

NINTH DAY - JANUARY 18, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 18, 2005

PRAYER

The prayer was offered by Pastor Joann Kramer, St. John Lutheran Church, Beatrice.

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 Combs and Fischer who were excused; and Senator Price who was excused until she arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 346	Agriculture (referred)
LB 419	Judiciary
LB 420	Business and Labor
LB 421	Appropriations
LB 422	Appropriations
LB 423	Appropriations
LB 424	Appropriations
LB 425	Appropriations
LB 426	Appropriations
LB 427	Appropriations
LB 428	Appropriations
LB 429	Judiciary
LB 430	General Affairs
LB 431	Judiciary

LB 432	Government, Military and Veterans Affairs
LB 433	Business and Labor
LB 434	Business and Labor
LB 435	Business and Labor
LB 436	Business and Labor
LB 437	Judiciary
LB 438	Transportation and Telecommunications
LB 439	Agriculture
LB 440	Agriculture
LB 441	Agriculture
LB 442	Business and Labor
LB 443	Government, Military and Veterans Affairs
LB 444	Judiciary
LB 445	Health and Human Services
LB 446	Judiciary
LB 447	Nebraska Retirement Systems
LB 448	Revenue
LB 449	Education
LB 450	Banking, Commerce and Insurance
LB 451	Government, Military and Veterans Affairs
LB 452	Urban Affairs
LB 453	Health and Human Services
LB 454	Judiciary
LB 455	Judiciary
LB 456	Revenue
LB 457	Judiciary
LB 458	Transportation and Telecommunications
LB 459	Government, Military and Veterans Affairs
LB 460	Education
LB 461	Urban Affairs
LB 462	Business and Labor
LB 463	Business and Labor
LB 464	Judiciary
LB 465	Banking, Commerce and Insurance
LB 466	Banking, Commerce and Insurance
LB 467	Education
LB 468	Nebraska Retirement Systems
LB 469	Judiciary
LB 470	Transportation and Telecommunications
LB 471	Transportation and Telecommunications
LB 472	Revenue
LB 473	Government, Military and Veterans Affairs
LB 474	Government, Military and Veterans Affairs
LB 475	Government, Military and Veterans Affairs
LB 476	Government, Military and Veterans Affairs
LB 477	Government, Military and Veterans Affairs
LB 478	Revenue
LB 479	Urban Affairs
LB 480	Health and Human Services
LR 17CA	Judiciary

LR 18CA Urban Affairs

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

NOTICE OF COMMITTEE HEARING

Education
Room 1525

LB 129	Tuesday, January 25, 2005	1:30 p.m.
LB 141	Tuesday, January 25, 2005	1:30 p.m.
LB 223	Tuesday, January 25, 2005	1:30 p.m.
LB 229	Tuesday, January 25, 2005	1:30 p.m.
LB 378	Tuesday, January 25, 2005	1:30 p.m.

(Signed) Ron Raikes, Chairperson

ANNOUNCEMENT

The Legislative Performance Audit Committee elected Senator Beutler as Chairperson and Senator Price as Vice Chairperson.

MOTION - Print in Journal

Senator Thompson filed the following motion to LB 203:
Withdraw LB 203

BILLS ON FIRST READING

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

LEGISLATIVE BILL 547. Introduced by Johnson, 37; Jensen, 20.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 81-3428 and 81-3442, Reissue Revised Statutes of Nebraska; to provide additional members for the Board of Engineers and Architects as prescribed; to change intent requirements for certain penalties; and to repeal the original sections.

LEGISLATIVE BILL 548. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health care; to amend sections 71-7607, 71-7608, and 71-7611, Revised Statutes Supplement, 2004; to change and eliminate provisions relating to credit and transfers of funds, legislative intent, certain federal actions, reports on health care access and expenditures, and funds; to repeal the original sections; to outright repeal sections 71-7601 to 71-7604, 71-7609, and 71-7610, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 549. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health care; to require a response plan regarding prescription drug benefits under the federal Medicare program; and to provide a termination date.

LEGISLATIVE BILL 550. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to state findings and intent; to require a plan for financial and other assistance for community health centers and emergency medical services; and to provide a termination date.

LEGISLATIVE BILL 551. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Nebraska Behavioral Health Services Act; to amend sections 71-813, 71-815, 71-816, and 71-818, Revised Statutes Supplement, 2004; to change provisions relating to membership on a council, a commission, and advisory committees; and to repeal the original sections.

