

FIFTY-FIFTH DAY - APRIL 5, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 5, 2006

PRAYER

The prayer was offered by Senator Kruse.

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 Senator Cornett who was excused; and Senators Baker, Brown, Combs, Jensen, Landis, Loudon, McDonald, D. Pederson, Raikes, Synowiecki, Thompson, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 924:
AM3073

(Amendments to E & R amendments, AM7219)

- 1 1. On page 2, line 2, after "is" insert "primarily".

Senator Beutler filed the following amendment to LB 924:
AM3074

(Amendments to E & R amendments, AM7219)

- 1 1. On page 2, line 9, after "make" insert "all or a
- 2 portion of".

GENERAL FILE

LEGISLATIVE BILL 489A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1199. E & R amendment, AM7204, found on page 1348, was adopted.

Senator Bourne renewed his pending amendment, AM3082, printed separately and referred to on page 1432.

The Bourne amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1199A. Senator Bourne offered the following amendment:

FA671

Insert the following new section:

Section 4. There is hereby appropriated \$12,168 from the General Fund for FY2006-07 to the Department of Health and Human Services Regulation and Licensure, for Program 177, to aid in carrying out the provisions of Legislative Bill 1199, Ninety-ninth Legislature, Second Session, 2006.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

The Bourne amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1226. E & R amendment, AM7210, found on page 1350, was adopted.

Senator Louden asked unanimous consent to withdraw his pending amendment, FA646, found on page 1300, and replace it with his substitute amendment, AM2971. No objections. So ordered.

AM2971

(Amendments to Standing Committee amendments, AM2578)

- 1 1. Strike sections 4, 30, and 32.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

Senator Louden moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Louden amendment lost with 3 ayes, 22 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Kremer reoffered the Kremer et al. amendment, AM2723, found on page 1064 and considered on page 1299.

Senator Beutler offered the following amendment to the Kremer et al. pending amendment:
FA672

Amendment to AM2723

Strike the new language on lines 7 and 8 on page 1.

Senator Beutler withdrew his amendment.

Senator Kremer withdrew the Kremer et al. amendment.

Senator Schrock asked unanimous consent to withdraw his pending amendment, AM2979, found on page 1346, and replace it with his substitute amendment, AM3069. No objections. So ordered.

AM3069

(Amendments to Standing Committee amendments, AM2578)

- 1 1. On page 84, line 15, after "46-715" insert ".
2 This subdivision does not apply to a water user described in
3 this subdivision that is regulated by the Industrial Ground
4 Water Regulatory Act and the United States Nuclear Regulatory
5 Commission".

The Schrock amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Schrock renewed his pending amendment, AM2990, found on page 1383.

The Schrock amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senator Langemeier offered the following amendment:
AM3078

(Amendments to Standing Committee amendments, AM2578)

- 1 1. On page 5, line 11, and page 40, line 3, after the
2 period insert "No General Fund appropriations shall be made to this
3 program after FY2007-08".

SENATOR JANSSEN PRESIDING

The Langemeier amendment lost with 12 ayes, 16 nays, 16 present and not voting, and 5 excused and not voting.

Senator Beutler offered the following amendment:
AM3095

(Amendments to AM2578)

1 1. Insert the following new sections:

2 Sec. 30. (1) There shall be allowed a credit with respect
3 to the income taxes imposed by the Nebraska Revenue Act of 1967
4 to a taxpayer who donates during the taxable year all or part of
5 the value of a perpetual conservation easement upon real property
6 the taxpayer owns to the state or to a charitable organization
7 approved by the Department of Natural Resources which has the
8 financial resources to indefinitely monitor and enforce the terms
9 of the easement. The credit shall only be allowed for a donation
10 that qualifies as a qualified conservation contribution pursuant to
11 section 170(h) of the Internal Revenue Code of 1986, as amended.
12 The amount of the credit shall not include the deduction for any
13 portion of an easement on real property located in another state.

