

FIFTIETH DAY - MARCH 24, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 24, 2005

PRAYER

The prayer was offered by Pastor Calvin Kroeker, Calvary Bible Evangelical Free Church, Wayne.

ROLL CALL

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

The roll was called and all members were present except Senator Kopplin who was excused; and Senators Brown, Burling, Byars, Combs, Cornett, Landis, and D. Pederson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 664. Placed on Select File as amended.

E & R amendment to LB 664:

AM7067

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 664A. Placed on Select File.

(Signed) Michael Flood, Chairperson

REPORTS

The following reports were received by the Legislature:

Education, Department of

State Rehabilitation Council Report, 2003-2004

Property Assessment and Taxation, Department of
2004 Annual Report

GENERAL FILE

LEGISLATIVE BILL 739. The first Standing Committee amendment, FA109, found on page 909 and considered on page 968, was renewed.

The Chambers pending amendment, FA115, found on page 910 and considered on page 979, to the first Standing Committee amendment, was renewed.

Senator Chambers asked unanimous consent to withdraw his pending amendment, FA115, found on page 910, and replace it with his substitute amendment, AM0939, to the first Standing Committee amendment. No objections. So ordered.

AM0939

(Amendments to Standing Committee amendments, AM0747, FA109)

- 1 1. On page 26, line 27, strike "2006, or any September
- 2 30" and insert "2008, or September 30, 2009,".
- 3 2. On page 27, line 1, strike "thereafter" and after
- 4 "percent" insert "and an emergency solvency surcharge is imposed
- 5 pursuant to section 3 of this act for such year"; and strike
- 6 beginning with "An" in line 20 through "that" in line 22 and insert
- 7 "Good cause for voluntarily leaving employment shall include, but
- 8 not be limited to, the following reasons".
- 9 3. On page 29, line 12, strike the second "or"; and in
- 10 line 14 after "conditions" insert "; or
- 11 (10) When equity and good conscience demands a finding of
- 12 good cause".
- 13 4. On page 34, line 26; page 35, line 25; and page 36,
- 14 line 22, strike "thirteen" and insert "twelve".
- 15 5. On page 36, line 5, strike "thirteen-week" and insert
- 16 "twelve-week".

The Chambers amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Senator Chambers withdrew his pending amendments, FA116, FA117, and AM0918, found on pages 911, 979, and 990.

Senator Beutler withdrew his pending amendments, AM0890 and AM0888, found on page 979.

The first Standing Committee amendment, as amended, was adopted with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The second Standing Committee amendment is as follows:
(FA110 consists of Sections 8 and 9 of the Standing Committee

amendment.)

The second Standing Committee amendment was adopted with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

The third Standing Committee amendment is as follows:
(FA111 consists of Sections 2, 3, 6, and 11 of the Standing Committee amendment.)

Senator Beutler withdrew his pending amendment, AM0891, found on page 979.

The third Standing Committee amendment was adopted with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

The fourth Standing Committee amendment is as follows:
(FA112 consists of Sections 1, 4, 13, and 14 of the Standing Committee amendment.)

Senator Chambers withdrew his pending amendment, FA107, found on page 910.

The fourth Standing Committee amendment was adopted with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.

LEGISLATIVE RESOLUTION 12CA. Read. Considered.

The Special Committee amendment, AM0721, found on page 785, lost with 0 ayes, 38 nays, 9 present and not voting, and 2 excused and not voting.

Senator Engel moved the previous question. The question is, "Shall the debate now close?"

Senator Engel moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Engel requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 37:

Aguilar	Chambers	Foley	Kruse	Redfield
Baker	Connealy	Friend	Louden	Stuhr
Beutler	Cornett	Heidemann	Mines	Stuthman
Bourne	Cunningham	Howard	Pedersen, Dw.	Synowiecki
Brashear	Engel	Hudkins	Pederson, D.	Thompson
Brown	Erdman	Janssen	Preister	
Burling	Fischer	Johnson	Price	
Byars	Flood	Kremer	Raikes	

Voting in the negative, 7:

Jensen	Langemeier	Schrock	Wehrbein
Landis	Pahls	Smith	

Present and not voting, 2:

Cudaback	Schimek
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Excused and not voting, 3:

Combs	Kopplin	McDonald
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The motion to cease debate prevailed with 37 ayes, 7 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 31 ayes, 9 nays, 6 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING

Natural Resources

Room 1525

Thursday, April 7, 2005

8:30 a.m.

