to 12 as sections 3 to 11;
3 b. On page 22, line 16, strike the comma and show as

4 stricken; and
5 c. On page 28, line 2, strike "48-121,".
6 2. On page 1, strike lines 2 through 9 and insert "to
7 amend sections 48-138, 48-139, 48-140, and 48-141, Reissue Revised
8 Statutes of Nebraska, and sections 48-106, 48-120.04, 48-125,
9 48-144.03, and 48-168, Revised Statutes Cumulative Supplement,
10 2008; to change provisions relating to an employer exclusion from
11 the act, implementation of a certain medical fee schedule, periodic
12 compensation payments and lump-sum settlements, court procedures,
13 informal dispute resolution approval, and mediators; to harmonize
14 provisions; to repeal the original sections; and to declare an
15 emergency."

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 106. Introduced by Cornett, 45.

PURPOSE: The purpose of this interim study is to examine the economic impact of retirement income on the State of Nebraska and the most appropriate way to tax such income. The issues addressed by this interim study shall include, but not be limited to:

(1) An examination of the impact that retirees have on the State of Nebraska, both economically and culturally;

(2) An examination of alternative ways to tax and exempt retirement income, and how such measures would affect the state;

(3) An examination of how surrounding states tax and exempt retirement income;

(4) An examination of the measures other states are taking to attract retirees into such states, including an examination of the stated policy reasons for such measures;

(5) An examination of the reasons that retirees leave the state, and whether those reasons focus on taxes; and

(6) An examination of tax-related steps that the state could take to become more attractive to retirees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST 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 187. Title read. Considered.

Committee AM1180, found on page 1233, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 603. ER8040, found on page 815, was adopted.

Senator Gay renewed his amendment, AM1171, found on page 1197.

Senator Pankonin moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The Gay amendment was adopted with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

Senator Friend requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 603A. Senator Gay renewed his amendment, AM1206, found on page 1197.

The Gay amendment was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 346. ER8028, found on page 671, was adopted.

Senator Gay renewed his motion, MO40, found on page 1240, to indefinitely postpone.

The Gay motion to indefinitely postpone prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 346A. Senator Gay renewed his motion, MO41, found on page 1240, to indefinitely postpone.

The Gay motion to indefinitely postpone prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 136. ER8054, found on page 955, was adopted.

Senator Avery renewed his motion, MO42, found on page 1240, to indefinitely postpone.

The Avery motion to indefinitely postpone prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 136A. Senator Avery renewed his motion, MO43, found on page 1240, to indefinitely postpone.

The Avery motion to indefinitely postpone prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 356. ER8030, found on page 687, was adopted.

Senator Dubas renewed her motion, MO44, found on page 1240, to indefinitely postpone.

The Dubas motion to indefinitely postpone prevailed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 356A. Senator Dubas renewed her motion, MO45, found on page 1241, to indefinitely postpone.

The Dubas motion to indefinitely postpone prevailed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 601. ER8055, found on page 955, was adopted.

Senator Nordquist renewed his motion, MO46, found on page 1241, to indefinitely postpone.

The Nordquist motion to indefinitely postpone prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 601A. Senator Nordquist renewed his motion, MO47, found on page 1241, to indefinitely postpone.

The Nordquist motion to indefinitely postpone prevailed with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 112. Title read. Considered.

SENATOR ROBERT PRESIDING

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 288. Title read. Considered.

Committee AM846, found on page 857, was considered.

Senator Campbell renewed her amendment, AM1093, found on page 1139, to the committee amendment.

The Campbell amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 16. Title read. Considered.

Committee AM692, found on page 729, was considered.

Senator White withdrew his amendment, AM955, found on page 929.

Senator White renewed his amendment, AM1061, found on page 1029, to the committee amendment.

The White amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 16A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 241. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM428, found on page 630, was considered.

SENATOR ROBERT PRESIDING

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 92, 93, and 94 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 92, 93, and 94.

GENERAL FILE

LEGISLATIVE BILL 241. Committee AM428, found on page 630 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Senator Dierks withdrew his amendment, AM947, found on page 931.

Senator Dierks renewed his amendment, AM1028, found on page 1001.

The Dierks amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

COMMITTEE REPORTS

Government, Military and Veterans Affairs

LEGISLATIVE BILL 503. Placed on General File with amendment. AM1080 is available in the Bill Room.

(Signed) Bill Avery, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 97A. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 97, One Hundred First Legislature, First Session, 2009.

LEGISLATIVE BILL 671A. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 671, One Hundred First Legislature, First Session, 2009.

AMENDMENTS - Print in Journal

Senator Wightman filed the following amendment to LB494:
AM1244

(Amendments to Standing Committee amendments, AM844)

- 1 1. On page 5, line 4, strike "Class IV felony" and
- 2 insert "Class I misdemeanor for the first offense and a Class IV
- 3 felony for a second or subsequent offense, whether or not the same
- 4 dangerous dog is involved".

