

SIXTH DAY - JANUARY 12, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 12, 2005

PRAYER

The prayer was offered by Senator McDonald.

ROLL CALL

Pursuant to adjournment, the Legislature met at 11:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Bourne, Brashear, Byars, Janssen, and Landis who were excused; and Senators D. Pederson and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

MOTION - Adopt Temporary Rules

Senator Hudkins moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 12, 2005.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 160	Government, Military and Veterans Affairs (rereferred)
LB 180	Executive Board
LB 227	Government, Military and Veterans Affairs (rereferred)
LB 228	Education (rereferred)
LB 233	Government, Military and Veterans Affairs
LB 234	Urban Affairs
LB 235	Revenue
LB 236	Business and Labor

LB 237	Business and Labor
LB 238	Business and Labor
LB 239	Education
LB 240	Government, Military and Veterans Affairs
LB 241	Government, Military and Veterans Affairs
LB 242	Government, Military and Veterans Affairs
LB 243	Health and Human Services
LB 244	Health and Human Services
LB 245	Business and Labor
LB 246	Health and Human Services
LB 247	Transportation and Telecommunications
LB 248	Revenue
LB 249	Transportation and Telecommunications
LB 250	Appropriations
LB 251	Judiciary
LB 252	Revenue
LB 253	Revenue
LB 254	Revenue
LB 255	Government, Military and Veterans Affairs
LB 256	Health and Human Services
LB 257	Business and Labor
LB 258	Health and Human Services
LB 259	Health and Human Services
LB 260	Judiciary
LB 261	Revenue
LB 262	General Affairs
LB 263	Revenue
LB 264	Health and Human Services
LB 265	Health and Human Services
LB 266	Health and Human Services
LB 267	Appropriations
LB 268	Urban Affairs
LB 269	Judiciary
LB 270	Education
LB 271	Health and Human Services
LB 272	Health and Human Services
LB 273	Government, Military and Veterans Affairs
LB 274	Transportation and Telecommunications
LB 275	Transportation and Telecommunications
LB 276	Transportation and Telecommunications
LB 277	Transportation and Telecommunications
LB 278	Judiciary
LB 279	Judiciary
LB 280	Judiciary
LB 281	Judiciary
LB 282	Judiciary
LB 283	Revenue
LB 284	Transportation and Telecommunications
LB 285	Education

LB 286	Agriculture
LB 287	General Affairs
LB 288	Transportation and Telecommunications
LB 289	Urban Affairs
LB 290	Government, Military and Veterans Affairs
LB 291	Revenue
LB 292	Judiciary
LB 293	Natural Resources
LB 294	Judiciary
LB 295	Transportation and Telecommunications
LB 296	Appropriations
LB 297	Business and Labor
LB 298	Natural Resources
LB 299	Revenue
LB 300	Revenue
LR 9	Health and Human Services

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

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Room 1510

LB 61	Wednesday, January 19, 2005	1:30 p.m.
LB 87	Wednesday, January 19, 2005	1:30 p.m.
LB 89	Wednesday, January 19, 2005	1:30 p.m.
LB 175	Wednesday, January 19, 2005	1:30 p.m.
LB 176	Wednesday, January 19, 2005	1:30 p.m.
LB 177	Wednesday, January 19, 2005	1:30 p.m.

Wednesday, January 19, 2005 1:30 p.m.
Richard P. Nelson - Department of Health and Human Services Finance and Support
Richard Raymond - Department of Health and Human Services Regulation and Licensure
Richard DeLiberty - Behavioral Health Administrator

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs
Room 1507

LB 54	Wednesday, January 19, 2005	1:30 p.m.
LB 96	Wednesday, January 19, 2005	1:30 p.m.
LB 103	Wednesday, January 19, 2005	1:30 p.m.
LB 227	Wednesday, January 19, 2005	1:30 p.m.

LB 35	Thursday, January 20, 2005	1:30 p.m.
LB 36	Thursday, January 20, 2005	1:30 p.m.
LB 53	Thursday, January 20, 2005	1:30 p.m.
LB 98	Thursday, January 20, 2005	1:30 p.m.
LB 9	Friday, January 21, 2005	1:30 p.m.
LB 11	Friday, January 21, 2005	1:30 p.m.
LB 37	Friday, January 21, 2005	1:30 p.m.
LB 72	Friday, January 21, 2005	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Nebraska Retirement Systems
Room 1525

Wednesday, January 19, 2005 9:00 a.m.
 Denis Blank - Public Employees Retirement Board
 Glenn Elwell - Public Employees Retirement Board
 Mark Shepard - Public Employees Retirement Board

(Signed) Elaine Stuhr, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 379. Introduced by Brown, 6.

