

TWENTY-FIFTH DAY - FEBRUARY 10, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 10, 2006

PRAYER

The prayer was offered by Pastor Lynette Janssen, St. John's Lutheran Church, Otoe.

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 Beutler, Brashear, Cornett, Cunningham, Engel, McDonald, and Pahls who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 1111. Placed on Select File.

LEGISLATIVE BILL 454A. Placed on Select File as amended.
E & R amendment to LB 454A:
AM7160

- 1 1. On page 1, line 3, strike "First Session, 2005" and
- 2 insert "Second Session, 2006".

(Signed) Michael Flood, Chairperson

**STANDING COMMITTEE REPORTS
Nebraska Retirement Systems**

LEGISLATIVE BILL 1019. Placed on General File as amended.
(Standing Committee amendment, AM2207, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Elaine Stuhr, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1151. Placed on General File as amended.
Standing Committee amendment to LB 1151:
AM2235

- 1 1. On page 2, line 23, after "60-3,118" insert ", and a
- 2 maximum of six characters may be used".
- 3 2. On page 3, line 6, after "The" insert "initial".

(Signed) Tom Baker, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 902. Indefinitely postponed.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Richard Christensen - State Emergency Response Commission
Tim Hofbauer - State Emergency Response Commission
Mark Reimers - State Emergency Response Commission

VOTE: Aye: Senators Burling, Fischer, Mines, Pahls, Schimek, Wehrbein.
Nay: None. Absent: Senators Brown, Langemeier.

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Michael Siedschlag - Nebraska Power Review Board

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Loudon, Schrock, Smith, Stuhr. Nay: None. Absent: Senator McDonald.

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Mark Whitehead - Environmental Quality Council

VOTE: Aye: Senators Hudkins, Kopplin, Kremer, Louden, Schrock, Smith, Stuhr. Nay: None. Absent: Senator McDonald.

(Signed) Ed Schrock, Chairperson

AMENDMENT - Print in Journal

Senator Kremer filed the following amendment to LB 856:
AM2214

(Amendments to Standing Committee amendments, AM2107)

- 1 1. On page 4, line 2, after "located" insert "to
- 2 the extent that this section does not conflict with State
- 3 Veterinarian's disease surveillance authorities pursuant to section
- 4 54-701.02".

ANNOUNCEMENT

The Natural Resources Committee designates LB 933 as its priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 9, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Blankenau, Don, of Fennemore Craig
Resources Districts, Nebraska Association of

REPORTS

The following reports were received by the Legislature:

Economic Development, Department of

2004-2005 Fiscal Year Annual Report

Investment Finance Authority

Community Development Loan Notes (City of Lincoln Program-2006)

Roads, Department of

2005 Annual Report

MOTIONS - Approve Appointments

Senator Kremer moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 582:

State Fair Board
Linda Lovgren

Voting in the affirmative, 34:

Aguilar	Cudaback	Howard	Landis	Schrock
Baker	Erdman	Hudkins	Langemeier	Stuhr
Bourne	Fischer	Janssen	Louden	Stuthman
Brown	Flood	Jensen	Mines	Synowiecki
Burling	Foley	Johnson	Pedersen, Dw.	Thompson
Byars	Friend	Kopplin	Pederson, D.	Wehrbein
Combs	Heidemann	Kremer	Raikes	

Voting in the negative, 0.

Present and not voting, 8:

Chambers	Kruse	Price	Schimek
Connealy	Preister	Redfield	Smith

Excused and not voting, 7:

Beutler	Cornett	Engel	Pahls
Brashear	Cunningham	McDonald	

The appointment was confirmed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Senator Kremer moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 582:

State Fair Board
John Peetz

Voting in the affirmative, 33:

Aguilar	Cudaback	Jensen	Louden	Schrock
Baker	Erdman	Johnson	Mines	Stuhr
Brashear	Fischer	Kopplin	Pedersen, Dw.	Stuthman
Burling	Flood	Kremer	Pederson, D.	Synowiecki
Byars	Friend	Kruse	Price	Wehrbein
Connealy	Heidemann	Landis	Raikes	
Cornett	Janssen	Langemeier	Redfield	

Voting in the negative, 0.

Present and not voting, 11:

Bourne	Combs	Hudkins	Smith
Brown	Foley	Preister	Thompson
Chambers	Howard	Schimek	

Excused and not voting, 5:

Beutler Cunningham Engel McDonald Pahls

The appointment was confirmed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1003. E & R amendment, AM7149, found on page 522, was adopted.

