

**EIGHTEENTH DAY - JANUARY 31, 2006****LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE  
SECOND SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 31, 2006

**PRAYER**

The prayer was offered by Pastor Betty Jo Marples, Jubilee Church, Omaha.

**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, Heidemann, and Louden who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 497, lines 12 and 13, strike "printed separately and referred to" and insert "found".

Page 500, lines 4 through 9, strike "**RESOLUTION**" and insert "**BILL**".

The Journal for the seventeenth day was approved as corrected.

**NOTICE OF COMMITTEE HEARINGS****Nebraska Retirement Systems**

Room 1525

LB 1022	Wednesday, February 8, 2006	12:15 p.m.
LB 1023	Wednesday, February 8, 2006	12:15 p.m.
LB 1142	Wednesday, February 22, 2006	12:15 p.m.

(Signed) Elaine Stuhr, Chairperson

**MOTION - Withdraw LB 1188**

Senator Connealy renewed his pending motion, found on page 496, to withdraw LB 1188.

The Connealy motion to withdraw prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

**SPEAKER BRASHEAR PRESIDING****RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 279 and 280 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 279 and 280.

**SENATOR CUDABACK PRESIDING****BILLS ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 548.**

A BILL FOR AN ACT relating to public entities; to adopt the Public Entities Mandated Project Charges Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Connealy	Heidemann	Louden	Smith
Baker	Cornett	Howard	McDonald	Stuhr
Beutler	Cudaback	Hudkins	Mines	Stuthman
Bourne	Cunningham	Janssen	Pahls	Synowiecki
Brashear	Engel	Jensen	Pedersen, Dw.	Thompson
Brown	Erdman	Johnson	Pederson, D.	Wehrbein
Burling	Fischer	Kopplin	Price	
Byars	Flood	Kremer	Raikes	
Chambers	Foley	Landis	Redfield	
Combs	Friend	Langemeier	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Kruse	Preister	Schimek
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 588 with 39 ayes, 2 nays, and 8 present and not voting.

The following bill was put upon final passage:

#### LEGISLATIVE BILL 588.

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-1203, 50-1204, 50-1205, 50-1205.01, 50-1213, 50-1214, and 50-1215, Reissue Revised Statutes of Nebraska, sections 84-304 and 84-311, Revised Statutes Cumulative Supplement, 2004, and sections 77-2711 and 77-27,119, Revised Statutes Supplement, 2005; to change provisions relating to the Legislative Performance Audit Committee and the Legislative Performance Audit Section; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Aguilar	Combs	Friend	Landis	Schrock
Baker	Connealy	Heidemann	Louden	Stuhr
Beutler	Cornett	Howard	McDonald	Stuthman
Bourne	Cudaback	Hudkins	Mines	Synowiecki
Brashear	Cunningham	Janssen	Pahls	Thompson
Brown	Engel	Johnson	Pedersen, Dw.	Wehrbein
Burling	Erdman	Kopplin	Pederson, D.	
Byars	Fischer	Kremer	Price	
Chambers	Foley	Kruse	Schimek	

Voting in the negative, 5:

Flood	Langemeier	Raikes	Redfield	Smith
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Present and not voting, 2:

Jensen	Preister
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 693 with 41 ayes, 3 nays, and 5 present and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 693.** With Emergency.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority; to amend sections 58-201, 58-203, 58-207, and 58-219, Reissue Revised Statutes of Nebraska, and section 58-202, Revised Statutes Supplement, 2005; to authorize financing for economic-impact projects; to authorize public-private initiatives; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Aguilar	Connealy	Heidemann	Langemeier	Schrock
Baker	Cornett	Howard	Louden	Smith
Beutler	Cudaback	Hudkins	McDonald	Stuhr
Bourne	Cunningham	Janssen	Mines	Stuthman
Brashear	Engel	Jensen	Pahls	Synowiecki
Brown	Erdman	Johnson	Pedersen, Dw.	Thompson
Burling	Fischer	Kopplin	Pederson, D.	Wehrbein
Byars	Flood	Kremer	Price	
Chambers	Foley	Kruse	Redfield	
Combs	Friend	Landis	Schimek	

Voting in the negative, 0.

Present and not voting, 2:

Preister            Raikes

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

#### **LEGISLATIVE BILL 764.**

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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Aguilar	Cornett	Howard	Louden	Schrock
Baker	Cudaback	Hudkins	McDonald	Smith
Beutler	Cunningham	Janssen	Mines	Stuhr
Bourne	Engel	Jensen	Pahls	Stuthman
Brashear	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Brown	Fischer	Kopplin	Pederson, D.	Thompson
Burling	Flood	Kremer	Price	Wehrbein
Byars	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 765.** With Emergency.

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.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Aguilar	Connealy	Heidemann	Langemeier	Schimek
Baker	Cornett	Howard	Louden	Schrock
Beutler	Cudaback	Hudkins	McDonald	Smith
Bourne	Cunningham	Janssen	Mines	Stuhr
Brashear	Engel	Jensen	Pahls	Stuthman
Brown	Erdman	Johnson	Pedersen, Dw.	Synowiecki
Burling	Fischer	Kopplin	Pederson, D.	Thompson
Byars	Flood	Kremer	Price	Wehrbein
Chambers	Foley	Kruse	Raikes	
Combs	Friend	Landis	Redfield	

Voting in the negative, 0.