A BILL FOR AN ACT relating to municipal counties; to amend section 13-2810, Revised Statutes Supplement, 2004; to change voting procedure for merger or consolidation issues; and to repeal the original section.

LEGISLATIVE BILL 380. Introduced by Redfield, 12; Bourne, 8; Byars, 30; Howard, 9; Kopplin, 3; McDonald, 41; D. Pederson, 42; Price, 26; Raikes, 25; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to schools; to amend sections 79-586 and 79-589 to 79-592, Reissue Revised Statutes of Nebraska; to provide an alternative to bond for school district treasurers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 381. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to pharmacy; to amend section 71-1,146.01, Reissue Revised Statutes of Nebraska, and section 71-1,142, Revised Statutes Supplement, 2004; to provide for facsimile medical orders; to define a term; and to repeal the original sections.

LEGISLATIVE BILL 382. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to drugs; to amend sections 71-168, 71-1,146.01, 71-1,147.35, 71-5402, 71-5403, and 71-5404, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, 28-414, 28-1437, and 71-1,142, Revised Statutes Supplement, 2004; to provide for electronic transmission of prescriptions; to define, redefine, and eliminate terms; to change provisions relating to controlled substances, mandatory reporting, compounding, and drug product selection; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 383. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Reissue Revised Statutes of Nebraska; to change a provision relating to references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 384. Introduced by Combs, 32.

A BILL FOR AN ACT relating to natural gas; to amend sections 14-2113, 14-2117, 14-2122, 18-409, 66-1801, 66-1802, 66-1804, 66-1841, 66-1852, and 75-109.01, Reissue Revised Statutes of Nebraska, and sections 13-2802, 14-2116, and 19-4627, Revised Statutes Supplement, 2004; to change and eliminate provisions relating to natural gas; to define and redefine terms; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 57-1301 to 57-1307, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 385. Introduced by Johnson, 37.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2262, 29-4101 to 29-4109, and 29-4112 to 29-4115, Revised Statutes Supplement, 2004; to rename and change provisions of the DNA Detection of Sexual and Violent Offenders Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 386. Introduced by Kremer, 34; Aguilar, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Revised Statutes Supplement, 2004; to modify the definition of allowable growth for budgetary purposes; and to repeal the original section.

LEGISLATIVE BILL 387. Introduced by Combs, 32; Price, 26.

A BILL FOR AN ACT relating to nursing assistants; to amend sections 71-6603 and 71-6725, Reissue Revised Statutes of Nebraska, and sections 71-448, 71-6038, and 71-6039, Revised Statutes Supplement, 2004; to change provisions relating to training and employment of nursing assistants; to define terms; to require reports; to provide a penalty; to harmonize

provisions; and to repeal the original sections.

LEGISLATIVE BILL 388. Introduced by Mines, 18.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-101 and 60-6,211.08, Reissue Revised Statutes of Nebraska; to permit removal of resealed bottles of wine from licensed premises as prescribed; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 389. Introduced by Mines, 18.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Prompt Payment Act.

LEGISLATIVE BILL 390. Introduced by Smith, 48.

A BILL FOR AN ACT relating to the Livestock Waste Management Act; to amend section 54-2419, Reissue Revised Statutes of Nebraska; to change provisions relating to permit conditions; and to repeal the original section.

LEGISLATIVE BILL 391. Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Educational Finance Authority; to amend section 85-1714, Reissue Revised Statutes of Nebraska; to authorize use of telephone conferencing and videoconferencing; and to repeal the original section.

LEGISLATIVE BILL 392. Introduced by Mines, 18; Price, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Administrative Services.

LEGISLATIVE BILL 393. Introduced by Smith, 48.

A BILL FOR AN ACT relating to electronic mail; to prohibit acts relating to electronic mail; to provide a cause of action and damages; to provide for enforcement; and to provide severability.

LEGISLATIVE BILL 394. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Reissue Revised Statutes of Nebraska; to change the definition of employment; and to repeal the original section.

LEGISLATIVE BILL 395. Introduced by Loudon, 49; Baker, 44; Combs, 32; Connealy, 16; Cunningham, 40; Erdman, 47; Fischer, 43; Kremer, 34; Kruse, 13; McDonald, 41; Smith, 48.

A BILL FOR AN ACT relating to workers' compensation; to amend section

48-106, Reissue Revised Statutes of Nebraska; to exempt volunteer agricultural workers from coverage; and to repeal the original section.

LEGISLATIVE BILL 396. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to child support; to amend sections 42-358 and 42-358.02, Reissue Revised Statutes of Nebraska; to clarify a duty involving the reporting of delinquent child support; and to repeal the original sections.

LEGISLATIVE BILL 397. Introduced by Smith, 48; Schrock, 38.

