

**FIRST DAY - JANUARY 4, 2006**  
**LEGISLATIVE JOURNAL**  
**NINETY-NINTH LEGISLATURE**  
**SECOND SESSION**

**FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
 Wednesday, January 4, 2006

**PRAYER**

The prayer was offered by Senator Kruse.

**PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army National Guard.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the Ninety-Ninth Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 4, 2006, and was called to order by President Sheehy.

The roll was called and the following members were present:

Aguilar, Raymond	Flood, Mike	Pahls, Rich
Baker, Thomas C.	Foley, Mike	Pedersen, Dwite
Beutler, Chris	Friend, Mike	Pederson, Don
Bourne, Patrick J.	Heidemann, Lavon L.	Preister, Don
Brashear, Kermit	Howard, Gwen	Price, Marian L.
Brown, Pam	Hudkins, Carol	Raikes, Ronald E.
Burling, Carroll	Janssen, Ray	Redfield, Pam
Byars, Dennis M.	Jensen, Jim	Schimek, DiAnna R.
Chambers, Ernie	Johnson, Joel T.	Schrock, Ed
Combs, Jeanne M.	Kopplin, Gail F.	Smith, Adrian
Connealy, Matt	Kremer, Bob	Stuhr, Elaine
Cornett, Abbie	Kruse, Lowen	Stuthman, Arnie
Cudaback, Jim D.	Landis, David M.	Synowiecki, John F.
Cunningham, Douglas D.	Langemeier, Chris	Thompson, Nancy
Engel, L. Patrick	Louden, LeRoy J.	Wehrbein, Roger R.
Erdman, Philip	McDonald, Vickie D.	
Fischer, Deb	Mines, Mick	



10	Mike Friend	November 5, 2002
11	Ernie Chambers	November 2, 2004
12	Pam Redfield	November 5, 2002
13	Lowen Kruse	November 2, 2004
14	Nancy Thompson	November 5, 2002
15	Ray Janssen	November 2, 2004
16	Matt Connealy	November 5, 2002
17	L. Patrick Engel	November 2, 2004
18	Mick Mines	November 5, 2002
19	Mike Flood	November 2, 2004
20	Jim Jensen	November 5, 2002
21	Carol Hudkins	November 2, 2004
22	Arnie Stuthman	November 5, 2002
23	Chris Langemeier	November 2, 2004
24	Elaine Stuhr	November 5, 2002
25	Ronald E. Raikes	November 2, 2004
26	Marian L. Price	November 5, 2002
27	DiAnna R. Schimek	November 2, 2004
28	Chris Beutler	November 5, 2002
29	Mike Foley	November 2, 2004
30	Dennis M. Byars	November 5, 2002
31	Rich Pahls	November 2, 2004
32	Jeanne M. Combs	November 5, 2002
33	Carroll Burling	November 2, 2004
34	Bob Kremer	November 5, 2002
35	Raymond Aguilar	November 2, 2004
36	Jim D. Cudaback	November 5, 2002
37	Joel T. Johnson	November 2, 2004
38	Ed Schrock	November 5, 2002
39	Dwite Pedersen	November 2, 2004
40	Douglas D. Cunningham	November 5, 2002
41	Vickie D. McDonald	November 2, 2004
42	Don Pederson	November 5, 2002
43	Deb Fischer	November 2, 2004
44	Thomas C. Baker	November 5, 2002
45	Abbie Cornett	November 2, 2004
46	David M. Landis	November 5, 2002
47	Philip Erdman	November 2, 2004
48	Adrian Smith	November 5, 2002
49	LeRoy J. Louden	November 2, 2004

## MESSAGES FROM THE GOVERNOR

June 2, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Motor Vehicle Industry Licensing Board.

APPOINTEE:

Charles A. Borgmann, 606 Magnet, Norfolk NE 68701

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

June 9, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Emergency Response Commission.

APPOINTEE:

Captain Julie Maaske, 1600 Hwy 2, Lincoln NE 68502

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

June 28, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Climate Assessment Response Committee.

APPOINTEE:

Jamie Karl, Department of Agriculture, 301 Centennial Mall, Lincoln NE 68509

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,  
Dave Heineman  
Governor

web/  
Enclosure

June 29, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Child Abuse Prevention Fund Board.

APPOINTEES:

\*Jennie Cole-Mossman, 2710 Sewell Street, Lincoln NE 68502  
Angela Wagner, 706 Colorado, Culbertson NE 69024

The aforementioned names are respectfully submitted for your consideration.

(Signed) Sincerely,  
Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

July 1, 2005

President, Speaker Brashear  
and Members of the Legislature

State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Board of Parole.

APPOINTEE:

Rosalyn R. Cotton, 11221 Seward Plaza, Omaha NE 68154

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

July 8, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Environmental Quality Council.

APPOINTEES:

\*Michael Bair, 305 18th Street, Aurora NE 68818  
\*Vaughn Blum, 1983 Camino Real, Columbus NE 68601  
Lawrence Bradley, 3409 Burt Street, Omaha NE 68131  
Joseph Citta Jr., 1518 Kozy Drive, Columbus NE 68601  
Mark Czaplewski, 2207 Woodridge Place, Grand Island NE 68801  
Michael Griffin, 13001 Highway 2/71, Crawford NE 69339  
\*Robert Hall, 957 N Beech, Wahoo NE 68066  
Ronald Zeiger, 1488 Midland Street, Syracuse NE 68446

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

July 11, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were reappointed to the Nebraska Railway Council.

APPOINTEES:

Robert Kelly, 552 Charlotte, Sidney NE 69162  
Michael Shannon, 1105 Meadowlark, Alliance NE 69301

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

July 11, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Emergency Response Commission.

APPOINTEE:

Tim Hofbauer, 2328 34th Street, Columbus NE 68601

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

July 13, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Railway Council.

APPOINTEE:

Jamie Karl, Nebraska Department of Ag, 301 Centennial Mall, Lincoln NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

July 20, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Environmental Quality Council.

APPOINTEE:

\*Mark Whitehead, 4605 S 98, Lincoln NE 68526

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

July 25, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Environmental Quality Council.

APPOINTEE:

Rod Gangwish, RR 1 Box 63, Shelton NE 68876

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

July 26, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed as the Behavioral Health Administrator.

APPOINTEE:

Ron Sorensen, PO Box 98925, Lincoln NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

August 4, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the State Board of Health.

APPOINTEES:

Janet Coleman, 6049 Franklin Street, Lincoln NE 68506  
\*Pamela List, 330 Lambrecht Street, Beemer NE 68716  
Roger Reamer, 1616 Karol Kay Blvd, Seward NE 68434  
\*Robert Sandstrom, 13619 Arbor Street, Omaha NE 68144  
\*Dr. Leslie Spry, 7520 N Hampton, Lincoln NE 68506  
Dr. Daryl Wills, 1590 Park Terrace, Gering NE 69341

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

August 10, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to

the Nebraska Ethanol Board.

APPOINTEES:

\*David Hallberg, 13275 Seward Street, Omaha NE 68137

\*James Jenkins, RR 1 Box 29, Callaway NE 68825

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

August 11, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Board of Parole.

APPOINTEE:

\*Miguel (Mike) Gomez, 240 Lakewood Drive, Lincoln NE 68510

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

August 24, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building

Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Information Technology Commission.

APPOINTEE:

Chancellor Doug Kristensen, University of Nebraska Kearney, Office of the Chancellor, FNDH 100, Kearney NE 68849

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

August 26, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Investment Council.

APPOINTEE:

John Maginn, Maginn Associates, 8805 Indian Hills Drive, Suite 375,  
Omaha NE 68114

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

September 1, 2005

President, Speaker Brashear  
and Members of the Legislature

State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Personnel Board.

APPOINTEE:

Lucinda Glen, 1324 Regency Drive, Hastings NE 68901

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

September 3, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed Chief Medical Officer and Director of Regulation and Licensure for the Department of Health and Human Services.

APPOINTEE:

Joann Schaefer, M.D., Nebraska Health and Human Services System, 301 Centennial Mall, Lincoln NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

September 6, 2005

President, Speaker Brashear

and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Board of Emergency Medical Services.

APPOINTEES:

Ronald Balthazor, 1502 N Monroe, Lexington NE 68850  
Bruce Beins, RR 1 Box 60, Republican City NE 68971  
Dan Hakel, 760 E Willow Street, West Point NE 68788  
Val Snyder, 25 Toluca Lane, Gering NE 69341  
George Tom Surber, M.D., 1202 Norfolk Avenue, Norfolk NE 68701

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

September 6, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the State Highway Commission.

APPOINTEES:

John Kingsbury, 220 Rock Street, Ponca NE 68770  
Douglas Leafgreen, 1625 Aspen, Gering NE 69341  
Greg Wolford, 702 Airport, McCook NE 69001

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman

Governor

web/  
Enclosure

September 6, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was reappointed to the State Electrical Board.

APPOINTEE:

Edwin Bergstraesser, 1300 SW 24th Street, Lincoln NE 68522

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

September 7, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Board of Health.

APPOINTEE:

Linda Heiden, 74384 438 Road, Bertrand NE 68927

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

September 12, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were reappointed to the Nebraska Arts Council.

APPOINTEES:

Vicki Bromm, 1448 N Pine Street, Wahoo NE 68066  
Joan Gibson, 117 N Happy Hollow Blvd, Omaha NE 68132  
Dr. Robin Koozer, 1245 Turner Avenue, Hastings NE 68901  
Art Thompson, 19912 Van Dorn, Eagle NE 68347

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

September 12, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were reappointed to the Oil and Gas Conservation Commission.

APPOINTEES:

Marquis Reed Gilmore, 1650 Road 53, Harrisburg NE 69345  
Thomas Sonntag, 1024 6th Avenue, Sidney NE 69162

The aforementioned names are respectfully submitted for your

consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

September 12, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were reappointed to the State Emergency Response Commission.

APPOINTEES:

Richard Christensen, 1213 Westbridge Dr, Hastings NE 68901  
Allen Grell, 1907 Washington Street, Beatrice NE 68310  
Mark Reimers, 11904 N 160th Street, Bennington NE 68007

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

September 28, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Electrical Board.

APPOINTEE:

Cory Mueller, 238 S 2nd Street, Seward NE 68434

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

October 5, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Nebraska Arts Council.

