

SIXTEENTH DAY - JANUARY 27, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 27, 2005

PRAYER

The prayer was offered by Senator Wehrbein.

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 and Burling who were excused; and Senators Friend, Landis, Dw. Pedersen, and D. Pederson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

STANDING COMMITTEE REPORT**Agriculture**

LEGISLATIVE BILL 441. Placed on General File.

(Signed) Bob Kremer, Chairperson

NOTICE OF COMMITTEE HEARING**Nebraska Retirement Systems**

Room 1525

LB 494	Thursday, February 3, 2005	12:15 p.m.
LB 503	Thursday, February 3, 2005	12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Comprehensive Annual Financial Report for FY 2004

Auditor of Public Accounts

Retirement Systems, Public Employees - School Employees, Judges, and
State Patrol Retirement Plans Audit Report

Health and Human Services System

Office of the System Advocate Quarterly Report, October-December 2004

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 26, 2005, 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

Abboud, Chris, Public Affairs Group
Hotel & Motel Association, Inc., Nebraska

Amack, Angela K.
Grand Island Public Schools

Blankenau, Don, of Fennemore Craig
League of Nebraska Municipalities
Ted's Tobacco

Bromm, Jaron, of Fennemore Craig
Ted's Tobacco

Campbell, Mary M./Campbell & Associates
Nurse Executives, Nebraska Organization of

Grove, Marvin M.
ABATE of Nebraska, Inc.

Ruth Mueller Robak LLC
Airport Officials, Nebraska Association of

Schutt, Larry D.
ABATE of Nebraska, Inc.

Tumbleson, Brandi Holys
March of Dimes Birth Defects Foundation

MOTION - Withdraw LB 707

Senator Cornett renewed her pending motion, found on page 362, to withdraw LB 707.

The Cornett motion to withdraw prevailed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 118. Considered.

Senator Chambers offered the following amendment:
AM0136

- 1 1. On page 3, strike beginning with "approve" in line 25 through line 28 and insert "neither unreasonably deny nor
- 2 unreasonably withhold its response to such a request.".
- 3
- 4 2. On page 4, line 1, strike "deemed approved."; and
- 5 strike beginning with "A" in line 6 through line 10.

The Chambers amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS**Agriculture**
Room 1524

LB 439	Tuesday, February 8, 2005	1:30 p.m.
LB 492	Tuesday, February 8, 2005	1:30 p.m.
LB 346	Tuesday, February 8, 2005	1:30 p.m.

Room 2102

LB 317	Tuesday, February 15, 2005	1:30 p.m.
LB 286	Tuesday, February 15, 2005	1:30 p.m.
LB 706	Tuesday, February 15, 2005	1:30 p.m.
LB 531	Tuesday, February 15, 2005	1:30 p.m.

(Signed) Bob Kremer, Chairperson

Urban Affairs
Room 1510

LB 48	Tuesday, February 8, 2005	1:30 p.m.
LB 135	Tuesday, February 8, 2005	1:30 p.m.
LB 384	Tuesday, February 8, 2005	1:30 p.m.

LB 414	Tuesday, February 8, 2005	1:30 p.m.
LB 748	Tuesday, February 8, 2005	1:30 p.m.
LB 302	Tuesday, February 15, 2005	1:30 p.m.
LB 479	Tuesday, February 15, 2005	1:30 p.m.
LB 528	Tuesday, February 15, 2005	1:30 p.m.
LB 626	Tuesday, February 15, 2005	1:30 p.m.
LB 698	Tuesday, February 15, 2005	1:30 p.m.
LR 2CA	Tuesday, February 15, 2005	1:30 p.m.
LB 289	Tuesday, February 22, 2005	1:30 p.m.
LB 518	Tuesday, February 22, 2005	1:30 p.m.
LB 629	Tuesday, February 22, 2005	1:30 p.m.
LB 630	Tuesday, February 22, 2005	1:30 p.m.
LB 651	Tuesday, February 22, 2005	1:30 p.m.
LB 734	Tuesday, February 22, 2005	1:30 p.m.
LB 461	Tuesday, March 1, 2005	1:30 p.m.
LB 735	Tuesday, March 1, 2005	1:30 p.m.
LR 18CA	Tuesday, March 1, 2005	1:30 p.m.

(Signed) Mike Friend, Chairperson

STANDING COMMITTEE REPORTS

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Donald Kohtz - Nebraska Power Review Board

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Loudon, McDonald, Schrock, Smith, Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

LEGISLATIVE BILL 32. Placed on General File.

LEGISLATIVE BILL 508. Placed on General File.