LEGISLATIVE BILL 552. Introduced by Schrock, 38; Jensen, 20.

A BILL FOR AN ACT relating to natural resources districts; to authorize issuance of bonds; and to provide for acquisition of rights-of-way.

LEGISLATIVE BILL 553. Introduced by Schrock, 38; Beutler, 28.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3213 and 2-3214, Reissue Revised Statutes of Nebraska; to change provisions relating to election of directors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 554. Introduced by Beutler, 28; Redfield, 12.

A BILL FOR AN ACT relating to labor; to amend sections 48-1203, 48-1203.01, and 48-1206, Reissue Revised Statutes of Nebraska; to change minimum wage and training wage provisions; to change penalty provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 555. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to streets and roads; to amend sections 39-2401, 66-4,148, and 66-6,109, Reissue Revised Statutes of Nebraska, and sections 66-4,145, 66-4,146, and 66-4,147, Revised Statutes Supplement, 2004; to create a fund; to increase motor fuels taxes; to allocate revenue for street and road purposes as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 556. Introduced by Beutler, 28; Schrock, 38.

A BILL FOR AN ACT relating to the University of Nebraska; to amend section 85-115, Reissue Revised Statutes of Nebraska; to change provisions relating to the purchase of required textbooks and supplies; and to repeal the original section.

LEGISLATIVE BILL 557. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend section 81-1258, Reissue Revised Statutes of Nebraska, and section 81-1255, Revised Statutes Supplement, 2004; to change permitted uses of lodging tax revenue; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 558. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to railroad transportation safety districts; to amend section 74-1307, Reissue Revised Statutes of Nebraska; to change provisions relating to bond issuance; and to repeal the original section.

LEGISLATIVE BILL 559. Introduced by Brown, 6.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,111.01, Reissue Revised Statutes of Nebraska; to provide and change provisions relating to personal information on an operator's license or state identification card; and to repeal the original section.

LEGISLATIVE BILL 560. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Reissue Revised Statutes of Nebraska, and section 86-527, Revised Statutes Supplement, 2004; to change cigarette tax distribution provisions; to eliminate completed expenditures and transfers; and to repeal the original sections.

LEGISLATIVE BILL 561. Introduced by Kopplin, 3; Schimek, 27.

A BILL FOR AN ACT relating to schools; to amend sections 79-2,133 and 79-1003, Reissue Revised Statutes of Nebraska; to provide for free meals for students who are children of deployed military personnel; to provide for fee waivers as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 562. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103, Reissue Revised Statutes of Nebraska; to redefine

alcohol to include the gaseous form; and to repeal the original section.

LEGISLATIVE BILL 563. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-103, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 564. Introduced by Janssen, 15; Baker, 44; Cunningham, 40; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to contracts; to provide for payment of excise taxes as prescribed.

LEGISLATIVE BILL 565. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to land information systems; to amend sections 23-1503.01, 33-109, 33-130, 67-406, 76-901, and 76-903, Reissue Revised Statutes of Nebraska, and section 86-520, Revised Statutes Supplement, 2004; to adopt the Land Information System Program Act; to provide funding; to change tax rates and fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 566. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-101, 32-103, 32-203, 32-301, 32-306, 32-308 to 32-310, 32-312, 32-314 to 32-316, 32-318 to 32-326, 32-328 to 32-330, 32-901, 32-908, 32-909, 32-914, 32-914.01, 32-914.02, 32-915, 32-916, 32-921, 32-938 to 32-943, 32-945 to 32-951, 32-1002, 32-1027, 32-1032, 32-1502, and 32-1544, Reissue Revised Statutes of Nebraska; to provide powers and duties and change and eliminate provisions relating to registration of voters and the conduct of elections; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 32-304 and 32-915.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 567. Introduced by Beutler, 28; Burling, 33.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 29-2262.04, Reissue Revised Statutes of Nebraska, and sections 29-2262 and 29-4013, Revised Statutes Supplement, 2004; to adopt the Sex Offender Monitoring Act; to change provisions relating to probation and sex offender registration; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 568. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking and finance; to amend sections 45-907, 45-919, and 45-922, Reissue Revised Statutes of Nebraska; to change provisions relating to delayed deposit services; and to repeal the

original sections.