APPOINTEES:

Julie Jacobson, 3020 West Leota Street, North Platte NE 69101  
Kathleen (Kit) Watson, 960 E 8th Street, Chadron NE 69337

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

October 13, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Environmental Quality Council.

APPOINTEE:

Alden Zuhlke, 52771 860 Road, Brunswick NE 68720

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

October 14, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska State Fair Board.

APPOINTEE:

Linda Lovgren, APR, 2414 S 103rd Street, Omaha NE 68124

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

October 18, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Board of Emergency Medical Services.

APPOINTEE:

John W. Doyle, 11913 S 52nd Street, Papillion NE 68133

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

October 18, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Highway Commission.

APPOINTEE:

Duane W. Acklie, 2200 Woodsdale Blvd, Lincoln NE 68502

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

October 21, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Nebraska Information Technology Commission.

APPOINTEE:

Janie C. Park, 6122 Hwy 20, Chadron NE 69337

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

December 5, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Commission for the Blind and Visually Impaired.

APPOINTEES:

\*Nancy Oltman, 518 N Bellevue, Hastings NE 68901  
Darrell Walla, 13405 Trendwood Drive, Omaha NE 68144

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

December 5, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Fair Board.

## APPOINTEE:

\*John Peetz, 960 Fall Creek Road, Lincoln NE 68510

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

December 5, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Game and Parks Commission.

## APPOINTEE:

\*Dr. Mark Pinkerton, 13695 W Hwy 4, Beatrice NE 68310

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

December 5, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Coordinating Commission for Postsecondary Education.

APPOINTEES:

- \*Dick Davis, 1626 N 137th Street, Omaha NE 68154
- \*Marilyn Harris, 3618 Culpeper Court, Lincoln NE 68516
- \*James Strand, 2149 Stone Creek Loop, Lincoln NE 68512

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

December 5, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Nebraska Power Review Board.

APPOINTEES:

- \*Eugene Bade, #13 Village Drive, Hastings NE 68901
- Michael Siedschlag, P.E., 13511 Charles Circle, Omaha NE 68154

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

December 5, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Personnel Board.

APPOINTEE:

\*Brian Tessman, 9616 Ohern Plaza #12, Omaha NE 68127

The aforementioned name is respectfully submitted for your consideration.

(Signed) Sincerely,  
Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

December 5, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Board of Public Roads Classifications and Standards.

APPOINTEES:

\*Gene Acklie, 2730 N LaVerna Street, Fremont NE 68025  
Barbara Keegan, PO Box 224, Hemingford NE 69348  
\*Dean Lux, 741 Locust Street, North Bend NE 68649  
\*Arthur Yonkey, 10400 Princeton Road, Hickman NE 68372

The aforementioned names are respectfully submitted for your consideration.

(Signed) Sincerely,  
Dave Heineman

Governor

web/  
Enclosure

\*Reappointment

December 22, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Commission for the Deaf and Hard of Hearing.

APPOINTEES:

\*James Devaney, 1704 N 85th Street, Omaha NE 68114

\*Kenya Taylor, 1613 8th Avenue, Kearney NE 68845

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

December 22, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the State Board of Health.

APPOINTEE:

Dr. Russell Hopp, 5610 Farnam, Omaha NE 68132

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

December 23, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Public Employees Retirement Board.

APPOINTEES:

The Honorable Glenn Camerer, 230927 County Road C, Scottsbluff NE 69361  
Richard Wassinger, County Treasurer, 1213 Cambridge Court, Plattsmouth NE 68048

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

December 23, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the Commission of Industrial Relations.

APPOINTEES:

\*William Blake, 6601 Park Crest Drive, Lincoln NE 68506

\*G. Pete Burger, RR 4 Box 194, McCook NE 69001

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

December 23, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Tax Equalization and Review Commission.

APPOINTEE:

William Warnes, 413 Bellevue Blvd South, Bellevue NE 68005

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

December 30, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual was appointed to the Board of Educational Lands and Funds.

APPOINTEE:

\*Charles Ward, HC 13 Box 701, Valentine NE 69201

The aforementioned name is respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman  
Governor

web/  
Enclosure

\*Reappointment

December 30, 2005

President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individuals were appointed to the State Foster Care Review Board.

APPOINTEES:

Linda Broderick, 502 E 35th Street, Scottsbluff NE 69361  
Rev. Dr. Larry Brown, 2714 Morrie Drive, Bellevue NE 68123  
\*James Gordon, 1646 Trelawney Drive, Lincoln NE 68512  
Gene Klein, 1209 MacArthur Drive, Papillion NE 68046  
\*Joellen McGinn, 1437 S 23rd Street, Lincoln NE 68502  
\*Judy Meter, 1740 Q Street, Gering NE 69341  
Mary Jo Pankoke, 3516 S 17th Street, Lincoln NE 68502  
Dr. Mario Scalora, UNL Dept. of Psychology, 238 Burnett Hall, Lincoln NE 68588-0308  
\*Gerald Schenck, 1030 McMartin Avenue, Grand Island NE 68801  
Georgina Scurfield, 360 Windsor Drive, Papillion NE 68046  
\*Burrell Williams, 1904 Spencer Street, Omaha NE 68110

The aforementioned names are respectfully submitted for your consideration.

Sincerely,  
(Signed) Dave Heineman

Governor

web/  
Enclosure

\*Reappointment

**REPORTS**

The following reports were received by the Legislature:

**Administrative Services, Department of**Annual Budgetary Report for year ended June 30, 2005  
Information Technology Services Annual Report**Agriculture, Department of**

Beginning Farmer Tax Credit Act Annual Report

**Arts Council**

Arts and Humanities Cash Fund Report

**Attorney General**

2004 Annual Report

**Auditor of Public Accounts**

Attestation Examination Report for the following:

Revenue, Department of, Charitable Gaming Investigation Petty Cash  
Fund

Revenue, Department of, Cigarette Tax Receipts

Revenue, Department of, Motor Fuel Tax Enforcement and Collection  
Division

Audit reports for the following:

Lottery, Nebraska

Retirement Systems, Public Employees - State and County Employees  
Retirement Plans**Correctional Services, Department of**

Work Ethic Camp Annual Report

**Distance Education Enhancement Task Force**

Task Force Report, LB 689

**Economic Development, Department of**2005 Annual Report on grants conditionally approved for funding by the  
Legislature**Educational Lands and Funds, Board of**

July 1, 2004 through June 30, 2005 Report

**Environmental Quality, Department of**

2005 Annual Report

**Fire Marshal, State**

Volunteer Emergency Responders Recruitment and Retention Act

**Fiscal Office, Legislative**Certification of General Fund net receipts for fiscal year beginning July 1,  
2005. Monthly receipt estimates derived from the annual net receipt  
estimate of the Economic Forecasting Advisory Board produced April  
28, 2005.

State Government Cash and Revolving Funds Report

**Game and Parks Commission**

2005 Recreation Road Report

Game Law Investigation Cash Fund Annual Report

**Health and Human Services System**

LB 692 Report - Use of Funds Appropriated Under Health Care Funding Act and Outcomes Achieved

Behavioral Health Services, Division of, Report of Persons Receiving State-Funded Behavioral Health Services Under the Nebraska Behavioral Health Services Act, as required by LB 551 of 2005

Long-Term Care Partnership Program Development Act Plan Report

Medicaid Reform Plan

Mental Health Practitioners, Director's Report on the Proposal for a Change in Scope of Practice for Licensed Mental Health Practitioners

Newborn Screening 2004 Annual Report

Technical Committee and Board of Health Reports on the Licensed Mental Health Practitioners, Dental Hygienists and Pharmacy Technicians Credentialing Reviews

Women's Health, Office of, Annual Report

**Insurance, Department of**

Interstate Insurance Receivership Commission 2004 Annual Report

**Investment Council**

Northern Ireland Investment Requirements Report

**Investment Finance Authority**

2002 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2002), Quarterly Reports

2005 Series C & D Single Family Housing Revenue Bonds Notice

2005 Series G.O.-19 General Obligation Bonds Notice

Agricultural Loan Reports

Clean Water State Revolving Fund Revenue Bonds Series 2005B Notice

Drinking Water State Revolving Fund Revenue Bonds Series 2004 A, Quarterly Reports

Drinking Water State Revolving Fund Revenue Bonds Series 2005 A Quarterly Reports

Drinking Water State Revolving Fund Revenue Bonds Series 2005 A Notice

Single Family Housing Revenue Bonds Notice

Single Family Housing Revenue Bonds Series 2005 AB, Quarterly Reports

**Labor, Department of**

Workforce Development, Meatpacking Industry Worker's Bill of Rights 2005 Annual Report

Workforce Investment Board 2004 Annual Report

Workforce Investment Board, Strategic Two-Year State Workforce Investment Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act

**Liquor Control Commission**

Report concerning effectiveness of keg registration legislation

**Motor Vehicles, Department of**

2004 Annual Report

**Natural Resources, Department of**

Annual Report and Plan of Work for the Nebraska State Water Planning and Review Process

**Performance Audit Committee, Legislative**

Lincoln Regional Center Psychiatrists' Work Commitments Report

**Power Review Board**

"Conditions Certain" Annual Report

**Public Service Commission**

2005 Annual Report on Telecommunications

**Retirement Systems, Public Employees**

Judges' Retirement System Actuarial Report, July 1, 2005 - June 30, 2007

School Retirement System Actuarial Report, July 1, 2005 - June 30, 2007

State Patrol Retirement System Actuarial Report, July 1, 2005 - June 30, 2007

**Revenue, Department of**

Auditor of Public Accounts Report of Examination for Fiscal Year Ended June 30, 2004

Certification of General Fund net receipts for fiscal year beginning July 1, 2005. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced April 28, 2005.

EPIC Report

Nebraska Lottery Annual Report, 2005

**Roads, Department of**

2005 State Highway Needs Assessment

Board of Public Roads Classifications and Standards Minutes for April, May, June, July, and September 2005

One-Year and Five-Year Plan of Anticipated Design, Construction and Improvement for Recreation Roads

State Highway Commission Quarterly Reports

State Highway Inventory Supplemental Report for the 2004 State Highway Needs Assessment

Traffic Crash Facts Annual Report

**State Fair Board**

Expenditures by the Nebraska State Fair Board

**Treasurer, State**

Annual Budgetary Report for year ended June 30, 2004

Annual Budgetary Report for year ended June 30, 2005

Comprehensive Annual Financial Report for year ended June 30, 2004

**Workers' Compensation Court**

Fiscal Year 2005 Annual Report

**COMMUNICATION**

Received petition from the City Council of the City of Bennington adopted on December 12, 2005.