A BILL FOR AN ACT relating to recycling; to amend section 81-1505.01, Reissue Revised Statutes of Nebraska, and section 81-1505, Revised Statutes Supplement, 2004; to adopt the Cathode Ray Tube Device Recycling Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 398. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to require legislative approval prior to expenditure of certain federal funds.

LEGISLATIVE BILL 399. Introduced by Baker, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2001, 77-2002, 77-2101.01, and 77-2101.02, Reissue Revised Statutes of Nebraska; to terminate inheritance, estate, and generation-skipping taxes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 400. Introduced by Baker, 44; Wehrbein, 2.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-302, Reissue Revised Statutes of Nebraska; to eliminate a ten-day grace period for failure to register a vehicle; and to repeal the original section.

LEGISLATIVE BILL 401. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to elections; to amend section 32-101, Reissue Revised Statutes of Nebraska; to provide for conducting elections by mail in certain precincts; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 402. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1628, Revised Statutes Supplement, 2004; to modify provisions relating to the production of jury master lists; and to repeal the original section.

LEGISLATIVE BILL 403. Introduced by Friend, 10; Synowiecki, 7.

A BILL FOR AN ACT relating to motor vehicle homicide; to amend section 29-2221, Reissue Revised Statutes of Nebraska, and section 28-306, Revised Statutes Supplement, 2004; to provide a penalty for committing motor vehicle homicide while operating a motor vehicle on a suspended, revoked, canceled, impounded, or disqualified operator's license; to change provisions relating to habitual criminals; and to repeal the original sections.

LEGISLATIVE BILL 404. Introduced by Wehrbein, 2; Baker, 44; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2734.03, Revised Statutes Supplement, 2004; to create an income tax credit for livestock modernization or expansion; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 405. Introduced by Schimek, 27; Connealy, 16; Jansen, 15.

A BILL FOR AN ACT relating to Indian gaming; to amend section 9-1,106, Reissue Revised Statutes of Nebraska; to change provisions relating to negotiation and adoption of a tribal-state gaming compact; and to repeal the original section.

LEGISLATIVE BILL 406. Introduced by Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to parking permits; to amend section 18-1740, Revised Statutes Supplement, 2004; to change the expiration date of parking permits issued to handicapped or disabled persons; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 407. Introduced by Raikes, 25; Hudkins, 21; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1347, 77-1359, and 77-1381, Reissue Revised Statutes of Nebraska, and sections 77-201, 77-1343, 77-1344, 77-1345, 77-1345.01, 77-1348, 77-1363, 77-5022, and 77-5023, Revised Statutes Supplement, 2004; to change and eliminate provisions relating to agricultural and horticultural land valuation; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-1360.01, 77-1361, and 77-1362, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 408. Introduced by Flood, 19; Erdman, 47; Foley, 29; Heidemann, 1; Langemeier, 23; Mines, 18; Stuthman, 22.

A BILL FOR AN ACT relating to elections; to amend sections 32-101 and

32-939, Reissue Revised Statutes of Nebraska; to allow certain persons residing outside the country to register and vote in Nebraska; to change provisions relating to receipt and return of ballots by voters outside the country; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 409. Introduced by Flood, 19.

A BILL FOR AN ACT relating to homesteads; to amend section 40-104, Reissue Revised Statutes of Nebraska; to change provisions relating to conveyances and encumbrances; and to repeal the original section.

LEGISLATIVE BILL 410. Introduced by Flood, 19.

A BILL FOR AN ACT relating to real property; to amend sections 76-250 and 76-802, Reissue Revised Statutes of Nebraska; to provide for certificates of dissolution of marriage to be filed with the register of deeds as prescribed; to provide a duty for the Revisor of Statutes; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 411. Introduced by Stuhr, 24; Erdman, 47; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to retirement; to amend sections 79-902 and 79-906, Reissue Revised Statutes of Nebraska; to redefine terms; to change calculations relating to school employees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 412. Introduced by Nebraska Retirement Systems Committee: Stuhr, 24, Chairperson; Erdman, 47; Price, 26; Synowiecki, 7.

A BILL FOR AN ACT relating to retirement; to amend section 81-2017, Revised Statutes Supplement, 2004; to change provisions relating to the State Patrol Retirement Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 413. Introduced by Price, 26; Cornett, 45; Redfield, 12.

A BILL FOR AN ACT relating to labor; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to adopt the Wage Replacement Savings Plan Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 414. Introduced by Combs, 32; Baker, 44; Cunningham, 40; Erdman, 47; Dw. Pedersen, 39; Price, 26; Smith, 48.

A BILL FOR AN ACT relating to natural gas; to amend section 66-1802, Reissue Revised Statutes of Nebraska; to change provisions relating to the State Natural Gas Regulation Act; to redefine natural gas public utility; and to repeal the original section.

