

**EIGHTH DAY - JANUARY 13, 2006****LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE  
SECOND SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 13, 2006

**PRAYER**

The prayer was offered by Senator Kruse.

**ROLL CALL**

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

The roll was called and all members were present except Senators Brown, Byars, Combs, Connealy, Erdman, Kopplin, McDonald, and Schimek who were excused; and Senators Cornett, Mines, Pahls, D. Pederson, Raikes, and Wehrbein who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**NOTICE OF COMMITTEE HEARINGS****Transportation and Telecommunications**

Room 1113

LB 1007	Monday, January 23, 2006	1:30 p.m.
LB 796	Monday, January 23, 2006	1:30 p.m.
LB 958	Monday, January 23, 2006	1:30 p.m.
LB 816	Monday, January 23, 2006	1:30 p.m.
LB 909	Monday, January 23, 2006	1:30 p.m.

(Signed) Tom Baker, Chairperson

**Government, Military and Veterans Affairs**

Room 1507

LB 823	Friday, January 20, 2006	1:30 p.m.
LB 883	Friday, January 20, 2006	1:30 p.m.
LB 941	Friday, January 20, 2006	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

**Business and Labor**

Room 1524

LB 906	Monday, January 23, 2006	1:30 p.m.
LB 843	Monday, January 23, 2006	1:30 p.m.
LB 913	Monday, January 23, 2006	1:30 p.m.
LB 827	Monday, January 23, 2006	1:30 p.m.

(Signed) Douglas Cunningham, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 12, 2006, 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

Bailey, Jon M.

Center for Rural Affairs

Brown, Margaret S.

League of Women Voters of Nebraska

Cutshall & Associates

Nebraskans for Public Television, Inc.

DeMay, James

Citigroup Management Corp.

Duckworth, Linda

League of Women Voters of Nebraska

Hassebrook, Charles, Jr.

Center for Rural Affairs

Hutchinson, M.C.

Family Council, Nebraska

Intermill, Nancy L.

League of Women Voters of Nebraska

Jaeschke, Ronda

Kinder Morgan, Inc.

Johnson, DeMaris

Geologists, Board of

Larsen, Carlin L.

Qwest Communications

Lewis, Sarah Ann

Voices for Children

Mischo, Craig

Bayer Health Care

Mize, William L. (Len)

Kinder Morgan, Inc.

Obst, Robert E.

Qwest Communications

Pappas, James E.

Bellevue Public Schools

NorthWestern Energy

Powell, Sandra K.

League of Women Voters of Nebraska

Reiman, Charlene

Kinder Morgan, Inc.

Rennard, Barbara

League of Women Voters of Nebraska

Roland, Gene

Kinder Morgan, Inc.

Schmit Industries, Inc.

Ag Processing, Inc.

Chiropractic Physicians Association, Nebraska

Husker Ag, LLC

KAPPA Ethanol, LLC

Lundeen Inc.

Platte Valley Fuel Ethanol

Skinner, Debra J.

Nebraska Tourism Association (NETA)

Sweeny, Tari Hendrickson

League of Women Voters of Nebraska

**REPORTS**

The following reports were received by the Legislature:

**Dairy Industry Development Board**

Annual Report

**Health and Human Services System**

Proposal to Register Pharmacy Technicians

Proposal for a Change in Scope of Practice by Dental Hygienists

**Investment Finance Authority**

Clean Water State Revolving Fund Revenue Bonds Series 2005 B,  
Quarterly Report

Drinking Water State Revolving Fund Revenue Bonds Series 2005 A,  
Quarterly Report

Single Family Housing Revenue Bonds Series 2005 CD and General  
Obligation Bonds Series 2005 G.O.-19

**Roads, Department of**

Board of Public Roads Classifications and Standards Minutes for October  
2005

**Treasury, State**

Condition of the State Treasury Letter

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 1080.** Introduced by Cornett, 45.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Supplement, 2005; to authorize municipalities to receive information as prescribed; and to repeal the original sections.

**GENERAL FILE**

**LEGISLATIVE BILL 57.** Senator Chambers renewed his pending motion, found on page 323, to reconsider the vote taken on FA198.

Pending.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1081.** Introduced by Kremer, 34; Schrock, 38.