**PROPOSED RULES CHANGES**

Senator Brashear offered the following proposed rules change:

**Rule 1, Sec. 17. Speaker's Major Proposals.** The Speaker shall be authorized to: (a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a committee priority, a senator priority, or a general appropriation bill and approved by a vote of two-thirds of the Executive Board.

(b) Require each committee to which a major proposal has been referred to:

(1) hold a public hearing by a date certain as agreed to by the Speaker and committee chairperson.

(2) take action, including voting to advance the measure with or without amendments to the full Legislature, voting to indefinitely postpone the measure, or taking a vote on the measure that does not result in the measure's advancement or indefinite postponement. Committee action as defined above must be taken by a date certain as determined by the Speaker and committee chairperson.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

Senator Wehrbein offered the following proposed rules change:

**INTENT:**

1) To rename the Banking, Commerce, and Insurance Committee. The new name would be the Banking, Commerce, Insurance, and Economic Development Committee.

2) To have bills dealing with economic development issues referred to the Banking, Commerce, Insurance, and Economic Development Committee.

3) For these changes to take effect beginning with the 2006 Legislative Session.

**Rule 1, Sec. 6. Presiding Officer, Order in Designating.** In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Executive Board

Chairperson of Committee on Committees

Chairperson of Committee on Judiciary

Chairperson of Committee on Government, Military, and Veterans Affairs

Chairperson of Committee on Appropriations

Chairperson of Committee on Revenue

Chairperson of Committee on Education

Chairperson of Committee on ~~Banking, Commerce, and Insurance~~

Banking, Commerce, Insurance, and Economic Development

Chairperson of Committee on Natural Resources

Chairperson of Committee on Agriculture

Chairperson of Committee on Health and Human Services

- Chairperson of Committee on General Affairs
- Chairperson of Committee on Business and Labor
- Chairperson of Committee on Urban Affairs
- Chairperson of Committee on Transportation and Telecommunications

**Rule 3, Sec. 3. Standing Committees.** (a) The standing committees of the Legislature shall be as follows:

Agriculture .....	8 members
Appropriations.....	9 members
<del>Banking, Commerce, and Insurance.....</del>	<del>8 members</del>
<u>Banking, Commerce, Insurance, and Economic Development</u> .....	.8 members
Business and Labor .....	7 members
Education.....	8 members
General Affairs.....	8 members
Government, Military, and Veterans Affairs.....	8 members
Health and Human Services .....	7 members
Judiciary .....	8 members
Natural Resources.....	8 members
Nebraska Retirement Systems.....	6 members
Revenue.....	8 members
Transportation and Telecommunications .....	8 members
Urban Affairs.....	7 members

(b) The Speaker shall not be a regular member of a standing committee.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 764.** Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to schools; to repeal obsolete provisions relating to school fiscal year 1998-99 and the Hardship Fund which has been eliminated; and to outright repeal sections 79-1072.01 and 79-1072.02, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 765.** Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-123, 60-137, 60-144, 60-146, 60-362, 60-385, and 60-3,187, Revised Statutes Supplement, 2005; to correct internal references relating to Laws 2005, LB 274, and Laws 2005, LB 276; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 766.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to public health and welfare; to create a task force; to provide for a review and recommendations regarding the use of certain drugs by wards of the state; to provide a termination date; and to declare an emergency.

**LEGISLATIVE BILL 767.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4011, Revised Statutes Cumulative Supplement, 2004; to change a penalty for violation of the act; and to repeal the original section.

**LEGISLATIVE BILL 768.** Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,112, Reissue Revised Statutes of Nebraska, and section 60-462, Revised Statutes Supplement, 2005; to prohibit the use of a mobile telephone as prescribed; to provide penalties; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 769.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2005; to provide an income tax credit for certain educational expenses; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 770.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to foster care; to amend section 43-1314, Reissue Revised Statutes of Nebraska; to clarify the right of participation in review hearings; and to repeal the original section.

**LEGISLATIVE BILL 771.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1329, Reissue Revised Statutes of Nebraska; to authorize payment on certain claims; and to repeal the original section.

**LEGISLATIVE BILL 772.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-698, Reissue Revised Statutes of Nebraska; to change penalty provisions for failure to stop for certain accidents; and to repeal the original section.

**LEGISLATIVE BILL 773.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend section

28-1317, Reissue Revised Statutes of Nebraska; to prohibit picketing at a funeral as prescribed; to provide a penalty; to define terms; and to repeal the original section.

**LEGISLATIVE BILL 774.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-905, Revised Statutes Cumulative Supplement, 2004; to modify provisions related to operation of a motor vehicle to avoid arrest; and to repeal the original section.

**LEGISLATIVE BILL 775.** Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02 and 77-27.132, Reissue Revised Statutes of Nebraska; to change the sales tax rate; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 776.** Introduced by Engel, 17.

A BILL FOR AN ACT relating to solid waste management; to amend section 13-2039, Revised Statutes Cumulative Supplement, 2004; to change requirements relating to the disposal of yard waste; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 777.** Introduced by Kruse, 13.

A BILL FOR AN ACT relating to driving under the influence; to amend section 60-6,197.06, Reissue Revised Statutes of Nebraska, and section 60-6,197.03, Revised Statutes Supplement, 2005; to change penalty provisions for driving under the influence; to provide penalties for operating a motor vehicle during operator's license revocation period; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 778.** Introduced by Langemeier, 23; Erdman, 47.

A BILL FOR AN ACT relating to appraisers; to amend sections 13-403, 44-320, 72-224.03, 72-257, 76-706, 76-1907, 76-2201, 76-2202, 76-2203, 76-2204, 76-2205.01, 76-2206, 76-2207, 76-2208, 76-2210, 76-2210.01, 76-2210.02, 76-2211.01, 76-2212, 76-2213, 76-2215, 76-2216, 76-2217.01, 76-2218, 76-2218.01, 76-2220, 76-2222, 76-2223, 76-2224, 76-2225, 76-2226, 76-2228, 76-2229, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2239, 76-2241, 76-2242, 76-2243, 76-2245, 76-2246, 76-2247.01, 76-2248, 76-2249, 76-2250, and 77-2019, Reissue Revised Statutes of Nebraska, sections 2-1502, 2-5506, and 77-5004, Revised Statutes Cumulative Supplement, 2004, and sections 49-14,103.01, 76-2221, and 77-1355, Revised Statutes Supplement, 2005; to change provisions relating to real estate appraisers; to adopt national credentialing standards; to redefine terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 76-2203.01, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 779.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to interception of communications; to amend section 86-2,112, Revised Statutes Cumulative Supplement, 2004; to

provide for discovery based upon additional offenses; and to repeal the original section.

**LEGISLATIVE BILL 780.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2004; to create the offense of assault on an officer using bodily fluids; to provide a penalty; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 781.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2001, 77-2002, 77-2004, and 77-2005.01, Reissue Revised Statutes of Nebraska; to change inheritance tax provisions; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 782.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to tobacco products; to amend sections 28-1418 to 28-1420, 28-1423, 28-1424 to 28-1429, 59-1516, 59-1523, 77-2601, and 77-2612, Reissue Revised Statutes of Nebraska, and section 28-1422, Revised Statutes Cumulative Supplement, 2004; to change the legal age to purchase tobacco from eighteen to nineteen; to define terms and update language; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-1421, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 783.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-201, Revised Statutes Supplement, 2005; to prohibit hunting through the Internet; to provide penalties; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 784.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to public access to public lands; to amend section 18-1755, Reissue Revised Statutes of Nebraska, and section 2-3235, Revised Statutes Supplement, 2004; to require a duty for natural resources districts; to require a duty for cities and villages; and to repeal the original sections.

**LEGISLATIVE BILL 785.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124, Reissue Revised Statutes of Nebraska; to change provisions relating to a shipper's license fee; and to repeal the original section.

**LEGISLATIVE BILL 786.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to recall of elected officials; to amend sections 32-1301, 32-1302, 32-1303, and 32-1304, Reissue Revised Statutes of Nebraska; to provide for recall of elected members of airport authorities in cities of the primary, first, or second class and in villages; to change provisions relating to reasons for recall of elected officials; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 787.** Introduced by Mines, 18.

A BILL FOR AN ACT relating to government; to amend section 55-131, Reissue Revised Statutes of Nebraska; to state intent; to define terms; to provide for calibration of radiological instruments; to provide powers and duties for the Military Department; to provide fees; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 788.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to elections; to amend section 32-1524, Reissue Revised Statutes of Nebraska; to change provisions relating to activities prohibited near polling places; to provide duties; and to repeal the original section.

**LEGISLATIVE BILL 789.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-392, Revised Statutes Supplement, 2005; to change provisions relating to renewal of registration; and to repeal the original section.

**LEGISLATIVE BILL 790.** Introduced by Hudkins, 21; Stuthman, 22.

A BILL FOR AN ACT relating to public health; to adopt the Mercury Vaccine and Drug Act; to provide a penalty; and to declare an emergency.

**LEGISLATIVE BILL 791.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.41, Reissue Revised Statutes of Nebraska; to exempt animal identification devices from sales tax; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 792.** Introduced by Fischer, 43.

A BILL FOR AN ACT relating to state lands; to amend section 90-404, Revised Statutes Cumulative Supplement, 2004; to provide for acquisition of certain property in the city of Bassett by the Game and Parks

Commission; and to repeal the original section.

**LEGISLATIVE BILL 793.** Introduced by Foley, 29.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend section 29-4013, Revised Statutes Supplement, 2005; to change provisions relating to the release of information as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 794.** Introduced by Brown, 6.

A BILL FOR AN ACT relating to computers; to amend sections 28-1341, 28-1342, and 28-1343, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to computer crimes; to prohibit acts relating to computer fraud and commercial electronic mail messages; to authorize civil actions; to provide for seizure and forfeiture of property; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 795.** Introduced by Cunningham, 40; Raikes, 25.