Senator Landis renewed his pending amendment, AM2152, found on page 566.

The Landis amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 2CA. E & R amendment, AM7077, found on page 1129, First Session, 2005, was adopted.

Senator Chambers offered the following amendment:

FA436

P. 2, line 25 strike "primarily".

The Chambers amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 85. E & R amendment, AM7143, found on page 514, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 85A. E & R amendment, AM7144, found on page 515, was adopted.

Senator Chambers offered the following amendment:

FA437

Amendment to AM1879

Line 3, strike "\$59,594" and insert "\$30,000"; line 4, strike "\$82,296" and insert \$40,000

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:

FA438

Amendment to AM1879

Line 3 strike "\$59,594" and insert "\$30,000"; and in line 5 strike "\$105,226" and insert "\$55,000".

The Chambers amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 14. E & R amendment, AM7148, found on page 522, was adopted.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 1160. Placed on General File as amended.

Standing Committee amendment to LB 1160:

AM2182

- 1 1. Strike original section 2 and insert the following new
- 2 section:
- 3 Sec. 2. (1) On or before January 1, 2007, the commission
- 4 may adopt and promulgate rules and regulations governing programs
- 5 which provide training for persons employed in the sale and service
- 6 of alcoholic liquor and management of licensed premises. Such rules
- 7 and regulations may include, but need not be limited to:
- 8 (a) Minimum standards governing training of beverage
- 9 servers, including standards and requirements governing curriculum,
- 10 program trainers, and certification requirements;
- 11 (b) Minimum standards governing training in management of
- 12 licensed premises, including standards and requirements governing
- 13 curriculum, program trainers, and certification requirements;
- 14 (c) Minimum standards governing the methods allowed for
- 15 training programs which may include the Internet, interactive
- 16 video, live training in various locations across the state, and
- 17 other means deemed appropriate by the commission;
- 18 (d) Methods for approving beverage server training
- 19 organizations and programs;
- 20 (e) Enrollment fees in an amount determined by the
- 21 commission to be necessary to cover the expense of enrolling in a
- 22 training program offered by the commission pursuant to subsection
- 23 (2) of this section, but not to exceed thirty dollars; and
- 1 (f) Procedures and fees for certification.
- 2 (2) The commission may create a program to provide
- 3 training for persons employed in the sale and service of alcoholic
- 4 liquor and management of licensed premises. The program shall

5 include training on the issues of sale or service of alcoholic
 6 liquor to minors and to visibly inebriated purchasers. The
 7 commission may charge each person enrolling in the program an
 8 enrollment fee as provided in the rules and regulations.

9 (3) A person who has completed a training program which
 10 complies with the rules and regulations, whether such program
 11 is offered by the commission or by another organization, may be
 12 certified by the commission upon filing evidence that he or she has
 13 completed such program and paying the certification fee established
 14 under this section.

15 (4) The Beverage Server Training and Certification
 16 Program Cash Fund is created. The fund shall be under the direction
 17 of the commission. Enrollment fees received pursuant to any
 18 beverage server training and certification program offered by the
 19 commission and certification fees shall be placed into the fund.
 20 The commission shall use the fund to provide support for beverage
 21 server and management training and certification activities and
 22 operating expenses. Any money in the fund available for investment
 23 shall be invested by the state investment officer pursuant to
 24 the Nebraska Capital Expansion Act and the Nebraska State Funds
 25 Investment Act.

(Signed) Ray Janssen, Chairperson

Judiciary

LEGISLATIVE BILL 279. Placed on General File as amended.

Standing Committee amendment to LB 279:

AM2108

1 1. On page 2, line 4, after the period insert "This
 2 section does not apply to a residential rental agreement containing
 3 a provision for attorney's fees prohibited under subdivision (1)(c)
 4 of section 76-1415.".

LEGISLATIVE BILL 885. Indefinitely postponed.

The Judiciary Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Miguel Gomez - Board of Parole

Rosalyn R. Cotton - Board of Parole

VOTE: Aye: Senators Aguilar, Bourne, Chambers, Combs, Flood, Friend, Dw. Pedersen. Nay: None. Absent: None. Not Voting: Senator Foley.