Present and not voting, 1:

Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

### GENERAL FILE

**LEGISLATIVE BILL 1003.** Title read. Considered.

The Standing Committee amendment, AM1935, printed separately and referred to on page 452, was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, and 11 present and not voting.

### SPEAKER BRASHEAR PRESIDING

#### SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 548, 588, 693, 764, and 765.

### SENATOR CUDABACK PRESIDING

#### GENERAL FILE

**LEGISLATIVE BILL 14.** Title read. Considered.

The Standing Committee amendment, AM0135, found on page 382, First Session, 2005, was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Senator Chambers offered the following amendment:

FA376

P. 5 strike subsection (6).

Senator Chambers moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The Chambers amendment was adopted with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 75.** Title read. Considered.

The Standing Committee amendment, AM0022, found on page 382, First Session, 2005, was considered.

Senator Landis withdrew his pending amendment, AM1926, found on page 414.

Senator Beutler offered the following motion:

Suspend Rule 7, Section 3(d), to permit consideration of AM2042 to LB 75.

Pending.

**NOTICE OF COMMITTEE HEARING**

**Urban Affairs**

Room 1510

LB 1174	Tuesday, February 7, 2006	1:30 p.m.
LB 1175	Tuesday, February 7, 2006	1:30 p.m.
LB 1176	Tuesday, February 7, 2006	1:30 p.m.

(Signed) Mike Friend, Chairperson

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on January 31, 2006, at 10:25 a.m. were the following: LBs 548, 588, 693e, 764, and 765e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

**SELECT COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 366.** Placed on Select File as amended.

(E & R amendment, AM7141, is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 542A.** Placed on Select File as amended.

E & R amendment to LB 542A:

AM7142

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. There is hereby appropriated \$250,000 from the  
 4 General Fund for FY2006-07 to the Legislative Council, for Program  
 5 122, to aid in carrying out the provisions of Legislative Bill 542,  
 6 Ninety-ninth Legislature, Second Session, 2006.  
 7 No expenditures for permanent and temporary salaries and  
 8 per diems for state employees shall be made from funds appropriated  
 9 in this section.  
 10 Sec. 2. Since an emergency exists, this act takes effect  
 11 when passed and approved according to law.  
 12 2. On page 1, line 3, strike "First Session, 2005" and  
 13 insert "Second Session, 2006".

(Signed) Michael Flood, Chairperson

**STANDING COMMITTEE REPORT**  
**Transportation and Telecommunications**

**LEGISLATIVE BILL 958.** Placed on General File as amended.

Standing Committee amendment to LB 958:

AM2031

- 1 1. On page 4, strike beginning with "Any" in line 1  
 2 through the period in line 7, show the old matter as stricken, and  
 3 insert "For carrying grain or other seasonally harvested products  
 4 from the field where such grain or products are harvested to  
 5 storage, market, or stockpile in the field or from stockpile to  
 6 market or factory up to seventy miles: (a) Any motor vehicle,  
 7 semitrailer, or trailer may operate with a load that exceeds the  
 8 maximum load permitted by section 60-6.294 by fifteen percent  
 9 on any tandem axle, group of axles, and gross weight; and (b)  
 10 any truck with no more than two axles may operate with a load  
 11 that exceeds the maximum load and gross weight for a single axle  
 12 permitted by section 60-6.294 by fifteen percent.".

(Signed) Tom Baker, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 287.** Introduced by Johnson, 37.

WHEREAS, Adam C. Prochaska, of Kearney, Nebraska, has earned the highest honor and rank of the Boy Scouts of America, the rank of Eagle Scout; and

WHEREAS, to earn the rank of Eagle Scout, Adam C. Prochaska fulfilled requirements in the areas of leadership, service, and outdoor skills and passed through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle; and

WHEREAS, to achieve the rank of Eagle Scout, Adam C. Prochaska earned at least twenty-one merit badges, twelve in required areas, and completed a community service project approved by his Boy Scout troop and the Boy Scout Council; and

WHEREAS, only two percent of all young men who join the Boy Scouts of America attain the rank of Eagle Scout; and

WHEREAS, Adam C. Prochaska has achieved great success, is an exemplary member of the scouting program, and has represented his troop and community with excellence.

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

1. That the Legislature congratulates Adam C. Prochaska on his achievement of the elite rank of Eagle Scout in the Boy Scouts of America and recognizes his outstanding community service efforts in Kearney.

2. That a copy of this resolution be sent to Adam C. Prochaska and his family.

Laid over.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Dw. Pedersen asked unanimous consent to add his name as cointroducer to LB 1016. No objections. So ordered.

Senator Combs asked unanimous consent to add her name as cointroducer to LB 770. No objections. So ordered.

**VISITORS**

Visitor to the Chamber was Michael H. McCabe from Lombard, Illinois.

The Doctor of the Day was Dr. Vanessa V. Berg from Omaha.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Jensen, the Legislature adjourned until 9:00 a.m., Wednesday, February 1, 2006.

Patrick J. O'Donnell  
Clerk of the Legislature