A BILL FOR AN ACT relating to school finance; to amend section 79-1010, Reissue Revised Statutes of Nebraska; to change provisions related to the repayment of incentive payments by school districts; and to repeal the original section.

**LEGISLATIVE BILL 796.** Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601, 60-605, and 60-6,290, Reissue Revised Statutes of Nebraska; to define a term; to change provisions regarding the permissible length of certain vehicles; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 797.** Introduced by Kopplin, 3; Pahls, 31; Schimek, 27.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1503, Revised Statutes Supplement, 2005; to change state aid to tribally controlled community colleges as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 798.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to change income tax adjustments relating to federal bonus depreciation and expensing of capital investments; and to repeal the original section.

**LEGISLATIVE BILL 799.** Introduced by Baker, 44; Kremer, 34; Wehrbein, 2.

A BILL FOR AN ACT relating to eminent domain; to amend section 76-701, Reissue Revised Statutes of Nebraska; to provide restrictions on the use of eminent domain; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 800.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to telecommunications regulation; to amend section 86-125, Revised Statutes Cumulative Supplement, 2004; to provide for registration of communications service providers; to state duties; to define a term; and to repeal the original section.

**LEGISLATIVE BILL 801.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-109.01, 75-370, and 75-371, Reissue Revised Statutes of Nebraska; to eliminate certain provisions related to transportation of hazardous materials; to harmonize provisions; to repeal the original sections; and to outright repeal sections 75-383 and 75-384, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 802.** Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to marriage certificates; to amend sections 42-116 and 42-371.01, Reissue Revised Statutes of Nebraska, and sections 71-612 and 71-628, Revised Statutes Cumulative Supplement, 2004; to provide for the acceptance of an abstract of marriage in place of a certified copy of a marriage license; and to repeal the original sections.

**LEGISLATIVE BILL 803.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to schools; to amend sections 79-101 and 79-528, Reissue Revised Statutes of Nebraska; to define terms; to change reporting requirements; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 804.** Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 2005; to change a tax levy limitation relating to schools; and to repeal the original section.

**LEGISLATIVE BILL 805.** Introduced by Natural Resources Committee: Schrock, 38, Chairperson; Hudkins, 21; Kopplin, 3; Kremer, 34; Loudon, 49; McDonald, 41; Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management

and Protection Act; to amend section 46-701, Reissue Revised Statutes of Nebraska; to create the Interrelated Water Management Plan Program as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 806.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-1018.01, Reissue Revised Statutes of Nebraska, and section 60-3,186, Revised Statutes Supplement, 2005; to adopt the Car Tax Reduction Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 807.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2005; to change a provision relating to references to the Internal Revenue Code; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 808.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska; to change the income tax rate and sales tax rate; and to repeal the original sections.

**LEGISLATIVE BILL 809.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to change income tax adjustments relating to federal bonus depreciation and expensing of capital investments; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 810.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to income tax; to amend section 77-2715.07, Revised Statutes Supplement, 2005; to provide an income tax credit as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 811.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-164.01 and 53-165, Reissue Revised Statutes of Nebraska; to change provisions relating to tax reports; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 812.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

77-5009, 77-5011, and 77-5029, Reissue Revised Statutes of Nebraska, sections 77-684, 77-5016.09, 77-5017, 77-5020, and 77-5022, Revised Statutes Cumulative Supplement, 2004, and sections 60-3,189, 77-202.12, 77-1327, 77-1345.01, 77-1502, 77-1504, 77-1507, 77-1510, 77-5016, 77-5019, 77-5026, 77-5028, and 79-1016, Revised Statutes Supplement, 2005; to change protest and appeal procedures; to change powers and duties of the Property Tax Administrator and the Tax Equalization and Review Commission; to harmonize provisions; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 813.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2148, 18-2149, 23-3209, 77-801.01, 77-1843, and 77-5029, Reissue Revised Statutes of Nebraska, sections 18-2117.01, 18-2147, 23-3202, and 77-422, Revised Statutes Cumulative Supplement, 2004, and sections 77-1502, 77-1507, and 79-1016, Revised Statutes Supplement, 2005; to change and eliminate provisions relating to redevelopment plans, county assessors, assessment of property, and valuation; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-1515 and 77-1613.03, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 814.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to streets and roads; to amend sections 66-4,148, 66-6,109, and 77-27,132, Reissue Revised Statutes of Nebraska, and sections 66-489, 66-4,105, 66-4,145, 66-4,146, and 66-6,107, Revised Statutes Cumulative Supplement, 2004; to increase motor fuel taxes; to allocate revenue as prescribed; to change distribution of certain sales and use tax proceeds; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 815.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,131, Revised Statutes Supplement, 2005; to modify permitted uses of historical vehicles to transport passengers for hire; to permit the hauling of large loads by historical vehicles; and to repeal the original section.

**LEGISLATIVE BILL 816.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,131, Reissue Revised Statutes of Nebraska; to prohibit certain vehicles from traveling in the left-hand lane on certain roadways; and to repeal the original section.

**LEGISLATIVE BILL 817.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to state constitutional officers; to amend section 75-104, Reissue Revised Statutes of Nebraska, and sections 84-101.01, 84-201.01, and 84-721, Revised Statutes Cumulative

Supplement, 2004; to change the salaries of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and members of the Public Service Commission; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 818.** Introduced by Burling, 33.

A BILL FOR AN ACT relating to solid waste; to amend section 13-2039, Revised Statutes Cumulative Supplement, 2004; to provide for the use of tires as safety barriers; and to repeal the original section.

**LEGISLATIVE BILL 819.** Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.20, Reissue Revised Statutes of Nebraska; to change provisions relating to licensees; and to repeal the original section.

**LEGISLATIVE BILL 820.** Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-403, Reissue Revised Statutes of Nebraska; to change provisions relating to hunting permit exemptions; and to repeal the original section.

**LEGISLATIVE BILL 821.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to education; to provide for part-time enrollment and for participation by exempt students in public school courses and activities; and to provide duties for school boards.

**LEGISLATIVE BILL 822.** Introduced by Kremer, 34.

A BILL FOR AN ACT relating to water wells; to amend sections 46-1208, 46-1233.01, 46-1238, and 46-1239, Reissue Revised Statutes of Nebraska, and section 81-2121, Revised Statutes Supplement, 2004; to change provisions relating to construction or opening of water wells, breaking seals, and installation of pumps; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 823.** Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Brown, 6; Burling, 33; Fischer, 43; Langemeier, 23; Mines, 18; Pahls, 31; Wehrbein, 2; and Stuthman, 22.

A BILL FOR AN ACT relating to fees; to amend section 33-106.02, Revised Statutes Supplement, 2005; to change fee disposition provisions for clerks of the district court; and to repeal the original section.

**LEGISLATIVE BILL 824.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to courts; to amend sections 25-2009, 29-812, 29-814.01, and 43-2,129, Reissue Revised Statutes of Nebraska, and section 25-2720.01, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to the Court of Appeals, county courts, juvenile courts, and search warrants; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 825.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to infectious diseases; to amend sections 43-247, 71-507, and 71-510, Reissue Revised Statutes of Nebraska; to require certain reporting of exposure to infectious diseases; to include school district employees; to waive sovereign immunity; to authorize jurisdiction; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 826.** Introduced by Bourne, 8.

A BILL FOR AN ACT relating to marriage; to amend section 42-108, Reissue Revised Statutes of Nebraska; to change provisions of who may perform marriage ceremonies; and to repeal the original section.

**LEGISLATIVE BILL 827.** Introduced by Business and Labor Committee: Cunningham, 40; Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Employment Security Law; to amend sections 48-665 and 48-665.01, Reissue Revised Statutes of Nebraska, and section 48-601, Revised Statutes Supplement, 2005; to change and provide provisions relating to overpayments; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 828.** Introduced by Kruse, 13; Combs, 32; Connealy, 16; Cornett, 45; Howard, 9; Kopplin, 3; Price, 26; Wehrbein, 2.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408, 60-501, 60-509, 60-534, and 60-549, Reissue Revised Statutes of Nebraska, and sections 60-310 and 60-346, Revised Statutes Supplement, 2005; to change liability insurance and financial responsibility requirements; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 829.** Introduced by Baker, 44; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 14-109, 15-203, 16-205, 17-525, 39-2510, 39-2520, and 66-4,148, Reissue Revised Statutes of Nebraska, and section 15-202, Revised Statutes Cumulative Supplement, 2004; to prohibit certain city taxes; to change provisions relating to use of certain sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 830.** Introduced by D. Pederson, 42; Engel, 17; Johnson, 37; Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to education; to state findings; to create a task force; and to provide powers and duties.

**LEGISLATIVE BILL 831.** Introduced by D. Pederson, 42; Johnson, 37; Dw. Pedersen, 39; Schrock, 38.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2005; to change an exemption for educational savings plans; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 832.** Introduced by McDonald, 41; Baker, 44; Langemeier, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,124, Revised Statutes Supplement, 2005; to provide for the impoundment of school permits; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 833.** Introduced by Byars, 30; Cunningham, 40; Erdman, 47; Howard, 9; Jensen, 20; Johnson, 37; Stuthman, 22.

A BILL FOR AN ACT relating to the practice of medicine and surgery; to amend section 71-1,102, Reissue Revised Statutes of Nebraska, and section 71-1,103, Revised Statutes Supplement, 2005; to change provisions relating to consultation by nonresidents; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 834.** Introduced by Kremer, 34; Burling, 33; Cunningham, 40; Erdman, 47; Fischer, 43; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to amend section 81-2,147, Reissue Revised Statutes of Nebraska; to prohibit seed regulation by political subdivisions; and to repeal the original section.

**LEGISLATIVE BILL 835.** Introduced by Redfield, 12.

A BILL FOR AN ACT relating to anabolic steroids; to amend sections 79-296 and 79-808, Reissue Revised Statutes of Nebraska; to modify the penalty of ineligibility for student athletes who possess anabolic steroids; to authorize revocation of professional certificates of administrators or teachers in certain situations; to prohibit the employment for a specified period in public schools of persons who have committed an offense involving anabolic steroids; and to repeal the original sections.

