

FIFTEENTH DAY - JANUARY 25, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 25, 2006

PRAYER

The prayer was offered by Pastor Roger Sloan, Church of Christ, Cozad.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Cornett, and McDonald who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

**STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance**

LEGISLATIVE BILL 877. Placed on General File.

LEGISLATIVE BILL 927. Placed on General File.

LEGISLATIVE BILL 928. Indefinitely postponed.

(Signed) Mick Mines, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 853. Placed on General File as amended.

(Standing Committee amendment, AM1986, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Tom Baker, Chairperson

Natural Resources

LEGISLATIVE BILL 776. Placed on General File as amended.

Standing Committee amendment to LB 776:

AM1951

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 13-2039, Revised Statutes Cumulative
- 4 Supplement, 2004, is amended to read:
- 5 13-2039. ~~(1) Land disposal of yard waste is prohibited~~
- 6 ~~from April 1 through November 30 of each year, except that yard~~
- 7 ~~waste which has been separated at its source from other solid waste~~
- 8 ~~may be accepted by a landfill for the purpose of soil conditioning~~
- 9 ~~or composting.~~ (1)(a) A landfill may accept yard waste without
- 10 condition from December 1 through March 31 of each year.
- 11 (b) A landfill may accept yard waste year-round if such
- 12 yard waste:
- 13 (i) Will be used for the production and recovery of
- 14 methane gas for use as fuel (A) with the approval of the department
- 15 and (B) at a landfill operating as a solid waste management
- 16 facility with a permit issued pursuant to the department's rules
- 17 and regulations; or
- 18 (ii) Has been separated at its source from other solid
- 19 waste and will be used for the purpose of soil conditioning or
- 20 composting.
- 21 (c) State and local governmental entities responsible for
- 22 the maintenance of public lands shall give preference to the use
- 23 of composted materials in all land maintenance activities. This
- 1 section does not prohibit the use of yard waste as land cover or as
- 2 soil-conditioning material.
- 3 (2) Land disposal of lead-acid batteries and waste oil is
- 4 prohibited.
- 5 (3)(a) Land disposal of waste tires in any form is
- 6 prohibited except tires that are nonrecyclable. For purposes of
- 7 this subsection, nonrecyclable tire means a press-on solid tire, a
- 8 solid pneumatic shaped tire, or a foam pneumatic tire.
- 9 (b) On and after September 1, 2003, placing or causing
- 10 the placement or disposal of scrap tires in any form into the
- 11 waters of the state is prohibited except as provided in section
- 12 13-2033.
- 13 (c) Tires are not considered disposed if they are
- 14 (i) processed into crumb rubber form and reused or recycled
- 15 in manufactured products such as, but not limited to, products
- 16 used for schools, playgrounds, and residential, lawn, and garden
- 17 applications, (ii) used as tire-derived fuel, (iii) retreaded, (iv)
- 18 processed into chip or shred form and used as drainage media in
- 19 landfill construction or septic drain fields, (v) used as a raw
- 20 material in steelmaking, or (vi) processed into shred form and
- 21 used as an alternative daily cover in a landfill or for a civil

22 engineering project if such project is designed and constructed
 23 in compliance with the Engineers and Architects Regulation Act and
 24 prior approval for such project is obtained from the department
 25 by the tire shredder and the end user, except that departmental
 26 approval is not necessary for a tire project involving three
 27 thousand five hundred or fewer passenger tire equivalents of waste
 1 tires if the department receives notification of the project not
 2 later than thirty days prior to any construction on such project.
 3 The notification shall contain the name and address of the tire
 4 shredder and end user, the location of the project, a description
 5 of the type of project, the number of passenger tire equivalents
 6 of waste tires to be used, and any additional information the
 7 council determines is necessary to accomplish the purposes of the
 8 Integrated Solid Waste Management Act.
 9 (4) Land disposal of discarded household appliances is
 10 prohibited.
 11 (5) Land disposal of unregulated hazardous wastes, except
 12 household hazardous wastes, which are exempt from the regulations
 13 under the Environmental Protection Act is prohibited unless such
 14 disposal occurs at a licensed hazardous waste disposal facility.
 15 (6) For purposes of this section, land disposal shall
 16 include, but not be limited to, incineration at a landfill.
 17 Sec. 2. Original section 13-2039, Revised Statutes
 18 Cumulative Supplement, 2004, is repealed.
 19 Sec. 3. Since an emergency exists, this act takes effect
 20 when passed and approved according to law.

