

SIXTY-FIFTH DAY - APRIL 21, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, April 21, 2005

PRAYER

The prayer was offered by Pastor Roxie Sullivan, First Presbyterian Church, Falls City.

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 Brashear and Friend who were excused; and Senators Brown, Engel, Landis, Dw. Pedersen, D. Pederson, Raikes, Thompson, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fourth day was approved.

COMMUNICATION

Received petition from the Douglas County Board of Commissioners adopted on April 19, 2005.

GENERAL FILE

LEGISLATIVE RESOLUTION 8CA. Senator Chambers renewed his pending amendment, FA36, found on page 628.

SENATOR JANSSEN PRESIDING**SENATOR CUDABACK PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Chambers amendment lost with 3 ayes, 14 nays, 19 present and not

voting, and 13 excused and not voting.

The Chair declared the call raised.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Cole, Charles - Boiler Safety Code Advisory Board - Business and Labor

Duennerman, Luana - Commission for the Deaf and Hard of Hearing - Health and Human Services

Hodges, Timothy D. - Coordinating Commission for Postsecondary Education - Education

Orr, Jeffrey L. - Commission of Industrial Relations - Business and Labor

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

STANDING COMMITTEE REPORT Business and Labor

LEGISLATIVE BILL 738. Placed on General File.

(Signed) Douglas Cunningham, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 83. Introduced by Smith, 48.

WHEREAS, Steven Gunther is a member of the Gering High School speech team; and

WHEREAS, Steven competed in the National Forensic League national qualifying meet in Cheyenne, Wyoming, on April 2, 2005, where he was named the champion of U. S. Extemporaneous Speaking; and

WHEREAS, Steven will now compete in the national tournament in June in Philadelphia, Pennsylvania.

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

1. That the Legislature congratulates Steven Gunther on being named the champion of U. S. Extemporaneous Speaking.

2. That a copy of this resolution be sent to Steven Gunther.

Laid over.

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

The following bills were correctly engrossed: LBs 689, 689A, and 709.

ER9032

Enrollment and Review Change to LB 709

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

1. In lieu of the Flood amendment, FA168, in the Erdman amendment, AM1249, on page 1, line 16, "and" has been struck; and in line 17 "; and (g) alternatives to increase federal funding for services in order to reduce dependence on General Funds and maintain or increase the total amount of funding for such services, and the possible utilization of national consultants to assist in the consideration of such alternatives" has been inserted before the period.

(Signed) Michael Flood, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 8CA. Senator Chambers renewed his pending amendment, FA37, found on page 629.

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Chambers amendment lost with 2 ayes, 16 nays, 21 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA38, found on page 629.

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 20:

Byars	Fischer	Jensen	Louden	Smith
Connealy	Flood	Kopplin	McDonald	Stuhr
Cunningham	Heidemann	Kremer	Mines	Stuthman
Erdman	Hudkins	Kruse	Schrock	Wehrbein

Present and not voting, 16:

Baker	Cornett	Johnson	Price
Bourne	Cudaback	Pahls	Raikes
Burling	Howard	Pederson, D.	Redfield
Combs	Janssen	Preister	Synowiecki

Excused and not voting, 12:

Aguilar	Brown	Friend	Pedersen, Dw.
Beutler	Engel	Landis	Schimek
Brashear	Foley	Langemeier	Thompson

The Chambers amendment lost with 1 aye, 20 nays, 16 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Pending.

VISITORS

Visitors to the Chamber were 50 full-time employees of the 92nd Troop Command of the Nebraska Army National Guard; 72 fourth-grade students and teachers from Hillside Elementary School, Omaha; 50 fourth-grade students and teachers from St. Gerald School, Ralston; 8 guests from Prairie Village, Columbus; 45 kindergarten through eighth-grade students and teacher from District 20, Norfolk; and 13 fourth- and fifth-grade students and teacher from District 22 School, Lexington.

RECESS

At 12:06 p.m., on a motion by Senator Combs, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Brashear and Friend who were excused; and Senators Aguilar, Brown, Cunningham,

Engel, Erdman, Landis, Loudon, McDonald, Mines, D. Pederson, and Synowiecki who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 84. Introduced by Foley, 29.

WHEREAS, the Nebraska State Chess Association is an organization that was founded in 1898; and

WHEREAS, it is the mission of the Nebraska State Chess Association to promote chess at all age and ability levels throughout the State of Nebraska; and

WHEREAS, the Nebraska State Chess Association will co-sponsor four championship chess tournaments this year; and

WHEREAS, the Individual Scholastic Chess Championship was held on February 12, 2005, in Columbus, Nebraska; and

WHEREAS, John Hurdle was awarded the title of "2005 Nebraska Primary Chess Champion"; and

WHEREAS, Albert Zhou was awarded the title of "2005 Nebraska Middle School/Junior High Chess Champion".

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

1. That the Legislature congratulates and honors John Hurdle and Albert Zhou for their championship titles.

2. That a copy of this resolution be sent to John Hurdle and Albert Zhou.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 70. Senator Jensen asked unanimous consent to withdraw his pending amendment, AM1106, found on page 1140 and considered on page 1222, and replace it with his substitute amendment, AM1286. No objections. So ordered.