LEGISLATIVE BILL 569. Introduced by Landis, 46.

A BILL FOR AN ACT relating to immunizations; to prohibit certain ingredients as prescribed; to provide for insurance reimbursement; and to provide an operative date.

LEGISLATIVE BILL 570. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 45-1,109, 53-208, and 69-2103, Reissue Revised Statutes of Nebraska, sections 86-630 and 86-643, Revised Statutes Supplement, 2004, and sections 2-103, 2-202, 2A-103, 2A-501, 2A-518, 2A-519, 2A-527, 2A-528, 3-103, 4-104, 4A-105, 4A-106, 4A-204, 5-103, 8-102, and 9-102, Uniform Commercial Code; to adopt uniform provisions relating to general provisions; to eliminate provisions governing general provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 1-101 to 1-110, 1-201 to 1-208, 2-208, and 2A-207, Uniform Commercial Code.

LEGISLATIVE BILL 571. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,187.02, 77-4104, 77-4113, and 77-5534, Reissue Revised Statutes of Nebraska, and sections 77-4103, 81-1316, and 81-1373, Revised Statutes Supplement, 2004; to create the Tax Incentive Division of the Department of Revenue; to create and eliminate funds; to provide for assessment of administrative costs; to define and redefine terms; to change fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 572. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to correctional services; to create a task force; to provide for a study of the Department of Correctional Services, a report, and a termination date; and to declare an emergency.

LEGISLATIVE BILL 573. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1207, Reissue Revised Statutes of Nebraska, and sections 2-1203 and 2-1208, Revised Statutes Supplement, 2004; to change provisions relating to horseracing; to provide duties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 574. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to the enrollment option program; to amend sections 79-237, 79-238, and 79-240, Reissue Revised Statutes of Nebraska; to change provisions relating to sibling applications; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 575. Introduced by Redfield, 12; Brown, 6; Jensen, 20.

A BILL FOR AN ACT relating to labor; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to adopt the Long-Term Care Savings Plan Act; to provide an income tax credit; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 576. Introduced by Redfield, 12; Mines, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02, 77-2701.24, 77-2701.32, 77-2704.26, 77-2704.30, and 77-2704.46, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, 77-2701.10, 77-2701.16, 77-2701.45, and 77-2703, Revised Statutes Supplement, 2004; to change the sales tax rate; to tax certain services; to eliminate certain exemptions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.03, 77-2704.04, 77-2704.07, 77-2704.10, 77-2704.13, 77-2704.14, 77-2704.16, 77-2704.17, 77-2704.19, 77-2704.20, 77-2704.23, 77-2704.25, 77-2704.27, 77-2704.38, 77-2704.40, and 77-2704.50, Reissue Revised Statutes of Nebraska, and sections 77-2704.12, 77-2704.15, 77-2704.36, 77-2704.37, and 77-2704.55, Revised Statutes Supplement, 2004.

LEGISLATIVE BILL 577. Introduced by Raikes, 25; Brown, 6; Kruse, 13.

A BILL FOR AN ACT relating to education; to amend sections 79-1003, 79-1007.01, and 79-1103, Reissue Revised Statutes of Nebraska, and section 79-1007.02, Revised Statutes Supplement, 2004; to change provisions relating to early childhood education programs as prescribed; to define and redefine terms; to provide a weighting factor and a calculation; to change provisions relating to a grant program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 578. Introduced by Raikes, 25; Connealy, 16; Mines, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1736.06 and 79-1018.01, Reissue Revised Statutes of Nebraska, and section 79-1016, Revised Statutes Supplement, 2004; to change provisions relating to payment of property tax refunds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 579. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 43-2007, 60-658, 79-215, 79-233, 79-234, 79-237, 79-238, 79-239, 79-240, 79-313, 79-318, 79-528, 79-598, 79-606, 79-608, 79-611, 79-1003, 79-1010, 79-1092, 79-10,111, 79-1102, 79-1110, 79-1212, 79-1601, 79-1606, and 85-607, Reissue Revised Statutes of Nebraska, and section 79-1011, Revised Statutes Supplement, 2004; to change provisions relating to missing person notifications, school transportation, wards' tuition, the enrollment option program, the State Board of Education, reports, contracts, reorganization incentives under the Tax Equity and Educational Opportunities Support Act, health and safety modifications, the Early Childhood Training Center, meetings of reorganized educational service unit boards, and schools which elect not to meet accreditation or approval requirements; to eliminate provisions relating to schools in cities of the metropolitan class, the Diagnostic Resource Center at Cozad, and a fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-535 and 79-1168 to 79-1178, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 580. Introduced by Johnson, 37; Beutler, 28; Bourne, 8; Brown, 6; Byars, 30; Chambers, 11; Howard, 9; Kruse, 13; Landis, 46; D. Pederson, 42; Price, 26; Raikes, 25; Schimek, 27; Thompson, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2004; to adopt the Human Cloning Prohibition Act; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 581. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Supplement, 2004; to change provisions relating to records withheld from the public; and to repeal the original section.