LEGISLATIVE BILL 870. Placed on General File as amended.

Standing Committee amendment to LB 870:

AM1950

- 1 1. On page 4, line 9, after "processing" insert "
- 2 including processing related to tire-derived fuel."

(Signed) Ed Schrock, Chairperson

ANNOUNCEMENT

The Banking, Commerce and Insurance Committee designates LB 876 as its priority bill.

NOTICE OF COMMITTEE HEARINGS Government, Military and Veterans Affairs

Room 1507

LB 940	Wednesday, February 1, 2006	1:30 p.m.
LB 955	Wednesday, February 1, 2006	1:30 p.m.
LB 979	Wednesday, February 1, 2006	1:30 p.m.
LB 981	Wednesday, February 1, 2006	1:30 p.m.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources
Room 1525

LB 1098 Wednesday, February 1, 2006

1:30 p.m.

(Signed) Ed Schrock, Chairperson

MOTIONS - Approve Appointments

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 434:

Nebraska Ethanol Board
David Hallberg
James Jenkins

Voting in the affirmative, 35:

Aguilar	Cornett	Hudkins	Louden	Schrock
Baker	Cudaback	Janssen	McDonald	Smith
Bourne	Cunningham	Johnson	Pahls	Stuhr
Brashear	Erdman	Kremer	Pedersen, Dw.	Stuthman
Burling	Fischer	Kruse	Pederson, D.	Synowiecki
Chambers	Friend	Landis	Price	Thompson
Combs	Heidemann	Langemeier	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 10:

Beutler	Connealy	Foley	Mines	Raikes
Byars	Engel	Howard	Preister	Schimek

Excused and not voting, 4:

Brown	Flood	Jensen	Kopplin
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The appointments were confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Landis moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 434:

Tax Equalization and Review Commission
William Warnes

Voting in the affirmative, 38:

Aguilar	Connealy	Friend	Louden	Smith
Baker	Cornett	Heidemann	McDonald	Stuhr
Bourne	Cudaback	Howard	Pahls	Stuthman
Brashear	Cunningham	Hudkins	Pedersen, Dw.	Synowiecki
Burling	Engel	Janssen	Pederson, D.	Thompson
Byars	Erdman	Kopplin	Preister	Wehrbein
Chambers	Fischer	Kruse	Redfield	
Combs	Flood	Landis	Schrock	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Johnson	Langemeier	Price	Schimek
Foley	Kremer	Mines	Raikes	

Excused and not voting, 2:

Brown	Jensen
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The appointment was confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 438:

Environmental Quality Council
 Lawrence Bradley
 Joseph Citta Jr.
 Ronald Zeiger

Voting in the affirmative, 39:

Aguilar	Engel	Janssen	Pahls	Schrock
Baker	Erdman	Johnson	Pedersen, Dw.	Smith
Bourne	Fischer	Kopplin	Pederson, D.	Stuhr
Byars	Flood	Kremer	Preister	Stuthman
Chambers	Friend	Kruse	Price	Synowiecki
Combs	Heidemann	Landis	Raikes	Thompson
Cudaback	Howard	Louden	Redfield	Wehrbein
Cunningham	Hudkins	McDonald	Schimek	

Voting in the negative, 0.