**LEGISLATIVE BILL 836.** Introduced by Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-5725 and 77-5727, Revised Statutes Supplement, 2005; to change provisions of the Nebraska Advantage Act; and to repeal the original sections.

**LEGISLATIVE BILL 837.** Introduced by Redfield, 12; Combs, 32.

A BILL FOR AN ACT relating to license plates; to amend sections 39-2215, 60-3,125, and 60-3,141, Revised Statutes Supplement, 2005; to change the distribution of fees as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 838.** Introduced by Cunningham, 40.

A BILL FOR AN ACT relating to radiation; to amend section 71-3508, Reissue Revised Statutes of Nebraska; to exempt certified registered nurse anesthetists from radiation use qualifications; and to repeal the original section.

**LEGISLATIVE BILL 839.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to schools; to provide for reversing certain orders of the State Committee for the Reorganization of School Districts as prescribed.

**LEGISLATIVE BILL 840.** Introduced by Redfield, 12; Cornett, 45; Erdman, 47; Howard, 9; Preister, 5; Synowiecki, 7.

A BILL FOR AN ACT relating to natural gas; to amend sections 77-2701.39 and 77-2704.13, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2701.04, and 77-2701.16, Revised Statutes Supplement, 2005; to exempt natural gas from sales and use taxes; to impose an excise tax on natural gas; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 841.** Introduced by Stuhr, 24; Flood, 19; Johnson, 37.

A BILL FOR AN ACT relating to children; to adopt the Safe Haven Act.

**LEGISLATIVE BILL 842.** Introduced by Stuhr, 24; Brown, 6; Combs, 32; Fischer, 43; Flood, 19; Hudkins, 21; McDonald, 41; Price, 26; Redfield, 12; Schimek, 27; Thompson, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2004; to create the offenses of forced labor or services, sexual servitude, and trafficking of victims; to provide penalties; to harmonize provisions; and to repeal the

original section.

**LEGISLATIVE BILL 843.** Introduced by Combs, 32.

A BILL FOR AN ACT relating to labor; to require an employer to provide employee a reason for termination as prescribed; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 844.** Introduced by Byars, 30; Howard, 9; Johnson, 37.

A BILL FOR AN ACT relating to health and human services; to amend sections 81-101 and 81-102, Reissue Revised Statutes of Nebraska, and section 81-1316, Revised Statutes Cumulative Supplement, 2004; to adopt the Health and Human Services System Act; to create a new agency; to state intent; to eliminate the Department of Health and Human Services, the Department of Health and Human Services Finance and Support, the Department of Health and Human Services Regulation and Licensure, the Policy Secretary, and the Policy Cabinet; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-3007.01, 81-3103, 81-3108, 81-3203, and 81-3303, Reissue Revised Statutes of Nebraska, sections 81-3001, 81-3001.01, 81-3006, 81-3008, 81-3009, 81-3101, 81-3106, 81-3107, 81-3201, 81-3206, 81-3207, 81-3301, 81-3302, 81-3306, and 81-3307, Revised Statutes Cumulative Supplement, 2004, and sections 81-3004, 81-3102, 81-3202, 81-3208, 81-3209, 81-3210, and 81-3211, Revised Statutes Supplement, 2005.

**LEGISLATIVE BILL 845.** Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-132, Reissue Revised Statutes of Nebraska; to change provisions relating to issuance of retail licenses; and to repeal the original section.

**LEGISLATIVE BILL 846.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to state institutions; to amend section 83-380.01, Reissue Revised Statutes of Nebraska; to change provisions relating to prescription medicines for indigent persons as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 847.** Introduced by Redfield, 12; Brown, 6; Friend, 10; Jensen, 20; Kruse, 13; Pahls, 31; Dw. Pedersen, 39; Synowiecki, 7.

A BILL FOR AN ACT relating to elections; to amend section 32-501, Reissue Revised Statutes of Nebraska; to change residency requirements for candidates for local office as prescribed; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 848.** Introduced by Connealy, 16; Schrock, 38.

A BILL FOR AN ACT relating to environment; to establish a renewable fuel content standard for gasoline sold in Nebraska; to eliminate a requirement for reformulated gasoline; to provide an operative date; and to outright repeal section 66-1225, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 849.** Introduced by Redfield, 12; Aguilar, 35; Baker, 44; Bourne, 8; Brown, 6; Combs, 32; Cornett, 45; Cunningham, 40; Erdman, 47; Flood, 19; Foley, 29; Friend, 10; Janssen, 15; Mines, 18; Pahls, 31; Dw. Pedersen, 39; Smith, 48; Stuhr, 24; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.02, Reissue Revised Statutes of Nebraska; to change income tax rates as prescribed; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 850.** Introduced by Beutler, 28.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-201.02, Reissue Revised Statutes of Nebraska; to provide for the purchase of real property as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 851.** Introduced by Howard, 9; Aguilar, 35; Brown, 6; Connealy, 16; Janssen, 15; Jensen, 20; Johnson, 37; Kopplin, 3; Kruse, 13; Landis, 46; Loudon, 49; Preister, 5; Raikes, 25; Schimek, 27; Schrock, 38; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services Finance and Support as prescribed.

**LEGISLATIVE BILL 852.** Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for rate equity for developmental disability providers; and to declare an emergency.

**LEGISLATIVE BILL 853.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265 and 60-6,267, Reissue Revised Statutes of Nebraska, and sections 60-311, 60-342, 60-3,196, 60-462.01, 60-4,147.02, and 60-4,147.03, Revised Statutes Supplement, 2005; to change references to federal law related to motor vehicle registrations, motor vehicle operators' licenses, and occupant protection systems; and to repeal the original sections.

**LEGISLATIVE BILL 854.** Introduced by Cunningham, 40; Erdman, 47;

Jensen, 20; Johnson, 37; Stuthman, 22.

A BILL FOR AN ACT relating to health; to adopt the Long-Term Care Partnership Program Act; to repeal the Long-Term Care Partnership Program Development Act; and to outright repeal sections 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised Statutes Supplement, 2005.

**LEGISLATIVE BILL 855.** Introduced by Kremer, 34.

A BILL FOR AN ACT relating to animals; to amend sections 54-701.03, 54-703 to 54-705, and 54-750 to 54-753, Reissue Revised Statutes of Nebraska; to require notification of and records for exotic animal auctions or swap meets as prescribed; to define terms; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 856.** Introduced by Kremer, 34.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3006 and 2-3007, Reissue Revised Statutes of Nebraska, and sections 2-3002, 2-3003, and 2-3005, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to poultry disease control; and to repeal the original sections.

**LEGISLATIVE BILL 857.** Introduced by Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,132, Reissue Revised Statutes of Nebraska; to change sales tax distribution; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 858.** Introduced by Smith, 48; Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2005; to exempt certain multifuel pellet stoves from sales and use taxes; to provide an operative date; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 859.** Introduced by Combs, 32.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-3,122, 60-3,123, 60-3,124, and 60-3,125, Revised Statutes Supplement, 2005; to eliminate the additional fee for the issuance of Pearl Harbor, prisoner of war, disabled veteran, and Purple Heart license plates; to harmonize provisions; and to repeal the original sections.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 245.** Introduced by Howard, 9; Beutler,

28; Byars, 30; Landis, 46.

WHEREAS, Peter J. Hoagland served eight years in the Nebraska Legislature from 1979 to 1987 representing the 6th District; and

WHEREAS, Peter J. Hoagland served as chairperson of the Legislature's Judiciary Committee and Vice-Chairperson of the Education Committee; and

WHEREAS, Peter J. Hoagland sponsored legislation in the Nebraska Legislature strengthening Nebraska's drunk driving laws, protecting Dundee's historic globe lights, and protecting ground water; and

WHEREAS, Peter J. Hoagland was elected to three terms in the United States House of Representatives from 1989 to 1995, representing the 2nd Congressional District of Nebraska, and serving on the Banking, Finance and Urban Affairs Committee, the Small Business Committee, and the Ways and Means Committee; and

WHEREAS, Peter J. Hoagland sponsored the Niobrara Wild and Scenic River Act, protecting one of Nebraska's natural scenic wonders for future generations, supported increased funding for public housing, and supported boot camps for drug offenders.

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

1. That the Legislature recognizes the service Peter J. Hoagland has given to the people of Nebraska.
2. That the Clerk of the Legislature send a copy of this resolution to Peter J. Hoagland.

Laid over.

**LEGISLATIVE RESOLUTION 246.** Introduced by Fischer, 43.

WHEREAS, the Stuart High School Mock Trial Team placed second at the 2005 Nebraska State Mock Trial Tournament; and

WHEREAS, the Stuart High School Mock Trial Team was the only Class D team in the tournament and was the smallest high school in the tournament; and

WHEREAS, this was the Stuart High School Mock Trial Team's third consecutive trip to the State Competition; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the members of the Stuart High School Mock Trial Team be congratulated for their success.
2. That a copy of this resolution be sent to the Stuart High School Mock Trial Team and their coaches: Deb Kaup, Janet L. Krotter Chvala, and Andrew J. Hoffman.

Laid over.

**LEGISLATIVE RESOLUTION 247.** Introduced by Fischer, 43.

WHEREAS, the Sargent High School Football Team placed second in Class D-2 at the 2005 Nebraska State Football Finals; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the members of the Sargent High School Football Team be congratulated for their success.

2. That a copy of this resolution be sent to the Sargent High School Football Team and their coaches.

Laid over.

**LEGISLATIVE RESOLUTION 248.** Introduced by Fischer, 43.

WHEREAS, Katelyn White, of the Broken Bow High School Girls' Cross Country Team, placed first in the Class C girls' competition at the 2005 Nebraska State Cross Country Meet; and

WHEREAS, Katelyn is the first Class C girls' competitor in state history to win the All-Class Gold Medal; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Katelyn White on her success and great achievement.

2. That a copy of this resolution be sent to Katelyn White.

Laid over.

**LEGISLATIVE RESOLUTION 249.** Introduced by Fischer, 43.

WHEREAS, the Ainsworth High School Girls' Cross Country Team placed second in Class C at the 2005 Nebraska State Cross Country Competition; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the members of the Ainsworth High School Girls' Cross Country Team be congratulated for their success.

2. That a copy of this resolution be sent to the Ainsworth High School Girls' Cross Country Team and their coaches.

Laid over.