LEGISLATIVE BILL 137. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

Revenue

LEGISLATIVE BILL 499. Placed on General File.

(Signed) David Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 87. Placed on General File.

LEGISLATIVE BILL 85. Placed on General File as amended.
Standing Committee amendment to LB 85:
AM0126

- 1 1. On page 2, line 9, strike "department" and insert
- 2 "Department of Health and Human Services" and after "annually"
- 3 insert "on September 1"; and in line 27 strike "each year" and
- 4 insert "annually on September 1".

(Signed) Jim Jensen, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 33. Introduced by Byars, 30.

WHEREAS, William Rush was a quadriplegic because of cerebral palsy which required him to be confined to a wheelchair but did not confine his accomplishments; and

WHEREAS, in 1983 William Rush was the first quadriplegic to graduate with honors from the University of Nebraska-Lincoln, graduating from the College of Journalism; and

WHEREAS, William Rush used a voice synthesis technology which allowed him to have a voice and speak up for people with disabilities; and

WHEREAS, by using a stick attached to a helmet he wore and typing each letter, he wrote his autobiography Journey Out of Silence, which was published in 1986; and

WHEREAS, William Rush was a writer and an advocate for people with disabilities at the local level by writing op-ed pieces in the Omaha World-Herald, Lincoln Journal, and the Lincoln Star, and testifying before Congress about the Americans with Disabilities Act; and

WHEREAS, William Rush married Christine Robinson, who saw the man and the possibilities; and

WHEREAS, the state has been fortunate to have an advocate of William Rush's caliber defending the rights of, and being the voice for, so many disabled individuals; and

WHEREAS, William Rush died at the age of forty-nine after succumbing to pneumonia but not to his disability.

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

1. That the Legislature extends its sympathies to William Rush's wife, Christine Robinson.
2. That a copy of this resolution be sent to Christine Robinson.

Laid over.

LEGISLATIVE RESOLUTION 34. Introduced by Louden, 49.

WHEREAS, Steven M. Scott is the son of DeDee and Ed Sinner of Morrill, Nebraska; and

WHEREAS, Steven has attained the rank of Eagle Scout; and

WHEREAS, the Eagle Scout Court of Honor for Steven will be held January 30, 2005, at the United Methodist Church in Morrill, Nebraska.

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

1. That the Legislature congratulates Steven M. Scott on the attainment of the rank of Eagle Scout.

2. That a copy of this resolution be sent to Mr. and Mrs. Sinner and Mr. Scott.

Laid over.

GENERAL FILE**LEGISLATIVE BILL 119.** Title read. Considered.

The Standing Committee amendment, AM0016, found on page 309, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator Beutler offered the following amendment:

FA3

Strike Section 28.

SENATOR SCHIMEK PRESIDING**SENATOR CUDABACK PRESIDING****SPEAKER BRASHEAR PRESIDING**

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 19, 20, and 21 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 19, 20, and 21.

NOTICE OF COMMITTEE HEARINGS
General Affairs
 Room 1510

LB 388	Monday, February 7, 2005	1:30 p.m.
LB 530	Monday, February 7, 2005	1:30 p.m.
LB 562	Monday, February 7, 2005	1:30 p.m.
LB 563	Monday, February 7, 2005	1:30 p.m.

Monday, February 7, 2005	1:30 p.m.
Riley H. George - State Electrical Board	
Tom F. Ourada - State Electrical Board	

(Signed) Ray Janssen, Chairperson

Executive Board
 Room 2102

LR 3CA	Wednesday, February 9, 2005	12:00 p.m.
LR 5CA	Wednesday, February 9, 2005	12:00 p.m.
LR 14CA	Wednesday, February 9, 2005	12:00 p.m.
LR 16CA	Wednesday, February 9, 2005	12:00 p.m.
LB 180	Friday, February 11, 2005	12:00 p.m.
LB 588	Friday, February 11, 2005	12:00 p.m.
LR 27CA	Friday, February 11, 2005	12:00 p.m.