AM1286

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) The Nebraska Motorcycle Helmet Task
- 4 Force is created.
- 5 (2) The task force shall consists of ten individuals
- 6 appointed by the Governor with the consent of a majority of the
- 7 members of the Legislature. The members shall include, but not be
- 8 limited to, a representative of insurance companies licensed to
- 9 sell insurance in Nebraska, a representative of the Department of
- 10 Motor Vehicles, a representative of individuals licensed to
- 11 practice medicine and surgery in Nebraska, a representative of the
- 12 Department of Economic Development, a representative of the
- 13 University of Nebraska with expertise in statistics, a
- 14 representative of the Department of Roads, and a representative of

15 the Nebraska State Patrol.

16 (3) The task force shall examine, but not be limited to,
17 the following:

18 (a) The most recent information and studies related to
19 helmet laws;

20 (b) The relationship between the repeal of existing
21 helmet laws and the occurrence of major injuries and death
22 resulting from motorcycle accidents; and

23 (c) The economic effects of having a helmet law versus
24 not having a helmet law.

1 (4) The task force shall report its findings to the
2 Transportation and Telecommunications Committee of the Legislature
3 on or before December 30, 2005.

4 (5) The task force shall terminate on December 31, 2005.

5 Sec. 2. The provisions of subdivision (13) of section
6 60-4,182 with respect to motorcycle or moped protective helmet
7 violations and sections 60-6,278 to 60-6,282 shall not be enforced
8 in the month of August 2005."

Senator Jensen asked unanimous consent to withdraw his pending amendment, AM1286, found in this day's Journal, and replace it with his substitute amendment, AM1289. No objections. So ordered.

AM1289

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. (1) The Nebraska Motorcycle Helmet Advisory
4 Task Force is created.

5 (2) The task force shall consist of ten individuals, five
6 appointed by the Chairperson of the Transportation and
7 Telecommunications Committee of the Legislature and five appointed
8 by the Chairperson of the Health and Human Services Committee of
9 the Legislature. The members shall include, but not be limited to,
10 a representative of insurance companies licensed to sell insurance
11 in Nebraska, a representative of the Department of Motor Vehicles,
12 a representative of individuals licensed to practice medicine and
13 surgery in Nebraska, a representative of the Department of Economic
14 Development, a representative of the University of Nebraska with
15 expertise in statistics, a representative of the Department of
16 Roads, and a representative of the Nebraska State Patrol.

17 (3) The task force shall examine, but not be limited to,
18 the following:

19 (a) The most recent information and studies related to
20 helmet laws;

21 (b) The relationship between the repeal of existing
22 helmet laws and the occurrence of major injuries and death
23 resulting from motorcycle accidents; and

24 (c) The economic effects of having a helmet law versus
1 not having a helmet law.

2 (4) The task force shall report its findings to the

3 Transportation and Telecommunications Committee of the Legislature
 4 and the Health and Human Services Committee of the Legislature on
 5 or before December 30, 2005.
 6 (5) The task force shall terminate on December 31, 2005.
 7 Sec. 2. The provisions of subdivision (13) of section
 8 60-4,182 with respect to motorcycle or moped protective helmet
 9 violations and sections 60-6,278 to 60-6,282 shall not be enforced
 10 in the month of August 2005."

Senator Chambers offered the following amendment to the Jensen pending amendment:

FA179

Amend AM1289

1. On page 1, strike lines 3-24; and in line 2 strike "sections" and insert "section".
2. On page 2, strike lines 1-6.

SENATOR JANSSEN PRESIDING

SENATOR CUDABACK PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 1 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Byars	Howard	Kruse	Pederson, D.	Schimek
Chambers	Janssen	Louden	Preister	Synowiecki
Cornett	Johnson	Pahls	Redfield	Thompson

Voting in the negative, 13:

Bourne	Fischer	Landis	Schrock	Wehrbein
Connealy	Foley	Langemeier	Smith	
Cunningham	Hudkins	McDonald	Stuthman	

Present and not voting, 16:

Baker	Combs	Jensen	Pedersen, Dw.
Beutler	Cudaback	Kopplin	Price
Brown	Engel	Kremer	Raikes
Burling	Erdman	Mines	Stuhr

Excused and not voting, 5:

Aguilar	Brashear	Flood	Friend	Heidemann
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The Chambers amendment lost with 15 ayes, 13 nays, 16 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

SENATOR JANSSEN PRESIDING

Senator Chambers offered the following motion:
Bracket until May 17, 2005.

Pending.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 38 and 682.

(Signed) Michael Flood, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 85. Introduced by Brown, 6.