A BILL FOR AN ACT relating to agriculture; to amend section 2-945.01, Revised Statutes Cumulative Supplement, 2004; to provide for noxious weed control projects as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1082.** Introduced by Schrock, 38; Cudaback, 36.

A BILL FOR AN ACT relating to state parks; to amend section 37-318, Reissue Revised Statutes of Nebraska; to eliminate entry permits and fees; to harmonize provisions; to repeal the original section; to provide an operative date; and to outright repeal sections 37-434, 37-435, 37-436, 37-437, 37-439, 37-440, 37-441, 37-442, 37-443, 37-444, 37-445, and 37-446, Reissue Revised Statutes of Nebraska, and section 37-438, Revised Statutes Supplement, 2005.

**LEGISLATIVE BILL 1083.** Introduced by Schrock, 38; Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission.

**LEGISLATIVE BILL 1084.** Introduced by Cunningham, 40; Combs, 32; Kremer, 34.

A BILL FOR AN ACT relating to health and safety regulations; to amend sections 48-418, 48-418.02, 48-418.03, 48-418.04, 48-418.05, 48-418.06, 48-418.07, 48-418.09, 48-418.10, 48-418.11, 48-418.12, 48-418.14, 48-719, 48-720, 48-721, 48-722, 48-723, 48-724, 48-727, 48-728, 48-729, 48-730, 48-731, 48-733, 48-735.01, 48-737, 48-738, 48-741, 48-743, 48-1801, 48-1802, 48-1803, 48-1804, 48-1805, 48-1806, 48-1807, 48-1808, 48-1809, 48-1811, 48-1812, 48-1813, 48-1814, 48-1817, 48-1819, 81-401, and 81-505, Reissue Revised Statutes of Nebraska, and section 48-726, Revised Statutes Supplement, 2005; to transfer the administration of the Boiler Inspection Act, the Nebraska Amusement Ride Act, and elevator inspections from the Commissioner of Labor to the State Fire Marshal; to name the Elevator Safety Act; to change the term of the chairperson of the Boiler Safety Code Advisory Board; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1085.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to interstate motor carrier registration; to amend sections 75-348 and 75-349, Reissue Revised Statutes of Nebraska, and section 75-386, Revised Statutes Supplement, 2005; to authorize the Division of Motor Carrier Services to enter into the Unified Carrier

Registration Agreement; and to repeal the original sections.

**LEGISLATIVE BILL 1086.** Introduced by Synowiecki, 7; Howard, 9.

A BILL FOR AN ACT relating to funds; to adopt the Nebraska Prostitution Intervention and Treatment Fund Act; to create a fund; and to provide funds for education and treatment.

**LEGISLATIVE BILL 1087.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, and 77-2704.12, Revised Statutes Supplement, 2005; to exempt purchases by museums and museum memberships from sales and use taxes; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1088.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to infants and children; to amend sections 43-2606 and 79-1902, Reissue Revised Statutes of Nebraska; to state findings; to promote awareness of sudden infant death syndrome and shaken baby syndrome; to provide powers and duties; to change provisions relating to training of providers of child care programs and certain educational packets; and to repeal the original sections.

**LEGISLATIVE BILL 1089.** Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 2005; to change provisions relating to school levies as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1090.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to teachers; to amend section 79-1007.02, Revised Statutes Supplement, 2005; to provide for extended contract days; to provide duties for the State Department of Education; to provide for funding; to provide an operative date; to harmonize provisions; to repeal the original section; and to declare an emergency.

## NOTICE OF COMMITTEE HEARINGS

### Banking, Commerce and Insurance

Room 1507

LB 819	Monday, January 23, 2006	1:30 p.m.
LB 868	Monday, January 23, 2006	1:30 p.m.
LB 985	Monday, January 23, 2006	1:30 p.m.
LB 926	Tuesday, January 24, 2006	1:30 p.m.
LB 927	Tuesday, January 24, 2006	1:30 p.m.

LB 928	Tuesday, January 24, 2006	1:30 p.m.
LB 929	Tuesday, January 24, 2006	1:30 p.m.

(Signed) Mick Mines, Chairperson

**General Affairs**  
Room 1510

LB 785	Monday, January 23, 2006	1:30 p.m.
LB 845	Monday, January 23, 2006	1:30 p.m.
LB 889	Monday, January 23, 2006	1:30 p.m.
LB 948	Monday, January 23, 2006	1:30 p.m.