Present and not voting, 9:

Beutler	Brown	Connealy	Foley	Mines
Brashear	Burling	Cornett	Langemeier	

Excused and not voting, 1:

Jensen

The appointments were confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Stuhr moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 441:

Nebraska Investment Council
 John Maginn
 Public Employees Retirement Board
 Glenn Camerer
 Richard Wassinger

Senator Stuhr requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Stuhr moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 441:

Nebraska Investment Council
 John Maginn

Voting in the affirmative, 30:

Aguilar	Cudaback	Janssen	Pedersen, Dw.	Schrock
Baker	Engel	Johnson	Pederson, D.	Smith
Bourne	Erdman	Kremer	Preister	Stuhr
Byars	Fischer	Landis	Price	Stuthman
Chambers	Heidemann	Langemeier	Raikes	Synowiecki
Combs	Hudkins	Louden	Redfield	Wehrbein

Voting in the negative, 0.

Present and not voting, 17:

Beutler	Connealy	Foley	McDonald	Thompson
Brashear	Cornett	Friend	Mines	
Brown	Cunningham	Howard	Pahls	
Burling	Flood	Kopplin	Schimek	

Excused and not voting, 2:

Jensen Kruse

The appointment was confirmed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

The second division is as follows:

Senator Stuhr moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 441:

- Public Employees Retirement Board
- Glenn Camerer
- Richard Wassinger

Voting in the affirmative, 31:

Aguilar	Cudaback	Janssen	Preister	Stuthman
Baker	Engel	Johnson	Raikes	Synowiecki
Bourne	Erdman	Kopplin	Redfield	Wehrbein
Byars	Fischer	Kremer	Schimek	
Combs	Flood	Langemeier	Schrock	
Connealy	Heidemann	Louden	Smith	
Cornett	Hudkins	Pederson, D.	Stuhr	

Voting in the negative, 0.

Present and not voting, 16:

Beutler	Chambers	Howard	Pahls
Brashear	Cunningham	Landis	Pedersen, Dw.
Brown	Foley	McDonald	Price
Burling	Friend	Mines	Thompson

Excused and not voting, 2:

- Jensen
- Kruse

The appointments were confirmed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524

LB 960	Wednesday, February 8, 2006	1:30 p.m.
LB 912	Wednesday, February 8, 2006	1:30 p.m.
LB 1051	Wednesday, February 8, 2006	1:30 p.m.
LB 1073	Wednesday, February 8, 2006	1:30 p.m.
LB 1255	Wednesday, February 8, 2006	1:30 p.m.
LB 1171	Wednesday, February 8, 2006	1:30 p.m.
LB 1201	Wednesday, February 8, 2006	1:30 p.m.

LB 990	Thursday, February 9, 2006	1:30 p.m.
LB 1027	Thursday, February 9, 2006	1:30 p.m.
LB 1134	Thursday, February 9, 2006	1:30 p.m.
LB 1105	Thursday, February 9, 2006	1:30 p.m.
LB 1130	Thursday, February 9, 2006	1:30 p.m.
LR 262CA	Thursday, February 9, 2006	1:30 p.m.
LB 1046	Friday, February 10, 2006	1:30 p.m.
LB 1189	Friday, February 10, 2006	1:30 p.m.
LB 1055	Friday, February 10, 2006	1:30 p.m.
LB 1139	Friday, February 10, 2006	1:30 p.m.
LB 840	Friday, February 10, 2006	1:30 p.m.
LB 814	Wednesday, February 15, 2006	1:30 p.m.
LB 829	Wednesday, February 15, 2006	1:30 p.m.
LB 977	Wednesday, February 15, 2006	1:30 p.m.
LB 1198	Wednesday, February 15, 2006	1:30 p.m.
LB 1217	Wednesday, February 15, 2006	1:30 p.m.
LB 1033	Wednesday, February 15, 2006	1:30 p.m.
LB 1080	Thursday, February 16, 2006	1:30 p.m.
LB 1159	Thursday, February 16, 2006	1:30 p.m.
LB 1064	Thursday, February 16, 2006	1:30 p.m.
LB 1216	Thursday, February 16, 2006	1:30 p.m.
LB 976	Wednesday, February 22, 2006	1:30 p.m.
LB 945	Wednesday, February 22, 2006	1:30 p.m.
LB 992	Wednesday, February 22, 2006	1:30 p.m.
LB 1005	Wednesday, February 22, 2006	1:30 p.m.
LB 1010	Wednesday, February 22, 2006	1:30 p.m.
LB 1042	Thursday, February 23, 2006	1:30 p.m.
LB 1043	Thursday, February 23, 2006	1:30 p.m.
LB 1165	Thursday, February 23, 2006	1:30 p.m.
LB 1166	Thursday, February 23, 2006	1:30 p.m.
LB 1251	Thursday, February 23, 2006	1:30 p.m.
LB 857	Wednesday, March 1, 2006	1:30 p.m.
LB 904	Wednesday, March 1, 2006	1:30 p.m.
LB 935	Wednesday, March 1, 2006	1:30 p.m.
LB 911	Wednesday, March 1, 2006	1:30 p.m.
LB 1206	Wednesday, March 1, 2006	1:30 p.m.
LB 1209	Wednesday, March 1, 2006	1:30 p.m.
LB 1212	Thursday, March 2, 2006	1:30 p.m.
LB 1087	Thursday, March 2, 2006	1:30 p.m.
LB 1221	Thursday, March 2, 2006	1:30 p.m.
LB 781	Thursday, March 2, 2006	1:30 p.m.