LEGISLATIVE BILL 582. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to county government; to amend sections 23-3203 and 77-414, Reissue Revised Statutes of Nebraska, and sections 23-3202 and 77-422, Revised Statutes Supplement, 2004; to change requirements for the offices of county assessor and county clerk acting as ex officio county assessor; to change educational requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 583. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to schools; to amend section 79-211,

Reissue Revised Statutes of Nebraska; to change minimum school term provisions; and to repeal the original section.

LEGISLATIVE BILL 584. Introduced by Mines, 18.

A BILL FOR AN ACT relating to animals; to amend sections 54-626 and 54-627, Reissue Revised Statutes of Nebraska, and section 28-1008, Revised Statutes Supplement, 2004; to change licensure provisions of the Commercial Dog and Cat Operator Inspection Act; to include inspectors under the act as law enforcement officers for certain criminal offenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 585. Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-109.01, 75-156, and 75-302, Reissue Revised Statutes of Nebraska; to require criminal history record checks for persons transporting passengers for regulated motor carriers; to enumerate eligibility criteria; to provide procedures; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 586. Introduced by Connealy, 16; Beutler, 28; Byars, 30; Synowiecki, 7.

A BILL FOR AN ACT relating to food stamps; to provide duties for the Department of Health and Human Services relating to options and waivers.

LEGISLATIVE BILL 587. Introduced by Burling, 33; Aguilar, 35; Baker, 44; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-105, 60-106, 60-311.16, 60-3001, 60-3004, and 60-3007, Reissue Revised Statutes of Nebraska; to provide for certificates of title, registration, license plates, and taxation for replica motor vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 588. Introduced by Legislative Performance Audit Committee: Beutler, 28, Chairperson; Brashear, 4; Engel, 17; Erdman, 47; McDonald, 41; D. Pederson, 42; Price, 26.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-1203 to 50-1205, 50-1213 to 50-1215, and 77-27,119, Reissue Revised Statutes of Nebraska, and sections 84-304 and 84-311, Revised Statutes Supplement, 2004; to change provisions relating to the Legislative Performance Audit Committee and the Legislative Performance Audit Section; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 589. Introduced by Legislative Performance Audit Committee: Beutler, 28, Chairperson; Brashear, 4; Engel, 17; Erdman, 47;

McDonald, 41; D. Pederson, 42; Price, 26.

A BILL FOR AN ACT relating to state benefit programs; to state intent; to define terms; to provide duties for insurers; to require coordination of benefits; to provide penalties; and to provide severability.

LEGISLATIVE BILL 590. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-101, Reissue Revised Statutes of Nebraska; to exempt injuries caused deliberately or by the willful negligence of the employer from coverage under the act; and to repeal the original section.

LEGISLATIVE BILL 591. Introduced by Preister, 5.

A BILL FOR AN ACT relating to public information; to amend section 84-712.09, Reissue Revised Statutes of Nebraska, and sections 84-712, 84-712.03, 84-1409 to 84-1412, and 84-1414, Revised Statutes Supplement, 2004; to change provisions relating to public records and open meetings law; to change penalties; to define terms; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 592. Introduced by Kruse, 13; Aguilar, 35; Baker, 44; Burling, 33; Byars, 30; Combs, 32; Foley, 29; Jensen, 20; Johnson, 37; Kopplin, 3; Kremer, 34; Price, 26; Schrock, 38; Thompson, 14.

A BILL FOR AN ACT relating to alcoholic liquor; to adopt the Alcoholic Liquor Liability Act.