**LEGISLATIVE RESOLUTION 250.** Introduced by Smith, 48.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California, and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the fortieth President of the United States of America; the second of which he earned the confidence of three-fifths of the electorate and was victorious in forty-nine of the fifty state in the general election - a record unsurpassed in the history of American presidential elections; and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, during Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values, and those cherished by the free world and prepared America's armed forces to meet Twenty-first Century challenges; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, February 6, 2006, will be the ninety-fifth anniversary of Ronald Reagan's birth and the second since his passing.

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

1. That February 6, 2006, is Ronald Reagan Day in Nebraska.
2. That all residents of Nebraska are urged to take cognizance of Ronald Reagan Day and participate fittingly in its observance.

Laid over.

**LEGISLATIVE RESOLUTION 251.** Introduced by Smith, 48.

WHEREAS, under tax relief legislation passed in 2001, the death tax was temporarily phased out but not permanently eliminated; and

WHEREAS, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

WHEREAS, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time; and

WHEREAS, employees suffer layoffs when small and medium businesses

are liquidated to pay death taxes; and

WHEREAS, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output and an average of one hundred forty-five thousand additional new jobs would have been created; and

WHEREAS, having repeatedly passed in the United States House of Representatives and Senate, repeal of the death tax holds wide bipartisan support.

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

1. That members of the congressional delegation of the State of Nebraska are urged to support, work to pass, and vote for the immediate and permanent repeal of the death tax.

2. That the Clerk of the Legislature shall send copies of this resolution to the members of Nebraska's congressional delegation.

Laid over.

**LEGISLATIVE RESOLUTION 252.** Introduced by Smith, 48.

WHEREAS, the Fifth Amendment to the United States Constitution states "nor shall private property be taken for public use, without just compensation"; and

WHEREAS, *Kelo vs. the City of New London* gave local governments and municipalities the power to seize private property for private enterprises in order to increase tax revenue and stimulate economic development, not for any public use or purpose; and

WHEREAS, this interpretation of the eminent domain power infringes upon the most fundamental of rights and endangers property owners across the nation; and

WHEREAS, Article I, section 8 of the United States Constitution states "The Congress shall have Power ... To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries"; and

WHEREAS, the exclusive right of authors and inventors to their intellectual property is being subjected to increasing infringement and threats of infringement by both public and private entities, ranging from global piracy to illegal sharing of content files on college campuses to governmental abrogation; and

WHEREAS, state legislatures have the duty to limit both public and private infringements of private entities' rights to the use and enjoyment of physical and intellectual property on matters within the authority of the legislatures and to oppose such violations on matters without their authority.

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

1. That governmental takings of either physical or intellectual property for nonpublic uses or purposes, governmental abrogation of physical or intellectual property rights without compensation, and illegal use of physical or intellectual property by private entities are violations of the fundamental

rights of the owners of physical and intellectual property.

2. That the Legislature will work to restore, protect, and enhance intellectual and physical property rights by reviewing present law and pending legislation.

3. That members of the congressional delegation of the State of Nebraska are urged to restore, protect, and enhance intellectual and physical property rights in present federal law, pending federal legislation, and all trade agreements.

4. That the Clerk of the Legislature shall send copies of this resolution to the members of Nebraska's congressional delegation.

Laid over.

**LEGISLATIVE RESOLUTION 253CA.** Introduced by Hudkins, 21; Fischer, 43.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND 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 18 to Article VII:

VII-18 Except as provided in this section, no school district which has students shall be dissolved or affiliated with or merged into another school district unless the dissolution is approved by the voters of such school district or the affiliation or merger is approved by the voters of each school district involved. To be approved, a majority of the votes cast on the issue must be cast in favor of the dissolution and a majority of the votes cast on the issue in each school district must be cast in favor of the affiliation or merger. The transfer of a parcel of land from one school district to another at the request of the landowner does not constitute a dissolution, affiliation, or merger for purposes of this section.

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 provide for a vote prior to dissolution of a school district or affiliation or merger of two or more school districts.

For

Against.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 254CA.** Introduced by Landis, 46.

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND 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 30 to Article I:

I-30 This state shall not make or enforce any law which infringes upon or interferes with the privacy of the person, family, home, property, documents, correspondence, or information of any person unless the rights of others are directly infringed or unless public safety can be ensured by no lesser means.

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 prohibit this state from making or enforcing any law which infringes upon or interferes with privacy with certain exceptions.

For

Against.

Referred to the Reference Committee.

### AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB 478:  
AM1810

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 77-2716, Revised Statutes Supplement,
- 4 2005, is amended to read:
- 5 77-2716. (1) The following adjustments to federal adjusted
- 6 gross income or, for corporations and fiduciaries, federal taxable
- 7 income shall be made for interest or dividends received:
- 8 (a) There shall be subtracted interest or dividends
- 9 received by the owner of obligations of the United States and its
- 10 territories and possessions or of any authority, commission, or
- 11 instrumentality of the United States to the extent includable in
- 12 gross income for federal income tax purposes but exempt from state
- 13 income taxes under the laws of the United States;
- 14 (b) There shall be subtracted that portion of the
- 15 total dividends and other income received from a regulated
- 16 investment company which is attributable to obligations described
- 17 in subdivision (a) of this subsection as reported to the recipient
- 18 by the regulated investment company;
- 19 (c) There shall be added interest or dividends received
- 20 by the owner of obligations of the District of Columbia, other
- 21 states of the United States, or their political subdivisions,
- 22 authorities, commissions, or instrumentalities to the extent
- 23 excluded in the computation of gross income for federal income
- 1 tax purposes except that such interest or dividends shall not be
- 2 added if received by a corporation which is a regulated investment
- 3 company;
- 4 (d) There shall be added that portion of the total
- 5 dividends and other income received from a regulated investment

6 company which is attributable to obligations described in  
7 subdivision (c) of this subsection and excluded for federal  
8 income tax purposes as reported to the recipient by the regulated  
9 investment company; and

10 (e)(i) Any amount subtracted under this subsection shall  
11 be reduced by any interest on indebtedness incurred to carry the  
12 obligations or securities described in this subsection or the  
13 investment in the regulated investment company and by any expenses  
14 incurred in the production of interest or dividend income described  
15 in this subsection to the extent that such expenses, including  
16 amortizable bond premiums, are deductible in determining federal  
17 taxable income.

18 (ii) Any amount added under this subsection shall be  
19 reduced by any expenses incurred in the production of such income  
20 to the extent disallowed in the computation of federal taxable  
21 income.

22 (2) There shall be allowed a net operating loss derived  
23 from or connected with Nebraska sources computed under rules  
24 and regulations adopted and promulgated by the Tax Commissioner  
25 consistent, to the extent possible under the Nebraska Revenue  
26 Act of 1967, with the laws of the United States. For a resident  
27 individual, estate, or trust, the net operating loss computed  
1 on the federal income tax return shall be adjusted by the  
2 modifications contained in this section. For a nonresident  
3 individual, estate, or trust or for a partial-year resident  
4 individual, the net operating loss computed on the federal return  
5 shall be adjusted by the modifications contained in this section  
6 and any carryovers or carrybacks shall be limited to the portion of  
7 the loss derived from or connected with Nebraska sources.

8 (3) There shall be subtracted from federal adjusted gross  
9 income for all taxable years beginning on or after January 1, 1987,  
10 the amount of any state income tax refund to the extent such refund  
11 was deducted under the Internal Revenue Code, was not allowed in  
12 the computation of the tax due under the Nebraska Revenue Act of  
13 1967, and is included in federal adjusted gross income.

14 (4) Federal adjusted gross income, or, for a fiduciary,  
15 federal taxable income shall be modified to exclude the portion of  
16 the income or loss received from a small business corporation with  
17 an election in effect under subchapter S of the Internal Revenue  
18 Code or from a limited liability company organized pursuant to the  
19 Limited Liability Company Act that is not derived from or connected  
20 with Nebraska sources as determined in section 77-2734.01.

21 (5) There shall be subtracted from federal adjusted gross  
22 income or, for corporations and fiduciaries, federal taxable income  
23 dividends received or deemed to be received from corporations which  
24 are not subject to the Internal Revenue Code.

25 (6) There shall be subtracted from federal taxable income  
26 a portion of the income earned by a corporation subject to the  
27 Internal Revenue Code of 1986 that is actually taxed by a foreign

1 country or one of its political subdivisions at a rate in excess  
2 of the maximum federal tax rate for corporations. The taxpayer may  
3 make the computation for each foreign country or for groups of  
4 foreign countries. The portion of the taxes that may be deducted  
5 shall be computed in the following manner:

6 (a) The amount of federal taxable income from operations  
7 within a foreign taxing jurisdiction shall be reduced by the amount  
8 of taxes actually paid to the foreign jurisdiction that are not  
9 deductible solely because the foreign tax credit was elected on the  
10 federal income tax return;

11 (b) The amount of after-tax income shall be divided by  
12 one minus the maximum tax rate for corporations in the Internal  
13 Revenue Code; and

14 (c) The result of the calculation in subdivision (b) of  
15 this subsection shall be subtracted from the amount of federal  
16 taxable income used in subdivision (a) of this subsection. The  
17 result of such calculation, if greater than zero, shall be  
18 subtracted from federal taxable income.

19 (7) Federal adjusted gross income shall be modified to  
20 exclude any amount repaid by the taxpayer for which a reduction  
21 in federal tax is allowed under section 1341(a)(5) of the Internal  
22 Revenue Code.

23 (8)(a) Federal adjusted gross income or, for corporations  
24 and fiduciaries, federal taxable income shall be reduced, to the  
25 extent included, by income from interest, earnings, and state  
26 contributions received from the Nebraska educational savings plan  
27 trust created in sections 85-1801 to 85-1814.

1 (b) Federal adjusted gross income or, for corporations  
2 and fiduciaries, federal taxable income shall be reduced, to the  
3 extent not deducted for federal income tax purposes, by the amount  
4 of any gift, grant, or donation made to the Nebraska educational  
5 savings plan trust for deposit in the endowment fund of the trust.

6 (c) Federal adjusted gross income or, for corporations  
7 and fiduciaries, federal taxable income shall be reduced by any  
8 contributions as a participant in the Nebraska educational savings  
9 plan trust, to the extent not deducted for federal income tax  
10 purposes, but not to exceed five hundred dollars per married filing  
11 separate return or one thousand dollars for any other return.