LEGISLATIVE BILL 415. Introduced by Combs, 32; Burling, 33; Cunningham, 40; Kremer, 34.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide for confidential records as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 416. Introduced by Howard, 9; Beutler, 28; Combs, 32; Kruse, 13; Loudon, 49; Redfield, 12.

A BILL FOR AN ACT relating to children; to amend sections 43-117.01, 43-284.02, 43-285, 43-294, and 79-215, Reissue Revised Statutes of Nebraska; to change provisions relating to wards of the state; to authorize independent living services for former wards of the state; and to repeal the original sections.

LEGISLATIVE BILL 417. Introduced by Stuthman, 22; Aguilar, 35; Cunningham, 40; Hudkins, 21; Kremer, 34; Loudon, 49; McDonald, 41; Stuhr, 24; Synowiecki, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.04, 77-2701.10, 77-2701.16, 77-2701.34, 77-2703, 77-2703.01, and 77-2704.55, Revised Statutes Supplement, 2004; to exempt construction labor and services from sales taxation; to eliminate a definition; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2701.45, Revised Statutes Supplement, 2004.

LEGISLATIVE BILL 418. Introduced by Kremer, 34; Baker, 44; Burling, 33; Combs, 32; Fischer, 43; Hudkins, 21; McDonald, 41; Schrock, 38; Stuhr, 24; Stuthman, 22.

A BILL FOR AN ACT relating to school organization and reorganization; to amend sections 79-234, 79-473, and 79-475, Reissue Revised Statutes of Nebraska; to change provisions related to option students residing in certain school districts; to provide for negotiations involving territory that is annexed; to provide for arbitration; to provide for a delay for certain school district mergers; to harmonize provisions; and to repeal the original sections.

UNANIMOUS CONSENT - Add Cointroducers

Senator Stuhr asked unanimous consent to have her name added as cointroducer to LBs 28, 220, 344, and 370. No objections. So ordered.

Senator Fischer asked unanimous consent to have her name added as cointroducer to LBs 273 and 155. No objections. So ordered.

Senator Flood asked unanimous consent to have his name added as cointroducer to LB 231. No objections. So ordered.

Senator Stuthman asked unanimous consent to have his name added as cointroducer to LB 224. No objections. So ordered.

Senator Kruse asked unanimous consent to have his name added as cointroducer to LB 273. No objections. So ordered.

Senator Cunningham asked unanimous consent to have his name added as cointroducer to LB 58. No objections. So ordered.

Senator Burling asked unanimous consent to have his name added as cointroducer to LB 156. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Stuthman withdrew his name as cointroducer to LR 16CA.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

LB 21	Wednesday, January 19, 2005	1:30 p.m.
LB 29	Wednesday, January 19, 2005	1:30 p.m.
LB 33	Wednesday, January 19, 2005	1:30 p.m.
LB 102	Wednesday, January 19, 2005	1:30 p.m.

Wednesday, January 19, 2005 1:30 p.m.
 Jim Van Marter, Jr. - Natural Resources Commission

(Signed) Ed Schrock, Chairperson

Judiciary

Room 1113

LB 91	Wednesday, January 19, 2005	1:30 p.m.
LB 93	Wednesday, January 19, 2005	1:30 p.m.
LB 105	Wednesday, January 19, 2005	1:30 p.m.
LB 168	Wednesday, January 19, 2005	1:30 p.m.
LB 206	Wednesday, January 19, 2005	1:30 p.m.
LB 207	Wednesday, January 19, 2005	1:30 p.m.

LB 42	Friday, January 21, 2005	1:30 p.m.
LB 62	Friday, January 21, 2005	1:30 p.m.
LB 104	Friday, January 21, 2005	1:30 p.m.
LB 151	Friday, January 21, 2005	1:30 p.m.
LB 173	Friday, January 21, 2005	1:30 p.m.
LB 194	Friday, January 21, 2005	1:30 p.m.

(Signed) Patrick J. Bourne, Chairperson

Revenue
Room 1524

LB 15	Wednesday, January 19, 2005	1:30 p.m.
LB 263	Wednesday, January 19, 2005	1:30 p.m.
LB 283	Wednesday, January 19, 2005	1:30 p.m.
LB 18	Wednesday, January 19, 2005	1:30 p.m.
LB 66	Wednesday, January 19, 2005	1:30 p.m.
LB 261	Wednesday, January 19, 2005	1:30 p.m.

(Signed) Matt Connealy, Vice Chairperson

ADJOURNMENT

At 11:45 a.m., on a motion by Senator Hudkins, the Legislature adjourned until 9:00 a.m., Thursday, January 13, 2005.

Patrick J. O'Donnell
Clerk of the Legislature