LEGISLATIVE BILL 593. Introduced by Kruse, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for biomedical research.

LEGISLATIVE BILL 594. Introduced by Kruse, 13; Baker, 44; Brown, 6; Burling, 33; Byars, 30; Combs, 32; Erdman, 47; Howard, 9; Hudkins, 21; Jensen, 20; Johnson, 37; Kopplin, 3; Kremer, 34; D. Pederson, 42; Redfield, 12; Schimek, 27; Schrock, 38; Stuhr, 24; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,197.02 and 60-6,197.03, Reissue Revised Statutes of Nebraska, and section 28-106, Revised Statutes Supplement, 2004; to change and provide penalties; to change provisions relating to driving under the influence; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 595. Introduced by Kruse, 13.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.01, Reissue Revised

Statutes of Nebraska, and section 79-1028, Revised Statutes Supplement, 2004; to change provisions relating to weighting factors in calculating adjusted formula students as prescribed; to change provisions relating to applicable allowable growth rates; and to repeal the original sections.

LEGISLATIVE BILL 596. Introduced by Baker, 44.

A BILL FOR AN ACT relating to college savings plans; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Higher Education Deposit Program Act; to create a program; to provide duties for the State Treasurer; to provide exclusion from taxes for income and interest under the act as prescribed; and to repeal the original section.

LEGISLATIVE BILL 597. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462, 60-462.01, 60-484, 60-490, 60-4,131, 60-4,132, 60-4,137, and 60-4,141, Reissue Revised Statutes of Nebraska, and section 29-3608, Revised Statutes Supplement, 2004; to adopt federal provisions for commercial motor vehicles; to change provisions relating to transporting hazardous materials; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 598. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to health care funding; to amend sections 53-160 and 71-7605, Reissue Revised Statutes of Nebraska; to create a fund; to provide funding for substance abuse services; to change provisions relating to the amount and distribution of liquor tax proceeds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 599. Introduced by Loudon, 49; Kopplin, 3; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to municipalities; to provide duties; to change provisions relating to libraries; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 600. Introduced by Loudon, 49; Burling, 33; Cornett, 45; Cunningham, 40; Erdman, 47; Flood, 19; Howard, 9; Jensen, 20; McDonald, 41; Redfield, 12; Stuhr, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1371, Reissue Revised Statutes of Nebraska; to change provisions relating to comparable sales; and to repeal the original section.

LEGISLATIVE BILL 601. Introduced by Loudon, 49; Baker, 44; Burling, 33; Jensen, 20; Dw. Pedersen, 39; Stuthman, 22.

A BILL FOR AN ACT relating to interlocal cooperation; to amend sections 32-101 and 32-567, Reissue Revised Statutes of Nebraska, and section 13-2001, Revised Statutes Supplement, 2004; to provide for election of board members of certain solid waste entities as prescribed; to restrict powers relating to liens on property as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 602. Introduced by Cornett, 45; Aguilar, 35; Bourne, 8; Burling, 33; Connealy, 16; Erdman, 47; Friend, 10; Howard, 9; Janssen, 15; Kopplin, 3; Kruse, 13; Louden, 49; McDonald, 41; Mines, 18; Pahls, 31; Preister, 5; Price, 26; Stuhr, 24; Stuthman, 22; Synowiecki, 7; Wehrbein, 2.

A BILL FOR AN ACT relating to veterans; to amend section 12-1301, Revised Statutes Supplement, 2004; to change membership provisions for the Nebraska Veterans Cemetery Advisory Board; and to repeal the original section.

LEGISLATIVE BILL 603. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend section 71-3,106, Revised Statutes Supplement, 2004; to provide an exemption from the act; and to repeal the original section.

LEGISLATIVE BILL 604. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend section 71-5707, Revised Statutes Supplement, 2004; to require all licensed child care programs to be smokefree.

LEGISLATIVE BILL 605. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to state universities and state colleges; to amend sections 85-412, 85-415, 85-417, and 85-418, Reissue Revised Statutes of Nebraska, and section 85-414, Revised Statutes Supplement, 2004; to change provisions relating to construction and improvement projects; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 606. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to public health and welfare; to amend section 43-1301, Reissue Revised Statutes of Nebraska; to adopt the Children's Behavioral Health Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 607. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to real property; to amend sections 77-1822 and 77-1823, Reissue Revised Statutes of Nebraska; to increase fees on deeds or certificates issued for reassignment or sale for taxes; and to repeal the original sections.

