

FOURTEENTH DAY - JANUARY 24, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 24, 2006

PRAYER

The prayer was offered by Pastor Tom Swartley, First Christian Church, Elm Creek.

ROLL CALL

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

The roll was called and all members were present except Senators Brown, Connealy, Cunningham, Engel, Dw. Pedersen, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bill was correctly engrossed: LB 548.

ER9060

Enrollment and Review Change to LB 548

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Schrock-Beutler amendment, AM1864, on page 9, line 14, "or" has been struck and "of" inserted.

2. On page 1, the matter beginning with "health" in line 1 through line 9 and all amendments thereto have been struck and "public entities; to adopt the Public Entities Mandated Project Charges Act; and to provide severability." inserted.

(Signed) Michael J. Flood, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 778. Placed on General File.

LEGISLATIVE BILL 819. Placed on General File.

LEGISLATIVE BILL 985. Placed on General File.

(Signed) Mick Mines, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 281. Introduced by Flood, 19.

WHEREAS, Thomas C. Kennedy was born October 12, 1914, in Genoa, Nebraska; and

WHEREAS, Thomas C. Kennedy married Miss LaVern Kamrath on November 7, 1934; and

WHEREAS, Thomas C. Kennedy is the father of three children: Joan, Bonnie, and Kimberlee; and

WHEREAS, Thomas C. Kennedy was a farmer and businessman in Newman Grove, Nebraska; and

WHEREAS, Thomas C. Kennedy represented Madison County and southern Pierce County in the Nebraska Legislature from 1969 to 1981 and was chairperson of the Public Health and Welfare Committee of the Legislature from 1971 to 1976; and

WHEREAS, Thomas C. Kennedy was a community activist and supporter as past president of the Newman Grove School Board, past president of the Newman Grove Area Industrial Development Corporation, and a lifetime member of the Methodist Church and Church Board of Trustees.

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

1. That Thomas C. Kennedy be honored for his life and public service to Nebraska and Madison County.

2. That the family of Thomas C. Kennedy be joined by the citizens of Madison County, the Nebraska Legislature, and the State of Nebraska in celebrating the life of their beloved husband and father.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Health and Human Services
 Room 1510

Wednesday, February 15, 2006

1:30 p.m.

Ronald Balthazor - Board of Emergency Medical Services
 Bruce Beins - Board of Emergency Medical Services
 John W. Doyle - Board of Emergency Medical Services
 Dan Hakel - Board of Emergency Medical Services
 Val Snyder - Board of Emergency Medical Services
 George Tom Surber - Board of Emergency Medical Services
 Jennie Cole-Mossman - Child Abuse Prevention Fund Board
 Angela Wagner - Child Abuse Prevention Fund Board
 Linda Broderick - State Foster Care Review Board
 Larry Brown - State Foster Care Review Board
 James Gordon - State Foster Care Review Board
 Gene Klein - State Foster Care Review Board
 Joellen McGinn - State Foster Care Review Board
 Judy Meter - State Foster Care Review Board
 Mary Jo Pankoke - State Foster Care Review Board
 Mario Scalora - State Foster Care Review Board
 Gerald Schenck - State Foster Care Review Board
 Georgina Scurfield - State Foster Care Review Board
 Burrell Williams - State Foster Care Review Board

Wednesday, February 22, 2006

1:30 p.m.

James Devaney - Commission for the Deaf and Hard of Hearing
 Kenya Taylor - Commission for the Deaf and Hard of Hearing
 Darrell Walla - Commission for the Blind and Visually Impaired
 Nancy Oltman - Commission for the Blind and Visually Impaired
 Janet Coleman - State Board of Health
 Linda Heiden - State Board of Health
 Russell Hopp - State Board of Health
 Pamela List - State Board of Health
 Roger Reamer - State Board of Health
 Robert Sandstrom - State Board of Health
 Leslie Spry - State Board of Health
 Daryl Wills - State Board of Health

(Signed) Jim Jensen, Chairperson

Nebraska Retirement Systems
 Room 1525

LB 1019 Tuesday, January 31, 2006

12:15 p.m.

LB 1140 Tuesday, January 31, 2006

12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
LR 275CA Urban Affairs (rereferred)

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

MOTION - Approve Appointments

Senator Jensen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 420:

Chief Medical Officer and Director of Regulation and Licensure
Joann Schaefer
Behavioral Health Administrator
Ron Sorensen

Voting in the affirmative, 32:

Aguilar	Combs	Howard	McDonald	Stuhr
Baker	Cudaback	Janssen	Mines	Stuthman
Beutler	Erdman	Jensen	Pahls	Synowiecki
Brashear	Fischer	Johnson	Pederson, D.	Wehrbein
Burling	Flood	Kopplin	Price	
Byars	Friend	Landis	Schimek	
Chambers	Heidemann	Louden	Schrock	

Voting in the negative, 0.