(Signed) Ray Janssen, Chairperson

**Nebraska Retirement Systems**  
Room 1525

Monday, January 23, 2006	9:00 a.m.
Glenn Camerer - Public Employees Retirement Board	
Richard Wassinger - Public Employees Retirement Board	
John Maginn - Nebraska Investment Council	

(Signed) Elaine Stuhr, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 57.** The Chambers pending motion, found on page 323 and considered in this day's Journal, to reconsider the vote taken on FA198, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 16:

Baker	Foley	Kremer	Schrock
Engel	Friend	Louden	Smith
Fischer	Heidemann	Pedersen, Dw.	Stuhr
Flood	Hudkins	Redfield	Wehrbein

Present and not voting, 18:

Aguilar	Burling	Janssen	Pahls	Raikes
Beutler	Cudaback	Johnson	Pederson, D.	Synowiecki
Bourne	Cunningham	Kruse	Preister	
Brashear	Howard	Mines	Price	

Excused and not voting, 14:

Brown	Connealy	Jensen	Langemeier	Stuthman
Byars	Cornett	Kopplin	McDonald	Thompson
Combs	Erdman	Landis	Schimek	

The Chambers motion to reconsider failed with 1 aye, 16 nays, 18 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Pending.

### BILLS ON FIRST READING

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

**LEGISLATIVE BILL 1091.** Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Burling, 33; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Wage Payment and Collection Act; to amend section 48-1230, Reissue Revised Statutes of Nebraska; to provide a penalty for nonpayment or late payment of wages as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1092.** Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Burling, 33; Kremer, 34; Preister, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 44-6604, Reissue Revised Statutes of Nebraska, and section 28-631, Revised Statutes Cumulative Supplement, 2004; to prohibit certain fraudulent acts with respect to workers' compensation premiums; and to repeal the original sections.

**LEGISLATIVE BILL 1093.** Introduced by Thompson, 14.

A BILL FOR AN ACT relating to accreditation, curriculum, and instruction; to amend section 79-703, Reissue Revised Statutes of Nebraska; to modify provisions related to the establishment of a core curriculum standard; and to repeal the original section.

**LEGISLATIVE BILL 1094.** Introduced by Stuhr, 24; Cunningham, 40;

Fischer, 43; Hudkins, 21; Louden, 49.

A BILL FOR AN ACT relating to tourism; to amend sections 77-2701 and 77-2715.07, Revised Statutes Supplement, 2005; to provide for registration of agritourism operators; to provide an income tax credit for the cost of agritourism liability insurance; to provide operative dates; and to repeal the original sections.

**LEGISLATIVE BILL 1095.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Geologists Regulation Act; to amend section 81-3541, Reissue Revised Statutes of Nebraska; to eliminate an exemption; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1096.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to counties; to amend sections 22-417, 23-2504, and 32-524, Reissue Revised Statutes of Nebraska; to provide for the appointment of the clerk of the district court in counties containing a city of the metropolitan class as prescribed; to harmonize provisions; and to repeal the original sections.

### NOTICE OF COMMITTEE HEARING

**Education**  
Room 1525

LB 830	Monday, January 23, 2006	1:30 p.m.
LB 865	Monday, January 23, 2006	1:30 p.m.
LB 993	Monday, January 23, 2006	1:30 p.m.
LB 1012	Monday, January 23, 2006	1:30 p.m.
LB 1049	Monday, January 23, 2006	1:30 p.m.

(Signed) Ron Raikes, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 57.** Senator Chambers renewed his pending amendment, FA199, found on page 1312, First Session, 2005.

### PRESIDENT SHEEHY PRESIDING

### SENATOR CUDABACK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Johnson

Voting in the negative, 14:

Burling	Fischer	Heidemann	Mines	Smith
Cunningham	Foley	Landis	Pedersen, Dw.	Stuhr
Engel	Friend	Louden	Schrock	

Present and not voting, 16:

Aguilar	Cudaback	Kruse	Price
Baker	Howard	Pahls	Redfield
Bourne	Hudkins	Pederson, D.	Synowiecki
Chambers	Kremer	Preister	Thompson

Excused and not voting, 18:

Beutler	Combs	Flood	Langemeier	Stuthman
Brashear	Connealy	Janssen	McDonald	Wehrbein
Brown	Cornett	Jensen	Raikes	
Byars	Erdman	Kopplin	Schimek	

The Chambers amendment lost with 1 aye, 14 nays, 16 present and not voting, and 18 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:  
Reconsider the vote taken on FA199.