LEGISLATIVE BILL 608. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to government; to adopt the Thermal System Insulation and Firestop Act; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 609. Introduced by Bourne, 8; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-1292, 60-129.02, and 60-160, Reissue Revised Statutes of Nebraska, and section 28-635, Revised Statutes Supplement, 2004; to prohibit acts relating to inflatable restraint systems; to redefine terms relating to salvaged motorboats and motor vehicles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 610. Introduced by Synowiecki, 7; Bourne, 8; Chambers, 11; Flood, 19; Howard, 9; Kruse, 13; Preister, 5; Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.04, and 77-2704.55, Revised Statutes Supplement, 2004; to exempt certain contractor labor and building materials, supplies, and equipment from sales tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 611. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-901.05 and 29-2708, Reissue Revised Statutes of Nebraska, and section 29-901, Revised Statutes Supplement, 2004; to change provisions relating to appearance bonds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 612. Introduced by Synowiecki, 7; Bourne, 8; Burling, 33; Flood, 19; Howard, 9; Kruse, 13; Loudon, 49; Preister, 5; Smith, 48.

A BILL FOR AN ACT relating to enterprise zones; to amend section 13-2103, Reissue Revised Statutes of Nebraska; to change provisions relating to designation of enterprise zones; and to repeal the original section.

LEGISLATIVE BILL 613. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend section 71-5707, Revised Statutes Supplement, 2004; to require

licensed foster care facilities to be smokefree; and to repeal the original section.

LEGISLATIVE BILL 614. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the State Electrical Board; to authorize salary adjustments for employees of the State Electrical Division; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 615. Introduced by Howard, 9; Cornett, 45; Flood, 19; Friend, 10; Kopplin, 3; Louden, 49; McDonald, 41; Synowiecki, 7.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2004; to provide an exemption for sales tax paid on residential repairs; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 616. Introduced by Howard, 9; Cornett, 45; Pahls, 31; Synowiecki, 7.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1142, Reissue Revised Statutes of Nebraska; to prohibit discrimination in reimbursements as prescribed; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 23. Introduced by Howard, 9.

WHEREAS, the Legislature supports federal efforts to improve public school education, provide greater funding, establish accountability, ensure qualified and fairly compensated teachers, and guarantee that all our nation's children receive an adequate education; and

WHEREAS, Nebraska has been a leader in measuring student achievement, establishing statewide testing in the year 2000 to provide school districts with a guide toward evaluating their program offerings without eroding local control; and

WHEREAS, Nebraska's students have shown steady academic improvement, increasing scores four percent to seven percent in the 2003-2004 State Education Report Card without federal intervention; and

WHEREAS, the funding for the No Child Left Behind Act is nine billion dollars below what Congress said would be necessary to implement the activities of the program for fiscal year 2004 and thirty-two billion dollars below full funding in 2003; and

WHEREAS, Title I funding for budget year 2005 leaves Nebraska over twenty-nine million dollars short of being fully funded; and

WHEREAS, the No Child Left Behind Act forces school districts and states to pay for paperwork and new bureaucracies to administer and count test scores, transport students, pay for private tutors, and pay for potentially

expensive corrective actions in spite of Nebraska's successful statewide testing and accountability; and

WHEREAS, the No Child Left Behind Act has become an enormous unfunded federal mandate for Nebraska.

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

1. That the Legislature calls upon the United States Congress to fully fund the No Child Left Behind Act or modify it's contents to better reflect the Congress' actual financial commitment to the program.

2. That the Clerk of the Legislature send a copy of this resolution to Nebraska's congressional delegation.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 23 was referred to the Reference Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 24CA. Introduced by Raikes, 25.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 5 and Article VII, section 7:

VII-5 (1) Except as otherwise provided in ~~subsections (2) and (3)~~ of this section, all fines, penalties, and license ~~money~~fees arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license ~~money~~fees arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county shall belong and be paid over to the same respectively. All such fines, penalties, and license ~~money~~fees shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five ~~per cent~~percent in a fund for state highways and twenty-five ~~per cent~~percent to the county general fund where the fine or penalty is paid.