(Signed) L. Patrick Engel, Chairperson

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 20:
 AM0117

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 "Section 1. Section 37-524.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 37-524.01. (1) It shall be illegal to knowingly engage
- 6 in, sponsor, instigate, assist, or profit from the release,
- 7 killing, wounding, or attempted killing or wounding of animals of
- 8 the Families Tayassuidae and Suidae for the purpose of sport,
- 9 pleasure, amusement, or production of a trophy. The commission may
- 10 destroy any feral swine and may authorize any agents, including
- 11 landowners, to destroy and dispose of any feral swine.
- 12 (2) For purposes of this section, feral swine means swine
- 13 whose reversion from the domesticated state to a stable condition
- 14 more or less resembling the wild is apparent or an otherwise freely
- 15 roaming swine having no visible tags, marking, or characteristics
- 16 indicating that it is from a domestic herd, and reasonable inquiry

- 17 within the area does not identify an owner.
 18 (3) Any person violating subsection (1) of this section
 19 is guilty of a Class II misdemeanor.
 20 Sec. 2. The duties and liabilities imposed by sections
 21 54-401 to 54-415 do not apply in the case of stray or trespass of
 22 feral swine as defined in section 37-524.01. Feral swine may be
 23 destroyed as provided in section 37-524.01.
 24 Sec. 3. Original section 37-524.01, Reissue Revised
 1 Statutes of Nebraska, is repealed.
 2 Sec. 4. Since an emergency exists, this act takes effect
 3 when passed and approved according to law."

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 9. Placed on General File.

LEGISLATIVE BILL 55. Placed on General File as amended.
 Standing Committee amendment to LB 55:
 AM0137

- 1 1. Insert the following new section:
- 2 "Sec. 4. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

(Signed) DiAnna R. Schimek, Chairperson

Urban Affairs

LEGISLATIVE BILL 14. Placed on General File as amended.
 Standing Committee amendment to LB 14:
 AM0135

- 1 1. Add the following new section:
- 2 "Sec. 4. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."

LEGISLATIVE BILL 22. Placed on General File as amended.
 Standing Committee amendment to LB 22:
 AM0132

- 1 1. On page 2, strike beginning with "the" in line 22
- 2 through the first "and" in line 24.

LEGISLATIVE BILL 75. Placed on General File as amended.
 Standing Committee amendment to LB 75:
 AM0022

- 1 1. Insert the following new section:
- 2 "Sec. 3. Section 16-201, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 16-201. Each city of the first class shall be a body
- 5 corporate and politic and shall have power (1) to sue and be sued,

6 (2) to purchase, lease, lease with option to buy, or acquire by
 7 gift or devise and to hold real and personal property within or
 8 without the limits of the city and real estate sold for taxes for
 9 the use of the city in such manner and upon such terms and
 10 conditions as may be deemed in the best interests of the city, (3)
 11 to sell and convey, exchange, or lease any real or personal
 12 property owned by the city, including park land, in such manner and
 13 upon such terms and conditions as may be deemed in the best
 14 interests of the city, except that real estate owned by the city
 15 may be conveyed without consideration to the State of Nebraska for
 16 state armory sites or, if acquired for state armory sites, shall be
 17 conveyed in the manner strictly as provided in sections 18-1001 to
 18 18-1006, (4) to make all contracts and do all other acts in
 19 relation to the property and concerns of the city necessary to the
 20 exercise of its corporate powers, ~~and~~ (5) to exercise such other
 21 and further powers as may be conferred by law, and (6) to make
 22 local improvements and pay for those improvements by special
 23 assessments or by special taxation of property benefited. Any
 24 improvement district to be created pursuant to the authority
 1 granted in subdivision (6) of this section shall be approved by
 2 either fifty-one percent or more of the registered voters voting on
 3 the issue who reside in the proposed district or by at least
 4 seventy percent of the members of the city council."
 5 2. On page 15, line 6; and page 16, line 24, before the
 6 period insert ". Any improvement district to be created pursuant
 7 to the authority granted in this subdivision shall be approved by
 8 either fifty-one percent or more of the registered voters voting on
 9 the issue who reside in the proposed district or by at least
 10 seventy percent of the members of the city council".
 11 3. On page 17, line 1, strike "section 15-201" and
 12 insert "sections 15-201 and 16-201".
 13 4. Renumber the remaining section accordingly.

(Signed) Mike Friend, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Loudon asked unanimous consent to have his name added as cointroducer to LB 285. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 332. No objections. So ordered.

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 347. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 399. No objections. So ordered.

Senator Stuhr asked unanimous consent to have her name added as cointroducer to LB 439. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 445. No objections. So ordered.

VISITORS

Visitors to the Chamber were 70 junior and senior high school students and teacher from Westside High School, Omaha; Senator Synowiecki's son, Michael, and Robby Klug from Omaha; Ed and Nick Matney from Dakota County; and Catherine Piccinin, Morgan Currie, and Todd Preston from Ottawa, Ontario.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Redfield, the Legislature adjourned until 9:00 a.m., Monday, January 31, 2005.

Patrick J. O'Donnell
Clerk of the Legislature