Senator Ashford filed the following amendment to LB63:
AM1128

(Amendments to E & R amendments, ER8031)

- 1 1. Insert the following new section:
- 2 Section 1. Section 13-2610, Revised Statutes Cumulative
- 3 Supplement, 2008, is amended to read:
- 4 13-2610 (1) Upon the annual certification under section
- 5 13-2609, the State Treasurer shall transfer after the audit
- 6 the amount certified to the Convention Center Support Fund. The
- 7 Convention Center Support Fund is created. 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 (2)(a) It is the intent of the Legislature to appropriate
- 12 from the fund to any political subdivision for which an application
- 13 for state assistance under the Convention Center Facility Financing
- 14 Assistance Act has been approved an amount not to exceed (i)
- 15 seventy percent of the state sales tax revenue collected by
- 16 retailers and operators doing business at such facilities on sales
- 17 at such facilities, state sales tax revenue collected on primary
- 18 and secondary box office sales of admissions to such facilities,
- 19 and state sales tax revenue collected by associated hotels, (ii)
- 20 seventy-five million dollars for any one approved project, or (iii)

21 the total cost of acquiring, constructing, improving, or equipping
22 the eligible facility. State assistance shall not be used for an
1 operating subsidy or other ancillary facility.

2 ~~(b) Ten~~ (b)(i) Seven and one-half percent of such funds
3 appropriated to a city of the metropolitan class under this
4 subsection shall be equally distributed to areas with a high
5 concentration of poverty to showcase important historical aspects
6 of such areas and (ii) two and one-half percent of such funds
7 appropriated to a city of the metropolitan class under this
8 subsection shall be equally distributed to areas with a high
9 concentration of poverty to assist with the reduction of street and
10 gang violence.

11 (c) Each area with a high concentration of poverty that
12 has been distributed funds under subdivision (b) of this subsection
13 shall establish a development fund and form a committee which
14 shall identify and research potential projects and make final
15 determinations on the use of state sales tax revenue received for
16 such projects.

17 (d) A committee formed in subdivision (c) of this
18 subsection shall include the following three members:

19 (i) The member of the city council whose district
20 includes a majority of the census tracts which each contain a
21 percentage of persons below the poverty line of greater than thirty
22 percent, as determined by the most recent federal decennial census,
23 within the area with a high concentration of poverty;

24 (ii) The commissioner of the county whose district
25 includes a majority of the census tracts which each contain a
26 percentage of persons below the poverty line of greater than thirty
27 percent, as determined by the most recent federal decennial census,
1 within the area with a high concentration of poverty; and

2 (iii) A resident of the area with a high concentration of
3 poverty, appointed by the other two members of the committee.

4 (e) A committee formed in subdivision (c) of this
5 subsection shall solicit project ideas from the public and shall
6 hold a public hearing in the area with a high concentration
7 of poverty. Notice of a proposed hearing shall be provided in
8 accordance with the procedures for notice of a public hearing
9 pursuant to section 18-2115. The committee shall research potential
10 projects in its area and make the final determination regarding the
11 annual distribution of funding to such projects.

12 (f) For purposes of this subsection, an area with a high
13 concentration of poverty means an area within the corporate limits
14 of a city of the metropolitan class consisting of one or more
15 contiguous census tracts, as determined by the most recent federal
16 decennial census, which contain a percentage of persons below the
17 poverty line of greater than thirty percent, and all census tracts
18 contiguous to such tract or tracts, as determined by the most
19 recent federal decennial census.

20 (3) State assistance to the political subdivision shall

21 no longer be available upon the retirement of the bonds issued
 22 to acquire, construct, improve, or equip the facility or any
 23 subsequent bonds that refunded the original issue or when state
 24 assistance reaches the amount determined under subdivision (2)(a)
 25 of this section, whichever comes first.

26 (4) The remaining thirty percent of state sales tax
 27 revenue collected by retailers and operators doing business at such
 1 facilities on sales at such facilities, state sales tax revenue
 2 collected on primary and secondary box office sales of admissions
 3 to such facilities, and state sales tax revenue collected by
 4 associated hotels, shall be appropriated by the Legislature to the
 5 Local Civic, Cultural, and Convention Center Financing Fund.

6 (5) Any municipality that has applied for and received a
 7 grant of assistance under the Local Civic, Cultural, and Convention
 8 Center Financing Act may not receive state assistance under the
 9 Convention Center Facility Financing Assistance Act.

10 2. Renumber the remaining sections and correct internal
 11 references and the repealer section accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senators Mello and Nordquist asked unanimous consent to add their names as cointroducers to LB16. No objections. So ordered.

VISITORS

Visitors to the Chamber were 66 fourth-grade students from Howard Elementary, Grand Island; Wyatt Nelson from Lincoln; 22 fourth-grade students from Karen Western Elementary, Omaha; 9 sixth-grade students from Lawrence Nelson Elementary, Lawrence; 20 third- and fourth-grade students, teacher, and sponsors from Hampton Lutheran School, Hampton; 40 fourth-grade students from Montclair Elementary, Omaha; 7 fourth-grade students from Sunny Meadow, Norfolk; and former Senator Bob Kremer and his wife, Beverly, from Aurora.

The Doctor of the Day was Dr. Jordon Inouye from Omaha.

ADJOURNMENT

At 1:46 p.m., on a motion by Senator Heidemann, the Legislature adjourned until 10:00 a.m., Tuesday, May 5, 2009.

Patrick J. O'Donnell
 Clerk of the Legislature