Paul Dunn - Nebraska Environmental Trust Board
 Gloria Erickson - Nebraska Environmental Trust Board
 Susan Seacrest - Nebraska Environmental Trust Board

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 739:
 AM0935

(Amendments to Standing Committee amendments, AM0747, FA109)

1. On page 26, line 17, after the stricken matter insert
- 2 "(1)"; in line 18 after the comma insert "through December 31,
- 3 2005."; and in lines 20 through 27 strike the new matter and insert

4 "but shall not exceed one-half of the state average weekly wage
 5 as annually determined under section 48-121.02.
 6 (2) For any benefit year beginning on or after January 1,
 7 2006, through December 31, 2007, an individual's weekly benefit
 8 amount shall be one-half of his or her average weekly wage rounded
 9 down to the nearest even whole dollar amount but shall not exceed
 10 two hundred eighty-eight dollars per week.
 11 (3) For any benefit year beginning on or after January 1,
 12 2008, through December 31, 2008, an individual's weekly benefit
 13 amount shall be one-half of his or her average weekly wage rounded
 14 down to the nearest even whole dollar amount, but shall not exceed
 15 the lesser of one-half of the state average weekly wage as annually
 16 determined under section 48-121.02 or the previous year's maximum
 17 weekly benefit amount plus ten dollars per week.
 18 (4) For any benefit year beginning on or after January 1,
 19 2009, an individual's weekly benefit amount shall be one-half of
 20 his or her average weekly wage rounded down to the nearest even
 21 whole dollar amount, but shall not exceed one-half of the state
 22 average weekly wage as annually determined under section
 23 48-121.02".

1 2. On page 27, lines 1 through 3, strike the new matter;
 2 and in line 3 before "For" insert underscoring and "(5)".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
 LR 65 Health and Human Services

(Signed) Pat Engel, Chairperson
 Legislative Council, Executive Board

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 13. Placed on General File as amended.
 (Standing Committee amendment, AM0761, is printed separately and
 available in the Bill Room, Room 1104.)

(Signed) Douglas Cunningham, Chairperson

GENERAL FILE

LEGISLATIVE BILL 361. Title read. Considered.

The Standing Committee amendment, AM0523, printed separately and
 referred to on page 871, was considered.

Senator Beutler requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:

(FA125 consists of Sections 1 through 21, 30, 31, 32, and 35 of the Standing Committee amendment.)

Senator Beutler offered the following amendment to the first Standing Committee amendment:

AM0936

(Amendments to Standing Committee amendments, AM0523)

- 1 1. On page 11, line 4, after "release" insert "to the
- 2 public"; in line 7 after "educational" insert "and evidence-based";
- 3 and in line 8 after "reports" insert ", which shall be available to
- 4 the public."

The Beutler amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Senator Beutler offered the following amendment to the first Standing Committee amendment:

AM0937

(Amendments to Standing Committee amendments, AM0523)

- 1 1. On page 9, strike line 27 and insert "reportable
- 2 patient safety events, which changes, additions, or deletions shall
- 3 be binding on the providers. Providers may voluntarily report any
- 4 other patient safety events not otherwise identified."
- 5 2. On page 10, strike line 1; in line 9 after
- 6 "completed" insert "and an action plan developed"; and in line 10
- 7 strike "and an action plan developed".

The Beutler amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The first Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

The second Standing Committee amendment is as follows:

(FA126 consists of Sections 23, 24, 27, 28, 33, 34, and 36 through 39 of the Standing Committee amendment.)

The second Standing Committee amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Senator Cunningham filed the following amendment to LB 273A:
AM0930

1 1. Strike the original section and insert the following
2 new section:
3 "Section 1. There is hereby appropriated (1) \$500,000
4 from the General Fund for FY2005-06 and (2) \$500,000 from the
5 General Fund for FY2006-07 to the Department of Economic
6 Development, for Program 603, to aid in carrying out the provisions
7 of Legislative Bill 273, Ninety-ninth Legislature, First Session,
8 2005.
9 There is included in the appropriation to this program
10 for FY2005-06 \$466,500 General Funds for state aid, which shall
11 only be used for such purpose. There is included in the
12 appropriation to this program for FY2006-07 \$466,500 General Funds
13 for state aid, which shall only be used for such purpose.
14 Total expenditures for permanent and temporary salaries
15 and per diems from funds appropriated in this section shall not
16 exceed \$21,000 for FY2005-06 or \$21,000 for FY2006-07.".

VISITORS

Visitors to the Chamber were 70 fourth-grade students and teacher from Ashland-Greenwood School; 50 fourth-grade students and teacher from York; 50 fourth-grade students and teacher from La Vista West Elementary School; 14 Cub Scouts and leaders from Pack 380, Omaha; and Jim and Austin Lightner from Independence, Missouri.

The Doctor of the Day was Dr. Ron Craig from Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Pedersen, the Legislature adjourned until 10:00 a.m., Tuesday, March 29, 2005.

Patrick J. O'Donnell
Clerk of the Legislature