(Signed) Patrick J. Bourne, Chairperson

COMMUNICATIONS

February 3, 2006

Mr. Patrick O'Donnell
Clerk of the Legislature
Room 2018
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943 Legislative approval is required for the following University of Nebraska project:

University of Nebraska at Kearney, Student Housing Construction Project Amended Budget and Resolution. The University of Nebraska at Kearney proposes to transfer up to \$1,500,000 from the 1986 Surplus Fund. The additional funds will provide for adding 32 beds to the original \$20,280,000 Student Housing Project financed by the issuance of revenue bonds.

The additional expenditure relates to the Bond Resolution dated December 1, 1964, authorizing the issuance of Revenue Bonds by the Board of Regents. The Board has issued revenue bonds payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska at Kearney, under which a 1986 Surplus Fund was created.

Section 6.2 of the Resolution requires the Board to operate the Facilities (as defined in the Resolution) in an efficient, sound and economical manner and to keep all facilities and betterments hereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that at all times the business carried on in connection therewith shall be properly and advantageously conducted.

Request. The University requests approval of additional funds in the amount of \$1,500,000 for adding beds for the 2005 Student Housing Project with a new total of \$21,780,000. The additional funds will be financed from the Bond Surplus Funds. The increase will enable beds to be added to the project at a relatively reasonable incremental cost per bed without any changes to the more expensive infrastructure that supports a project of this magnitude. The request for proposal will ask contractors to bid on the project based on the original scope and, additionally, propose a bid alternate as to what the incremental cost

would be for adding the additional beds. Based upon the bids received, the best value will be selected from among the responses.

The Board of Regents authorized the expenditure of \$20,280,000 for the Student Housing Project at the June 10, 2005, meeting and approved the amended budget and resolution for an additional expenditure of \$1,500,000 for a total project cost of \$21,780,000 on December 1, 2005. The Nebraska Coordinating Commission for Postsecondary Education approved the expenditure for the Student Housing Project at their meeting on August 9, 2005, and the amended budget and resolution on February 2, 2006.

Thank you for your consideration of this project.

Respectfully submitted,
(Signed) Donal J. Burns
Corporation Secretary

February 10, 2006

Senator Pat Engel
Chairman, Executive Board
Room 2010, State Capitol
Lincoln, NE 68509

Dear Senator Engel,

Enclosed is correspondence from Donal Burns, Corporation Secretary for the Office of the President of the University of Nebraska and correspondence from the Coordinating Commission for Postsecondary Education. The correspondence relates to expenditure of bond surplus funds for the following:

University of Nebraska at Kearney: Student Housing Construction Project.

I am forwarding this correspondence to you for Executive Board action.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the University of Nebraska's request to issue revenue bonds to the Appropriations Committee for further consideration.

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

GENERAL FILE

LEGISLATIVE BILL 853. The Standing Committee amendment, AM1986, printed separately and referred to on page 455 and considered on page 568, was renewed.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Langemeier offered the following amendment:

FA439

Amendment to AM1986

On page 13, line 15 after "personnel" add "with a valid military driver's license"

The Langemeier amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Flood offered the following amendment:

FA440

Amendment to AM1986

1. Pg. 5, line 20, after "director" strike "may" and insert "shall."

2. Pg. 5, line 21, after "payment" insert "of certified funds."

3. Pg. 5, line 23, after "costs" insert "not to exceed twenty-five dollars."

The Flood amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:

FA441

Amendment to AM1986

P. 6, strike lines 5-14 and renumber.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment:

FA442

Amendment to AM1986

P. 8, line 12 strike "over" and show as stricken, and insert "older than";

SENATOR JANSSEN PRESIDING**SENATOR CUDABACK PRESIDING**

Senator Chambers withdrew his amendment.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Senator Byars filed the following amendment to LB 87:
AM2239

(Amendments to AM1812)

- 1 1. On page 10, line 15, after "serve" insert "more than
- 2 two"; in line 16 strike ", or more than five consecutive years.";
- 3 and strike beginning with "affording" in line 21 through "notice"
- 4 in line 24 and insert "a public hearing in accordance with the
- 5 Administrative Procedure Act".

VISITORS

Visitors to the Chamber were Senator Janssen's sister and cousin, Erlaine Plugge from Ralston and Joel Janssen from Papillion; and Jill Bauermeister from Columbus.

The Doctor of the Day was Dr. Lane Handke from Lincoln.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Synowiecki, the Legislature adjourned until 10:00 a.m., Monday, February 13, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