LB 995 Thursday, March 2, 2006

1:30 p.m.

(Signed) David Landis, Chairperson

MOTION - Print in JournalSenator Beutler filed the following motion to LB 930:

Place LB 930 on General File notwithstanding the action of the committee, pursuant to Rule 3, Section 17.

RESOLUTIONS**LEGISLATIVE RESOLUTION 284.** Introduced by Aguilar, 35.

WHEREAS, Ralph Kelly served in the Nebraska Legislature from 1973 to 1980 representing the 35th District; and

WHEREAS, Ralph Kelly served his community of Grand Island as a business leader and community supporter; and

WHEREAS, Ralph Kelly was dedicated to his family and involved with his church; and

WHEREAS, Ralph Kelly won the respect and admiration of the people he mentored in public service.

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

1. The members of the Nebraska Legislature express their condolences to his family.

2. That a copy of this resolution be sent to the family of Ralph Kelly.

Laid over.

LEGISLATIVE RESOLUTION 285. Introduced by Smith, 48; Aguilar, 35; Baker, 44; Burling, 33; Combs, 32; Cudaback, 36; Cunningham, 40; Erdman, 47; Fischer, 43; Johnson, 37; Kremer, 34; Loudon, 49; McDonald, 41; D. Pederson, 42; Stuhr, 24; Stuthman, 22.

WHEREAS, Virginia Smith, formerly of Chappell, Nebraska, was born June 30, 1911, on a farm near Randolph, Iowa. Mrs. Smith graduated from high school in Shenandoah, Iowa, at the age of fifteen, and graduated from the University of Nebraska in 1936; and

WHEREAS, Mrs. Smith married Mr. Haven Smith in 1931, and they owned and operated a wheat farm near Chappell; and

WHEREAS, Mrs. Smith was a board member of the American Farm Bureau and Chairwoman of the International Farm Bureau Women. Mrs. Smith was elected to the U. S. House of Representatives in 1974, and served Nebraska's third congressional district from 1975 to 1991; and

WHEREAS, as a member of the U. S. House of Representatives, Mrs. Smith was the only Nebraska woman ever elected to a full term in Congress. She was a member of the House Appropriations Committee and became the

senior Republican woman in Congress. Mrs. Smith travelled the large third congressional district extensively, visiting each county in the district at least once each year; and

WHEREAS, Mrs. Smith was a supporter of education, farming, water development programs, animal research, and genetic research; and

WHEREAS, Mrs. Smith had abundant energy and a gift for public speaking which she used well while serving her rural Nebraska district; and

WHEREAS, Mrs. Smith retired from Congress in 1991 and moved to Sun City West, Arizona, where she led a drive to get the community its first post office; and

WHEREAS, Virginia Smith died Monday, January 23, 2006, at the age of 94. She was preceded in death by her husband, who died in 1997.

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

1. That the State of Nebraska mourns the death of Virginia Smith and recognizes her many years of service to the people of this state.