(2) Fifty ~~per cent~~percent of all money forfeited or seized pursuant to enforcement of the drug laws shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.

(3) Law enforcement agencies may use conveyances forfeited pursuant to enforcement of the drug laws as the Legislature may provide. Upon the sale of such conveyances, the proceeds shall be appropriated exclusively to the

use and support of the common schools as provided in subsection (1) of this section.

(4) The Legislature may direct funds collected from specific fines, penalties, and license fees arising under the general laws of the state to be paid over to the perpetual funds for common schools purposes if the fine, penalty, or license fee was levied or imposed by the executive department of the state.

VII-7 The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated, to wit:

First. Such ~~per cent~~percent as has been, or may hereafter be, granted by Congress on the sale of lands in this state.

Second. All money arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third. The proceeds of all lands that have been, or may hereafter be, granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends, or distributive shares of the estates of deceased persons.

Fifth. Fines, penalties, and license fees as directed by the Legislature, arising under the general laws of the state levied or imposed by the executive department of the state.

Sixth. All other property of any kind now belonging to the perpetual fund.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit the Legislature to direct funds from fines, penalties, or license money levied by the executive department to the perpetual fund for common school purposes.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 25CA. Introduced by Smith, 48; Brown, 6.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 6 to Article XI:

XI-6 Municipalities and counties are granted the power and authority, not inconsistent with the laws of this state, to determine their own local affairs and government. The Legislature shall determine which matters are those of statewide concern and which matters are those of local concern.

The Legislature may by law delegate its power so that matters of local concern are handled by municipalities and counties without the necessity of further action by the Legislature. Matters of local concern do not include engaging in the provision of services adequately provided by the private sector. The rule or proposition of law, that a municipality or county possesses and can exercise only those powers granted in express words, is not part of the law of this state.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize municipalities and counties to exercise powers in matters of local concern, with the Legislature to determine which matters are of statewide and local concern.

For

Against.

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1524

LB 71	Tuesday, January 25, 2005	1:30 p.m.
LB 330	Tuesday, January 25, 2005	1:30 p.m.
LB 441	Tuesday, January 25, 2005	1:30 p.m.
LB 150	Tuesday, January 25, 2005	1:30 p.m.

(Signed) Bob Kremer, Chairperson

Urban Affairs

Room 1510

LB 14	Tuesday, January 25, 2005	1:30 p.m.
LB 22	Tuesday, January 25, 2005	1:30 p.m.
LB 92	Tuesday, January 25, 2005	1:30 p.m.
LB 161	Tuesday, January 25, 2005	1:30 p.m.
LB 234	Tuesday, January 25, 2005	1:30 p.m.

(Signed) Mike Friend, Chairperson

Banking, Commerce and Insurance

Room 1507

LB 97	Tuesday, January 25, 2005	1:30 p.m.
LB 149	Tuesday, January 25, 2005	1:30 p.m.
LB 315	Tuesday, January 25, 2005	1:30 p.m.
LB 374	Tuesday, January 25, 2005	1:30 p.m.

(Signed) Mick Mines, Chairperson

Nebraska Retirement Systems
Room 1525

Tuesday, January 25, 2005

9:00 a.m.

John Maddux - Nebraska Investment Council

(Signed) Elaine Stuhr, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Friend asked unanimous consent to have his name added as cointroducer to LB 14. No objections. So ordered.

Senator Burling asked unanimous consent to have his name added as cointroducer to LBs 56 and 159. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 67. No objections. So ordered.

Senators Brown and Redfield asked unanimous consent to have their names added as cointroducers to LB 388. No objections. So ordered.

Senator Stuthman asked unanimous consent to have his name added as cointroducer to LB 437. No objections. So ordered.

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

Senator Cudaback asked unanimous consent to have his name added as cointroducer to LB 470. No objections. So ordered.

Senators Foley and Wehrbein asked unanimous consent to have their names added as cointroducers to LB 542. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Wehrbein withdrew his name as cointroducer to LB 227.

VISITORS

Visitors to the Chamber were Jeanni Hohnstein from Scottsbluff; and members of St. John Lutheran Church from Beatrice.

ADJOURNMENT

At 12:18 p.m., on a motion by Senator Erdman, the Legislature adjourned until 10:00 a.m., Wednesday, January 19, 2005.

Patrick J. O'Donnell
Clerk of the Legislature