Pending.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1097.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to storm water; to create the Storm Water Management Plan Program.

**LEGISLATIVE BILL 1098.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to chemigation; to amend section 46-1105, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

**LEGISLATIVE BILL 1099.** Introduced by Schrock, 38.

A BILL FOR AN ACT relating to irrigation; to amend sections 46-285 and 46-286, Reissue Revised Statutes of Nebraska; to change water reuse pits definitions; and to repeal the original sections.

**LEGISLATIVE BILL 1100.** Introduced by Louden, 49; Aguilar, 35; Howard, 9; Kruse, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-806, Reissue Revised Statutes of Nebraska; to change penalty provisions for public indecency; and to repeal the original section.

**LEGISLATIVE BILL 1101.** Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,111, Revised Statutes Supplement, 2004; to provide for mandatory release on parole as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1102.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to elections; to amend section 32-620, Reissue Revised Statutes of Nebraska; to change provisions relating to ballot status for candidates for President and Vice President of the United States; and to repeal the original section.

**LEGISLATIVE BILL 1103.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2004; to proscribe certain sales of tickets; to state a penalty; and to repeal the original section.

**LEGISLATIVE BILL 1104.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-519 and 71-522, Revised Statutes Supplement, 2005; to provide a religious exemption to infant screening test requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1105.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to convention center facility financing; to amend sections 13-2601, 13-2602, 13-2603, 13-2604, 13-2605, 13-2607, 13-2608, 13-2609, and 13-2610, Revised Statutes Cumulative Supplement, 2004; to provide for state assistance for sporting arena facilities; to provide procedures; to harmonize provisions; to repeal the original sections; and to outright repeal section 13-2612, Revised Statutes Cumulative Supplement, 2004.

**LEGISLATIVE BILL 1106.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to counties; to amend section 23-114.03, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to zoning regulations; and to repeal the original section.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 270.** Introduced by Price, 26.

WHEREAS, Patricia Koch Johns has been named Nebraska's 2006 Teacher of the Year by the Nebraska Department of Education; and

WHEREAS, Ms. Koch Johns is active in many professional organizations, which allow her to promote arts in education; and

WHEREAS, Ms. Koch Johns is a well-respected teacher and staff member of the Lincoln High School community; and

WHEREAS, Ms. Koch Johns is viewed by her students and peers as being a successful, innovative teacher.

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

1. That the Legislature congratulates Patricia Koch Johns on being named Nebraska's 2006 Teacher of the Year.
2. That a copy of this resolution be delivered to Ms. Koch Johns.

Laid over.

**LEGISLATIVE RESOLUTION 271.** Introduced by Price, 26.

WHEREAS, Jonathan Heithold, a computer-aided design (CAD) teacher at Lincoln East High School, has been named one of the Nebraska winners of the 2005 Milken Family Foundation Awards; and

WHEREAS, Mr. Heithold will receive a twenty-five-thousand-dollar award and will be invited to attend the National Education Milken Conference; and

WHEREAS, Mr. Heithold is a leader in the school district in CAD education and is well respected for his teaching by students and staff members.

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

1. That the Legislature congratulates Jonathan Heithold on being named one of the Nebraska winners of the 2005 Milken Family Foundation Awards.
2. That a copy of this resolution be sent to Mr. Heithold.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Thompson asked unanimous consent to add her name as cointroducer to LB 915. No objections. So ordered.

**VISITORS**

Visitor to the Chamber was Dr. Joyce Simmons from Valentine.

The Doctor of the Day was Dr. Tammy Comstock from Ashland.

**ADJOURNMENT**

At 11:43 a.m., on a motion by Senator D. Pederson, the Legislature adjourned until 10:00 a.m., Tuesday, January 17, 2006.

Patrick J. O'Donnell  
Clerk of the Legislature