Laid over.

AMENDMENT - Print in Journal

Senator Stuhr filed the following amendment to LB 366:
(Amendment, AM1989, is printed separately and available in the Bill Room, Room 1104.)

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 764 and 765.

(Signed) Michael Flood, Chairperson

GENERAL FILE

LEGISLATIVE BILL 32. Senator Beutler renewed his pending amendment, AM1696, found on page 441 and considered on page 453.

Senator Beutler withdrew his amendment.

Senator Chambers renewed his pending amendment, FA371, found on page 453.

The Chambers amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 508. Title read. Considered.

Senator Beutler withdrew his pending amendment, FA77, found on page 735, First Session, 2005.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 916. Placed on General File.

(Signed) Bob Kremer, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 868. Placed on General File as amended.
Standing Committee amendment to LB 868:

AM1987

- 1 1. Strike original section 3.
- 2 2. On page 7, lines 17 to 21, strike the new matter and
- 3 insert "Within ninety days after the issuance of a license to a
- 4 nonresident licensee, the licensee shall provide to the commission
- 5 adequate proof of completion of a three-hour class approved by
- 6 the commission specific to the Nebraska Real Estate License Act
- 7 and the law of agency relationships enumerated in sections 76-2401
- 8 to 76-2430. If the licensee fails to provide adequate proof of
- 9 completion of the approved class to the commission within the
- 10 ninety-day period, the director of the commission or his or her
- 11 designee shall place the license on inactive status and notify the
- 12 licensee that he or she must show cause why the license should not
- 13 be revoked.".
- 14 3. On page 13, line 5, strike the first comma and insert
- 15 "and" and strike "and"; and in line 6 strike "81-885.24,".
- 16 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 926. Placed on General File as amended.
Standing Committee amendment to LB 926:
AM1996

- 1 1. Strike original sections 4 and 5.
- 2 2. On page 11, strike beginning with "section" in line 17
- 3 through "and" in line 18; and in line 19 strike "76-1010,".
- 4 3. Renumber the remaining sections accordingly.

(Signed) Mick Mines, Chairperson

AMENDMENT - Print in Journal

Senator Howard filed the following amendment to LB 861:
AM1960

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 60-3,159, Revised Statutes Supplement,
4 2005, is amended to read:
5 60-3,159. (1) Except as provided in subsection (2) of
6 this section, upon ~~Upon~~ application to register any motor vehicle
7 or trailer, no registration fee shall be required to be paid
8 thereon for any previous registration period during which such
9 motor vehicle or trailer was not at any time ~~driven or used~~
10 operated or towed upon any highway within this state, and the
11 person desiring to register such motor vehicle or trailer without
12 payment of fees for previous registration periods shall file with
13 the county treasurer or designated county official an affidavit
14 showing where, when, and for how long such motor vehicle or trailer
15 was stored and that the same was not used in this state during such
16 registration period or periods, and upon receipt thereof the county
17 treasurer or designated county official shall issue a registration
18 certificate.
19 (2) Registration fees may be prorated for a portion of a
20 registration period during which a person was not in Nebraska and
21 his or her motor vehicle was not operated or trailer was not towed
22 upon any highway of this state at any time during such portion of
23 the registration period if such person was not in Nebraska due to
1 military service and he or she presents to the county treasurer
2 or designated county official the military orders related to such
3 absence and an affidavit stating where, when, and for how long
4 such motor vehicle or trailer was stored and that the motor vehicle
5 was not operated or the trailer was not towed upon any highway in
6 this state during such portion of the registration period. The fees
7 shall be prorated based on the date of return shown on the military
8 orders.
9 Sec. 2. Original section 60-3,159, Revised Statutes
10 Supplement, 2005, is repealed.

UNANIMOUS CONSENT - Add Cointroducers

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 869. No objections. So ordered.

Senator Thompson asked unanimous consent to add her name as cointroducer to LB 1079. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Julie Hamann from Lincoln.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Cornett, the Legislature adjourned until 9:00 a.m., Thursday, January 26, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