Present and not voting, 12:

Bourne	Foley	Kruse	Raikes
Cornett	Hudkins	Langemeier	Redfield
Engel	Kremer	Preister	Smith

Excused and not voting, 5:

Brown	Connealy	Cunningham	Pedersen, Dw. Thompson
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The appointments were confirmed with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

MOTION - Withdraw LB 779

Senator Flood renewed his pending motion, found on page 441, to withdraw LB 779.

The Flood motion to withdraw prevailed with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

WITHDRAW - Amendment to LB 588

Senator Beutler withdrew his pending amendment, FA180, found on page 1278, First Session, 2005, to LB 588.

MOTION - Recommit LB 588 to Enrollment and Review

Senator Flood renewed his pending motion, found on page 441, pursuant to Rule 6, Section 8(b)(1), to recommit LB 588 to Enrollment and Review to replace Sections 77-2711 and 77-27,119, which were amended in 2005, and for reengrossment.

The Flood motion to recommit prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

WITHDRAW - Amendments to LB 693

Senator Beutler withdrew his pending amendment, AM1753, found on page 1832, First Session, 2005, to LB 693.

Senator Landis withdrew his pending amendment, AM1805, printed separately and referred to on page 414, to LB 693.

MOTION - Return LB 693 to Select File

Senator Landis moved to return LB 693 to Select File for his specific pending amendment, AM1957, printed separately and referred to on page 440.

The Landis motion to return prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 693. The Landis specific pending amendment, AM1957, printed separately and referred to on page 440, was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 282. Introduced by Loudon, 49.

WHEREAS, James Monahan of Hyannis, Nebraska, has been a cattle rancher for many years, during which time he has actively supported the

Nebraska beef cattle industry; and

WHEREAS, in recognition of his extraordinary contributions to the industry, his community, and the cattle business, the Nebraska Cattlemen selected Mr. Monahan for induction into the Nebraska Cattlemen Hall of Fame in 2005.

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

1. That the Legislature congratulates James Monahan on his induction into the Nebraska Cattlemen Hall of Fame.

2. That a copy of this resolution be sent to Mr. Monahan.

Laid over.

LEGISLATIVE RESOLUTION 283. Introduced by Loudon, 49.

WHEREAS, Gerri Monahan of Lincoln, Nebraska, has devoted time, talent, and effort to the Nebraska CattleWomen, an organization which supports the Nebraska beef industry and promotes beef and beef products through consumer education; and

WHEREAS, Ms. Monahan has been named the Nebraska CattleWoman of the Year for 2005, an award that recognizes her extraordinary contributions to the Nebraska CattleWomen through her membership in the organization.

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

1. That the Legislature congratulates Gerri Monahan on her selection as Nebraska CattleWoman of the Year for 2005.

2. That a copy of this resolution be sent to Ms. Monahan.

Laid over.

STANDING COMMITTEE REPORTS **Government, Military and Veterans Affairs**

LEGISLATIVE BILL 788. Indefinitely postponed.

LEGISLATIVE BILL 920. Indefinitely postponed.

LEGISLATIVE BILL 1013. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

LB 1109	Wednesday, February 1, 2006	1:30 p.m.
LB 1195	Wednesday, February 1, 2006	1:30 p.m.
LB 1214	Wednesday, February 1, 2006	1:30 p.m.

Wednesday, February 1, 2006		1:30 p.m.
Mark Czaplewski - Environmental Quality Council		

LB 1164	Thursday, February 2, 2006	1:30 p.m.
LB 1099	Thursday, February 2, 2006	1:30 p.m.
LB 1156	Thursday, February 2, 2006	1:30 p.m.
LB 1147	Thursday, February 2, 2006	1:30 p.m.

Thursday, February 2, 2006 1:30 p.m.
 Michael Griffin - Environmental Quality Council

(Signed) Ed Schrock, Chairperson

Judiciary
 Room 1113

LB 768	Wednesday, February 1, 2006	1:30 p.m.
LB 794	Wednesday, February 1, 2006	1:30 p.m.
LB 1092	Wednesday, February 1, 2006	1:30 p.m.
LB 1108	Wednesday, February 1, 2006	1:30 p.m.
LB 1120	Wednesday, February 1, 2006	1:30 p.m.
LB 1223	Wednesday, February 1, 2006	1:30 p.m.