12 (d) Federal adjusted gross income or, for corporations  
13 and fiduciaries, federal taxable income shall be increased by  
14 the amount resulting from the cancellation of a participation  
15 agreement refunded to the taxpayer as a participant in the Nebraska  
16 educational savings plan trust to the extent previously deducted as  
17 a contribution to the trust.

18 (9)(a) For income tax returns filed after September  
19 10, 2001, federal adjusted gross income or, for corporations  
20 and fiduciaries, federal taxable income shall be increased by  
21 eighty-five percent of any amount of any federal bonus depreciation  
22 received under the federal Job Creation and Worker Assistance Act

23 of 2002 or the federal Jobs and Growth Tax Act of 2003, under  
24 section 168(k) or section 1400L of the Internal Revenue Code of  
25 1986, as amended, for assets placed in service after September 10,  
26 2001, and before December 31, 2005.

27 (b) For a partnership, limited liability company,  
1 cooperative, including any cooperative exempt from income taxes  
2 under section 521 of the Internal Revenue Code of 1986, as amended,  
3 subchapter S corporation, or joint venture, the increase shall be  
4 distributed to the partners, members, shareholders, patrons, or  
5 beneficiaries in the same manner as income is distributed for use  
6 against their income tax liabilities.

7 (c) For a corporation with a unitary business having  
8 activity both inside and outside the state, the increase shall be  
9 apportioned to Nebraska in the same manner as income is apportioned  
10 to the state by section 77-2734.05.

11 (d) The amount of bonus depreciation added to federal  
12 adjusted gross income or, for corporations and fiduciaries, federal  
13 taxable income by this subsection shall be subtracted in a  
14 later taxable year. Twenty percent of the total amount of bonus  
15 depreciation added back by this subsection for tax years beginning  
16 or deemed to begin before January 1, 2003, under the Internal  
17 Revenue Code of 1986, as amended, may be subtracted in the first  
18 taxable year beginning or deemed to begin on or after January 1,  
19 2005, under the Internal Revenue Code of 1986, as amended, and  
20 twenty percent in each of the next four following taxable years.  
21 Twenty percent of the total amount of bonus depreciation added back  
22 by this subsection for tax years beginning or deemed to begin on or  
23 after January 1, 2003, may be subtracted in the first taxable year  
24 beginning or deemed to begin on or after January 1, 2006, under the  
25 Internal Revenue Code of 1986, as amended, and twenty percent in  
26 each of the next four following taxable years.

27 (10) For taxable years beginning or deemed to begin on  
1 or after January 1, 2003, under the Internal Revenue Code of 1986,  
2 as amended, federal adjusted gross income or, for corporations  
3 and fiduciaries, federal taxable income shall be increased by the  
4 amount of any capital investment that is expensed under section  
5 179 of the Internal Revenue Code of 1986, as amended, that is in  
6 excess of twenty-five thousand dollars that is allowed under the  
7 federal Jobs and Growth Tax Act of 2003. Twenty percent of the  
8 total amount of expensing added back by this subsection for tax  
9 years beginning or deemed to begin on or after January 1, 2003,  
10 may be subtracted in the first taxable year beginning or deemed to  
11 begin on or after January 1, 2006, under the Internal Revenue Code  
12 of 1986, as amended, and twenty percent in each of the next four  
13 following tax years.

14 (11) For taxable years beginning or deemed to begin on  
15 or after January 1, 2006, under the Internal Revenue Code of 1986,  
16 as amended, federal adjusted gross income shall be modified to  
17 exclude the amount of income received as a military retirement

18 benefit resulting from service in the armed forces of the United  
 19 States equal to one-half the amount of income earned as wages and  
 20 salaries by the taxpayer who by virtue of his or her duties must  
 21 meet eligibility requirements for access to classified information  
 22 and who actually accesses classified information in performing his  
 23 or her duties, if such wages and salaries are paid in Nebraska  
 24 by an employer performing security classified work for the federal  
 25 Department of Defense and qualified under 32 C. F. R. 155.1 through  
 26 155.6, to the extent that such wages and salaries exceed forty  
 27 thousand dollars during the tax year. In order to receive the  
 1 exclusion provided in this subsection, the taxpayer shall submit a  
 2 certification, signed by the employer's facility security officer,  
 3 that the employer has received authorization to perform classified  
 4 work for the federal Department of Defense and that the taxpayer  
 5 meets eligibility requirements for access to classified information  
 6 and actually accesses classified information in performing his or  
 7 her duties.

8 Sec. 2. Original section 77-2716, Revised Statutes  
 9 Supplement, 2005, is repealed.

Senator D. Pederson filed the following amendment to LB 462:  
 AM1819

1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 1. Section 48-146.02, Revised Statutes Supplement, 2005,  
 4 is amended to read:  
 5 48-146.02. (1)(a) If a three-judge panel of the Nebraska  
 6 Workers' Compensation Court finds, after due notice and hearing at  
 7 which the workers' compensation insurer is entitled to be heard  
 8 and present evidence, that such insurer has failed to comply  
 9 with an obligation under the Nebraska Workers' Compensation Act  
 10 with such frequency as to indicate a general business practice to  
 11 engage in that type of conduct, the three-judge panel may request  
 12 the Director of Insurance to suspend or revoke the authorization  
 13 of such insurer to write workers' compensation insurance under  
 14 the provisions of Chapter 44 and such act. Such suspension or  
 15 revocation shall not affect the liability of any such insurer under  
 16 policies in force prior to the suspension or revocation.  
 17 (b) If a three-judge panel of the compensation court  
 18 finds, after due notice and hearing at which the risk management  
 19 pool is entitled to be heard and present evidence, that such  
 20 pool has failed to comply with an obligation under the Nebraska  
 21 Workers' Compensation Act, as set out in subsection (1) of section  
 22 44-4319, with such frequency as to indicate a general business  
 23 practice to engage in that type of conduct, the three-judge panel  
 1 may suspend or revoke the authority of the pool to provide group  
 2 self-insurance coverage of workers' compensation liability pursuant  
 3 to the Intergovernmental Risk Management Act. Such suspension  
 4 or revocation shall not affect the liability of any such risk

5 management pool under the terms of the agreement forming the pool  
6 in force prior to the suspension or revocation.

7 (c) If a three-judge panel of the compensation court  
8 finds, after due notice and hearing at which the self-insurer is  
9 entitled to be heard and present evidence, that such self-insurer  
10 has failed to comply with an obligation under the Nebraska  
11 Workers' Compensation Act with such frequency as to indicate a  
12 general business practice to engage in that type of conduct, the  
13 three-judge panel may revoke the approval of such self-insurer to  
14 provide self-insurance coverage of workers' compensation liability  
15 pursuant to section 48-145. Such revocation shall not affect  
16 the liability of any such self-insurer under an approval by the  
17 compensation court to self-insure in force prior to the revocation.

18 (d) The Attorney General, when requested by the  
19 administrator of the compensation court, may file a motion pursuant  
20 to section 48-162.03 for an order directing a workers' compensation  
21 insurer, risk management pool, or self-insurer to appear before a  
22 three-judge panel of the compensation court and show cause as to  
23 why the panel should not take action pursuant to this subsection.  
24 The Attorney General shall be considered a party for purposes of  
25 such motion. The Attorney General may appear before the three-judge  
26 panel and present evidence that the workers' compensation insurer,  
1 risk management pool, or self-insurer has failed to comply with an  
2 obligation under the Nebraska Workers' Compensation Act with such  
3 frequency as to indicate a general business practice to engage  
4 in that type of conduct. The presiding judge shall rule on a  
5 motion of the Attorney General pursuant to this subdivision and,  
6 if applicable, shall appoint judges of the compensation court to  
7 serve on the three-judge panel. The presiding judge shall not serve  
8 on such panel.

9 (e) Appeal from an action by a three-judge panel of the  
10 compensation court pursuant to subdivision (1)(b) or (1)(c) of this  
11 section shall be in accordance with section 48-185.

12 (2) In addition to any other obligations under the  
13 Nebraska Workers' Compensation Act, the following acts or  
14 practices, when committed with such frequency as to indicate a  
15 general business practice to engage in that type of conduct, shall  
16 subject the workers' compensation insurer, risk management pool, or  
17 self-insurer to action pursuant to subsection (1) of this section:

18 (a) Knowingly misrepresenting relevant facts or the  
19 provisions of the act or any rule or regulation adopted pursuant to  
20 such act;

21 (b) Failing to acknowledge with reasonable promptness  
22 pertinent communications with respect to claims arising under the  
23 act;

24 (c) Failing to promptly investigate claims arising under  
25 the act;

26 (d) Not attempting in good faith to effectuate prompt,  
fair, and equitable payment of benefits when compensability has

27 become reasonably clear;

1 (e) Refusing to pay benefits without conducting a  
2 reasonable investigation;

3 (f) Failing to affirm or deny compensability of a claim  
4 within a reasonable time after having completed the investigation  
5 related to such claim;

6 (g) Paying substantially less than amounts owed under the  
7 act where there is no reasonable controversy;

8 (h) Making payment to an injured employee, beneficiary of  
9 a deceased employee, or provider of medical, surgical, or hospital  
10 services without providing a reasonable and accurate explanation of  
11 the basis for the payment;

12 (i) Unreasonably delaying the investigation or payment  
13 of benefits by knowingly requiring excessive verification or  
14 duplication of information;

15 (j) Failing, in the case of the denial of compensability  
16 or the denial, change in, or termination of benefits, to promptly  
17 provide a reasonable and accurate explanation of the basis for  
18 such action to the injured employee or beneficiary of a deceased  
19 employee;

20 (k) Failing, in the case of the denial of payment for  
21 medical, surgical, or hospital services, to promptly provide a  
22 reasonable and accurate explanation of the basis for such action to  
23 the provider of such services; or

24 (l) Failing to provide the compensation court's address  
25 and telephone number to an injured employee or beneficiary of  
26 a deceased employee with instructions to contact the court for  
27 further information:

1 (i) At or near the time the workers' compensation  
2 insurer, risk management pool, or self-insurer receives notice  
3 or has knowledge of the injury; and

4 (ii) At or near the time of the denial of compensability  
5 or the denial, change in, or termination of benefits.