WHEREAS, the members of the Creighton Preparatory School Academic Decathlon team devoted thousands of hours towards preparation for the district competition in January; and

WHEREAS, the Creighton Preparatory Academic Decathlon team was the top-seeded team going into the state championship; and

WHEREAS, on February 19, 2005, at Creighton University, the Creighton Preparatory School Academic Decathlon team won the state championship, thereby securing a spot at the national competition as Nebraska's representative; and

WHEREAS, the team represented the State of Nebraska during national competition in Chicago during the week of April 11 through 16, 2005; and

WHEREAS, the Creighton Preparatory School Academic Decathlon team placed second in their division during the national competition, thereby bringing pride to their school, their city, and their state.

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

1. That the Legislature congratulates the members of the 2004-2005 Creighton Preparatory School Academic Decathlon Team.

2. That a copy of this resolution be presented to Creighton Preparatory School Academic Decathlon Head Coach Jeannie Brayman.

Laid over.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 70:

FA175

On page 17, line 18 after the period add "Specifications for the eye protection alternatives shall be determined by the Nebraska state patrol"

Senator Beutler filed the following amendment to LB 70:

FA176

On page 17, strike lines 5 through 8

Senator Beutler filed the following amendment to LB 70:

FA177

On lines 16, 17, and 18, page 17 strike "or a windshield on the motorcycle that protects the operators horizontal line of vision in all operating positions"

Senator Smith filed the following amendment to LB 70:

FA178

Page 2, line 28 strike "eight" and insert "seven"

Senator Jensen filed the following amendment to LB 70:

AM1270

- 1 1. On page 13, line 4, strike "seventy-five" and insert
- 2 "one hundred seventy-five"; and in line 5 strike "one", show as
- 3 stricken, and insert "two".

Senator Jensen filed the following amendment to LB 70:

AM1276

- 1 1. On page 12, line 6, strike "and" and show as
- 2 stricken; strike beginning with "except" in line 8 through
- 3 "presents" in line 10, show the old matter as stricken, and insert
- 4 "and presented"; in line 11 strike "(a)" and insert "(1)"; in line
- 5 13 strike "(b)" and insert "(2)"; and strike line 15, show the old
- 6 matter as stricken, and insert "2007. An examiner shall waive the
- 7 required examination, including the actual operation of a
- 8 motorcycle and the motorcycle safety course, if".
- 9 2. On page 16, strike the new matter and reinstate the
- 10 stricken matter; and in line 8 after "wearing" insert "eye
- 11 protection and".
- 12 3. On page 17, strike lines 1 through 18 and insert the
- 13 following new subsection:
- 14 "(2) For purposes of this section, eye protection means
- 15 glasses or goggles that cover and are securely fixed to the orbital
- 16 region of the operator's face, a protective face shield attached to
- 17 a protective helmet, or a windshield on the motorcycle that
- 18 protects the operator's horizontal line of vision in all operating
- 19 positions.".

Senator Jensen filed the following amendment to LB 70:
AM1123

- 1 1. On page 16, line 23; and page 17, line 7, strike "and
- 2 (c)" and insert "(c) carries proof of insurance for medical
- 3 payments with limits of at least forty-five thousand dollars for
- 4 bodily injury for each person in any one accident, and (d)".
- 5 2. On page 17, line 9, after "requirements" insert "and
- 6 the requirements to carry proof of insurance".

Senator Jensen filed the following amendment to LB 70:
AM1267

- 1 1. On page 2, line 28, strike "eight" and insert "ten".

Senator Foley filed the following amendment to LB 161:
AM1253

(Amendments to Final Reading copy)

- 1 1. On page 5, line 2, strike "front footage of" and
- 2 "upon" and after "property" insert "owners"; in line 16 strike "the
- 3 front footage of" and after "property" insert "owners"; and in line
- 4 17 strike "upon".

VISITORS

Visitors to the Chamber were 26 fourth-grade students and teacher from Battle Creek; 13 fourth-grade students and teacher from Humphrey; and 42 fourth-grade students and teachers from Westside Elementary School, Norfolk.

MOTION - Adjournment

Senator Byars moved to adjourn until 9:00 a.m., Friday, April 22, 2005.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

Senator Bourne requested the roll call vote be taken in reverse order.

Voting in the affirmative, 22:

Bourne	Cudaback	Janssen	Louden	Schrock
Byars	Cunningham	Kopplin	McDonald	Smith
Combs	Engel	Kremer	Pahls	
Connealy	Fischer	Kruse	Pederson, D.	
Cornett	Howard	Landis	Raikes	

Voting in the negative, 16:

Baker	Erdman	Johnson	Redfield
Beutler	Foley	Mines	Schimek
Burling	Hudkins	Pedersen, Dw.	Synowiecki
Chambers	Jensen	Preister	Thompson

Present and not voting, 5:

Brown	Price	Stuhr	Stuthman	Wehrbein
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Excused and not voting, 6:

Aguilar	Flood	Heidemann
Brashear	Friend	Langemeier

The Byars motion to adjourn prevailed with 22 ayes, 16 nays, 5 present and not voting, and 6 excused and not voting, and at 4:03 p.m., the Legislature adjourned until 9:00 a.m., Friday, April 22, 2005.

Patrick J. O'Donnell
Clerk of the Legislature