LB 1115	Thursday, February 2, 2006	1:30 p.m.
LB 1133	Thursday, February 2, 2006	1:30 p.m.
LB 1135	Thursday, February 2, 2006	1:30 p.m.
LB 1136	Thursday, February 2, 2006	1:30 p.m.
LB 1137	Thursday, February 2, 2006	1:30 p.m.
LB 1150	Thursday, February 2, 2006	1:30 p.m.

LB 886	Wednesday, February 8, 2006	1:30 p.m.
LB 1113	Wednesday, February 8, 2006	1:30 p.m.
LB 1144	Wednesday, February 8, 2006	1:30 p.m.
LB 1188	Wednesday, February 8, 2006	1:30 p.m.
LB 1196	Wednesday, February 8, 2006	1:30 p.m.
LB 1224	Wednesday, February 8, 2006	1:30 p.m.
LB 1263	Wednesday, February 8, 2006	1:30 p.m.

LB 1009	Thursday, February 9, 2006	1:30 p.m.
LB 1075	Thursday, February 9, 2006	1:30 p.m.
LB 1101	Thursday, February 9, 2006	1:30 p.m.
LB 1146	Thursday, February 9, 2006	1:30 p.m.
LR 274CA	Thursday, February 9, 2006	1:30 p.m.

Thursday, February 9, 2006 1:30 p.m.
 Rosalyn R. Cotton - Board of Parole
 Miguel Gomez - Board of Parole

LB 905	Friday, February 10, 2006	1:30 p.m.
LB 936	Friday, February 10, 2006	1:30 p.m.

LB 1040	Friday, February 10, 2006	1:30 p.m.
LB 1072	Friday, February 10, 2006	1:30 p.m.
LB 1149	Friday, February 10, 2006	1:30 p.m.
LB 1163	Friday, February 10, 2006	1:30 p.m.
LB 1260	Friday, February 10, 2006	1:30 p.m.
LB 799	Wednesday, February 15, 2006	1:30 p.m.
LB 910	Wednesday, February 15, 2006	1:30 p.m.
LB 924	Wednesday, February 15, 2006	1:30 p.m.
LB 1252	Wednesday, February 15, 2006	1:30 p.m.
LB 767	Thursday, February 16, 2006	1:30 p.m.
LB 793	Thursday, February 16, 2006	1:30 p.m.
LB 863	Thursday, February 16, 2006	1:30 p.m.
LB 867	Thursday, February 16, 2006	1:30 p.m.
LB 963	Thursday, February 16, 2006	1:30 p.m.
LB 1199	Thursday, February 16, 2006	1:30 p.m.
LB 1205	Thursday, February 16, 2006	1:30 p.m.
LB 1210	Thursday, February 16, 2006	1:30 p.m.
LB 842	Wednesday, February 22, 2006	1:30 p.m.
LB 1047	Wednesday, February 22, 2006	1:30 p.m.
LB 1070	Wednesday, February 22, 2006	1:30 p.m.
LB 1180	Wednesday, February 22, 2006	1:30 p.m.
LB 1181	Wednesday, February 22, 2006	1:30 p.m.
LB 1253	Wednesday, February 22, 2006	1:30 p.m.
LB 782	Thursday, February 23, 2006	1:30 p.m.
LB 914	Thursday, February 23, 2006	1:30 p.m.
LB 984	Thursday, February 23, 2006	1:30 p.m.
LB 1114	Thursday, February 23, 2006	1:30 p.m.
LB 1153	Thursday, February 23, 2006	1:30 p.m.
LB 1200	Thursday, February 23, 2006	1:30 p.m.
LB 1257	Thursday, February 23, 2006	1:30 p.m.
LR 254CA	Thursday, February 23, 2006	1:30 p.m.
LB 954	Friday, February 24, 2006	1:30 p.m.
LB 1026	Friday, February 24, 2006	1:30 p.m.
LB 1078	Friday, February 24, 2006	1:30 p.m.
LB 1169	Friday, February 24, 2006	1:30 p.m.
LB 1190	Friday, February 24, 2006	1:30 p.m.
LB 1227	Friday, February 24, 2006	1:30 p.m.

(Signed) Patrick J. Bourne, Chairperson

Executive Board
Room 2102

LB 1141	Friday, February 10, 2006	12:00 p.m.
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LB 939	Friday, February 10, 2006	12:00 p.m.
LB 956	Friday, February 10, 2006	12:00 p.m.