6 (3) In order for a workers' compensation insurer, risk  
7 management pool, or self-insurer to fulfill the obligations of  
8 subsection (2) of this section, an employee filing a claim  
9 for workers' compensation benefits with a workers' compensation  
10 insurer, risk management pool, or self-insurer shall provide  
11 a patient's waiver to the workers' compensation insurer, risk  
12 management pool, or self-insurer upon the request by the same,  
13 allowing the employee's employer or workers' compensation insurer,  
14 risk management pool, or self-insurer or its representative  
15 to obtain all previous hospital and medical records, including  
16 patient information forms, concerning the employee's previous  
17 treatment with any physician. A workers' compensation insurer, risk  
18 management pool, self-insurer, or employer shall not pursuant to a  
19 patient's waiver be entitled to an employee's hospital or medical  
20 records that pertain to an employee's previous treatment for sexual  
21 abuse, reproductive health care, human immunodeficiency virus,

22 mental health conditions, or alcohol or controlled substance abuse.  
 23 The compensation court shall prescribe a patient's waiver form to  
 24 implement this subsection. Failure of the employee to provide a  
 25 patient's waiver following a request for the same by the workers'  
 26 compensation insurer, risk management pool, or self-insurer shall  
 27 suspend the running of the thirty-day period for purposes of  
 1 liability under section 48-125 until such time as the employee  
 2 provides the patient's waiver. A workers' compensation insurer,  
 3 risk management pool, or self-insurer obtaining an employee's  
 4 hospital or medical records pursuant to a patient's waiver shall  
 5 provide a listing or compilation of such records to the employee or  
 6 the employee's designated agent upon request. Upon the filing of a  
 7 petition in the compensation court by an injured employee or his  
 8 or her representative, such employee shall provide the patient's  
 9 waiver to the defendants named in the lawsuit within thirty days  
 10 after filing the petition.

11 ~~(3)-(4)~~ In order to determine compliance with obligations  
 12 under the Nebraska Workers' Compensation Act, the compensation  
 13 court or its designee may examine the workers' compensation records  
 14 of (a) a workers' compensation insurer, a risk management pool,  
 15 or a self-insurer or (b) an adjuster, a third-party administrator,  
 16 or other agent acting on behalf of such workers' compensation  
 17 insurer, risk management pool, or self-insurer. The authority of  
 18 the compensation court pursuant to this subsection is subject  
 19 to the limitations provided under the work-product doctrine and  
 20 attorney-client privilege as recognized in Nebraska law.

21 ~~(4)-(5)~~ The compensation court may adopt and promulgate  
 22 rules and regulations necessary to implement this section.

23 2. Original section 48-146.02, Revised Statutes  
 24 Supplement, 2005, is repealed.

## PROPOSED RULES CHANGES

Senator Burling offered the following proposed rules change:  
 Amend Rule 2 by adding a new section

Sec. 12. Seniority. The term seniority and how it is applied shall be defined to mean service by a Senator that is consecutive and continuous service as a member of the Nebraska Legislature. Any prior legislative service wherein a break in service has occurred shall not be considered in computing a member's seniority.

Senator Erdman offered the following proposed rules change:

**Rule 1, Sec. 6. Presiding Officer, Order in Designating.** In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Executive Board  
 Chairperson of the Committee on Committees

- Chairperson of the Committee on Judiciary
- Chairperson of the Committee on Government, Military and Veterans Affairs
- Chairperson of the Committee on Appropriations
- Chairperson of the Committee on Revenue
- Chairperson of the Committee on Education
- Chairperson of the Committee on Banking, Commerce and Insurance
- ~~Chairperson of the Committee on Natural Resources~~
- Chairperson of the Committee on Agriculture and Natural Resources
- Chairperson of the Committee on Health and Human Services
- Chairperson of the Committee on General Affairs
- Chairperson of the Committee on Business and Labor
- Chairperson of the Committee on ~~Urban Affairs~~ Technology
- Chairperson of the Committee on ~~Transportation and Telecommunications~~
- Chairperson of the Committee on Nebraska Retirement Systems

**Rule 3, Sec. 3. Standing Committees.** (a) The standing committees of the Legislature shall be as follows:

<u>Agriculture and Natural Resources</u> .....	8 members
Appropriations.....	9 members
Banking, Commerce and Insurance.....	8 members
Business and Labor .....	7 members
Education.....	8 members
General Affairs .....	8 members
Government, Military and Veterans Affairs.....	<del>8</del> 7 members
Health and Human Services .....	<del>7</del> 8 members
Judiciary .....	8 members
<del>Natural Resources</del> .....	<del>8 members</del>
Nebraska Retirement Systems .....	<del>6</del> 7 members
Revenue .....	8 members
<del>Transportation and Telecommunications</del> .....	8 members
<u>Technology</u> .....	<u>7 members</u>
Urban Affairs.....	7 members

(b) The Speaker shall not be a regular member of a standing committee.

**Rule 3, Sec. 6. Meeting Times.** (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature,<sup>5</sup> ~~except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.~~

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Senator Erdman offered the following proposed rules change:

**Rule 1, Sec. 6. Presiding Officer, Order in Designating.** In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

- Chairperson of the Executive Board
- Chairperson of the Committee on Committees
- Chairperson of the Committee on Judiciary
- Chairperson of the Committee on Government, Military and Veterans Affairs
- Chairperson of the Committee on Appropriations
- Chairperson of the Committee on Revenue
- Chairperson of the Committee on Education
- Chairperson of the Committee on Banking, ~~Commerce and Insurance~~ and Economic Development
- ~~Chairperson of the Committee on Natural Resources~~
- Chairperson of the Committee on Agriculture and Natural Resources
- Chairperson of the Committee on Health and Human Services
- Chairperson of the Committee on General Affairs
- Chairperson of the Committee on Business and Labor
- ~~Chairperson of the Committee on Urban Affairs~~
- Chairperson of the Committee on Transportation and Telecommunications
- Chairperson of the Committee on Nebraska Retirement Systems

**Rule 3, Sec. 3. Standing Committees.** (a) The standing committees of the Legislature shall be as follows:

<u>Agriculture and Natural Resources</u> .....	8 members
Appropriations.....	9 members
Banking, <del>Commerce and Insurance</del> <u>and Economic Development</u> .....	8 members
Business and Labor .....	<del>7</del> 8 members
Education.....	8 members
General Affairs .....	8 members
Government, Military and Veterans Affairs.....	<del>8</del> 7 members
Health and Human Services .....	<del>7</del> 8 members
Judiciary .....	8 members
<del>Natural Resources</del> .....	<del>8</del> members
Nebraska Retirement Systems .....	<del>6</del> 7 members
Revenue .....	8 members
Transportation and Telecommunications .....	8 members
<del>Urban Affairs</del> .....	<del>7</del> members

(b) The Speaker shall not be a regular member of a standing committee.

**Rule 3, Sec. 6. Meeting Times.** (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature, ~~except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.~~

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Senator Erdman offered the following proposed rules change:

**Rule 1, Sec. 6. Presiding Officer, Order in Designating.** In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

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- Chairperson of the Committee on Revenue
- Chairperson of the Committee on Education
- Chairperson of the Committee on Banking, ~~Commerce and Insurance~~ and Economic Development
- Chairperson of the Committee on Natural Resources
- Chairperson of the Committee on Agriculture
- Chairperson of the Committee on Health and Human Services
- Chairperson of the Committee on General Affairs
- Chairperson of the Committee on Business and Labor
- ~~Chairperson of the Committee on Urban Affairs~~
- Chairperson of the Committee on Transportation and Telecommunications
- Chairperson of the Committee on Nebraska Retirement Systems

**Rule 3, Sec. 3. Standing Committees.** (a) The standing committees of the Legislature shall be as follows:

Agriculture .....	8 members
Appropriations .....	9 members
Banking, <del>Commerce and Insurance</del> and <u>Economic Development</u> .....	8 members
Business and Labor .....	7 members
Education.....	8 members
General Affairs .....	8 members
Government, Military and Veterans Affairs .....	<u>8</u> 7 members

Health and Human Services .....	7 8 members
Judiciary .....	8 members
Natural Resources.....	8 members
Nebraska Retirement Systems.....	6 7 members
Revenue.....	8 members
Transportation and Telecommunications .....	8 members
<del>Urban Affairs.....</del>	<del>7 members</del>

(b) The Speaker shall not be a regular member of a standing committee.

**Rule 3, Sec. 6. Meeting Times.** (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature, ~~except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.~~

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

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Senator Erdman offered the following proposed rules change:

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- Chairperson of the Committee on Government, Military and Veterans Affairs
- Chairperson of the Committee on Appropriations
- Chairperson of the Committee on Revenue
- Chairperson of the Committee on Education
- Chairperson of the Committee on Banking, ~~Commerce and Insurance~~ and Economic Development
- ~~Chairperson of the Committee on Natural Resources~~
- Chairperson of the Committee on Agriculture and Natural Resources
- Chairperson of the Committee on Health and Human Services
- Chairperson of the Committee on General Affairs
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- Chairperson of the Committee on Urban Affairs
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Agriculture and Natural Resources.....	8 members
Appropriations.....	9 members
Banking, <del>Commerce and</del> Insurance and Economic Development.....	8 members
Business and Labor .....	7 members
Education.....	8 members
General Affairs .....	8 members
Government, Military and Veterans Affairs.....	8 7 members
Health and Human Services .....	7 8 members
Judiciary .....	8 members
<del>Natural Resources.....</del>	<del>8 members</del>
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Revenue.....	8 members
Transportation and Telecommunications .....	8 members
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(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Mines asked unanimous consent to add his name as cointroducer to LB 407. No objections. So ordered.

**ANNOUNCEMENT**

Senator Hudkins announced the Rules Committee will meet January 5, 2006, at 1:30 p.m., in Room 1524.

**VISITORS**

Visitor to the Chamber was Marcus Wallenas from Lund, Sweden.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

**ADJOURNMENT**

At 11:41 a.m., on a motion by Senator Cudaback, the Legislature adjourned until 11:00 a.m., Thursday, January 5, 2006.

Patrick J. O'Donnell  
Clerk of the Legislature