(Signed) L. Patrick Engel, Chairperson

Appropriations
Room 1003

Tuesday, January 31, 2006	1:30 p.m.
AGENCY 5 - Supreme Court and State Court Administrator	
AGENCY 9 - Secretary of State	
AGENCY 13 - Department of Education	
AGENCY 34 - Library Commission	
AGENCY 54 - State Historical Society	

Wednesday, February 1, 2006	1:30 p.m.
AGENCY 24 - Department of Motor Vehicles	
AGENCY 31 - Military Department	
AGENCY 41 - State Real Estate Commission	
AGENCY 57 - Oil and Gas Conservation Commission	
AGENCY 59 - Board of Geologists	
AGENCY 29 - Department of Natural Resources	

LB 1077	Wednesday, February 1, 2006	1:30 p.m.
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Thursday, February 2, 2006	1:30 p.m.
AGENCY 14 - Public Service Commission	
AGENCY 16 - Department of Revenue	
AGENCY 93 - Tax Equalization and Review Commission	

LB 1229	Thursday, February 2, 2006	1:30 p.m.
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(Signed) Don Pederson, Chairperson

Urban Affairs
Room 1510

LB 1249	Tuesday, January 31, 2006	1:30 p.m.
LB 1241	Tuesday, January 31, 2006	1:30 p.m.
LB 1112	Tuesday, January 31, 2006	1:30 p.m.
LB 1173	Tuesday, January 31, 2006	1:30 p.m.
LB 1234	Tuesday, January 31, 2006	1:30 p.m.
LR 272CA	Tuesday, January 31, 2006	1:30 p.m.
LR 275CA	Tuesday, January 31, 2006	1:30 p.m.

(Signed) Mike Friend, Chairperson

AMENDMENTS - Print in Journal

Senator Stuhr filed the following amendment to LB 366:
(Amendment, AM1958, is printed separately and available in the Bill Room, Room 1104.)

Senator Stuhr filed the following amendment to LB 366:
AM1959

- 1 1. On page 7, line 6, strike "2006" and insert "2007".

GENERAL FILE

LEGISLATIVE BILL 875. Title read. Considered.

The Standing Committee amendment, AM1901, found on page 407, was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, and 16 present and not voting.

STANDING COMMITTEE REPORTS
Transportation and Telecommunications

LEGISLATIVE BILL 801. Placed on General File.

LEGISLATIVE BILL 909. Indefinitely postponed.

(Signed) Tom Baker, Chairperson

Revenue

LEGISLATIVE BILL 1003. Placed on General File as amended.
(Standing Committee amendment, AM1935, is printed separately and available in the Bill Room, Room 1104.)

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524

LB 849	Wednesday, February 1, 2006	1:30 p.m.
LB 943	Wednesday, February 1, 2006	1:30 p.m.
LB 968	Wednesday, February 1, 2006	1:30 p.m.
LB 1239	Wednesday, February 1, 2006	1:30 p.m.
LB 831	Wednesday, February 1, 2006	1:30 p.m.
LB 798	Wednesday, February 1, 2006	1:30 p.m.
LB 809	Wednesday, February 1, 2006	1:30 p.m.

LB 775	Thursday, February 2, 2006	1:30 p.m.
LB 959	Thursday, February 2, 2006	1:30 p.m.
LB 967	Thursday, February 2, 2006	1:30 p.m.
LB 806	Thursday, February 2, 2006	1:30 p.m.
LB 1183	Thursday, February 2, 2006	1:30 p.m.
LB 808	Thursday, February 2, 2006	1:30 p.m.

(Signed) David Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 32. Senator Beutler withdrew his pending amendment, FA76, found on page 735, First Session, 2005.

Senator Beutler renewed his pending amendment, AM1696, found on page 441.

SPEAKER BRASHEAR PRESIDING

Pending.

STANDING COMMITTEE REPORTS General Affairs

LEGISLATIVE BILL 845. Placed on General File.

LEGISLATIVE BILL 889. Placed on General File.

LEGISLATIVE BILL 785. Indefinitely postponed.

LEGISLATIVE BILL 948. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 32:

FA371

P. 2, line 3 strike "compensated" and show as stricken, and insert "reimbursed"; and in line 11 strike "compensation" and show as stricken, and insert "reimbursement".

UNANIMOUS CONSENT - Add Cointroducer

Senator Kremer asked unanimous consent to add his name as cointroducer to LB 957. No objections. So ordered.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 268, 269, 270, and 271 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 268, 269, 270, and 271.

VISITOR

The Doctor of the Day was Dr. Weiss from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Wednesday, January 25, 2006.

Patrick J. O'Donnell
Clerk of the Legislature