14 (2) To qualify for the income tax credit:

15 (a) The taxpayer shall file an application with the
16 Department of Natural Resources. The department shall review the
17 application and render a decision within sixty days. The department
18 shall approve the application if the perpetual conservation
19 easement meets the minimal requirements set forth in subdivision
20 (2)(b) of this section and is located in an area designated as
21 overappropriated pursuant to section 46-713 or determined to be
22 fully appropriated pursuant to section 46-714.

1 (b) The perpetual conservation easement shall be in
2 perpetuity and shall preclude any pumping of water except for (i)
3 domestic purposes, (ii) stock well purposes, and (iii) restoration
4 of wetlands. The easement may permit pumping of water during any
5 period when the Department of Natural Resources determines there is
6 not a water quantity shortage;

7 (c) The taxpayer shall file the approval of the perpetual
8 conservation easement issued by the Department of Natural Resources
9 with the return for the taxable year in which the income tax credit
10 is claimed;

11 (d) The perpetual conservation easement shall be filed
12 with the office of register of deeds of each county in which real
13 property subject to the easement is located; and

14 (e) The holder of the perpetual conservation easement
15 shall have a monitoring program to ensure that the terms of the
16 easement are followed.

17 (3) The income tax credit shall be an amount equal
18 to fifteen percent of the deduction taken by the taxpayer under
19 section 170(h) of the Internal Revenue Code of 1986, as amended. If
20 the conservation easement for which the deduction is taken covers
21 land located in Nebraska and one or more other states, the amount
22 of the deduction shall be apportioned by dividing the number of
23 acres covered by the conservation easement that are located in
24 Nebraska by the total number of acres covered by the conservation

easement. In the case of a partnership, subchapter S corporation, or other similar pass-through entity that donates a perpetual conservation easement as an entity, the credit shall be allocated to the entity's partners, members, or shareholders in proportion to the partners', members', or shareholders' distributive shares of income from the entity.

(4) If the income tax credit exceeds the amount of income tax due on the income of the taxpayer for the taxable year, the amount of the income tax credit not used shall be refunded.

(5) No new applications may be accepted for tax credits under this section after December 31, 2012.

(6) On or before January 1, 2008, and each January 1 thereafter through January 1, 2015, the Department of Revenue shall issue a report to the Legislature and Governor detailing the use of income tax credits under this section. A portion of the report shall show easements and income tax credits by natural resources district. The Department of Natural Resources shall assist the Department of Revenue with the report. The report shall be presented using aggregated information and other techniques so as not to reveal confidential information that allows identification of any taxpayer. The report shall not be issued until the Tax Commissioner has confirmed in writing that the report does not reveal any confidential information that allows identification of any taxpayer.

Sec. 31. Section 77-2701, Revised Statutes Supplement, 2005, is amended to read:

77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and 77-27,228 to 77-27,234 and section 30 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 32. Section 77-2715.07, Revised Statutes Supplement, 2005, is amended to read:

77-2715.07 (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

(b) A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to qualified resident individuals against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) For returns filed reporting federal adjusted gross incomes of greater than twenty-nine thousand dollars, a nonrefundable credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code of 1986, as amended;

(b) For returns filed reporting federal adjusted gross income of twenty-nine thousand dollars or less, a refundable credit equal to a percentage of the federal credit allowable under section

20 21 of the Internal Revenue Code of 1986, as amended, whether or
21 not the federal credit was limited by the federal tax liability.
22 The percentage of the federal credit shall be one hundred percent
23 for incomes not greater than twenty-two thousand dollars, and
24 the percentage shall be reduced by ten percent for each one
25 thousand dollars, or fraction thereof, by which the reported
26 federal adjusted gross income exceeds twenty-two thousand dollars;

27 (c) A refundable credit for individuals who qualify for
1 an income tax credit under the Beginning Farmer Tax Credit Act for
2 all taxable years beginning or deemed to begin on or after January
3 1, 2001, under the Internal Revenue Code of 1986, as amended; and

4 (d) A refundable credit for individuals who qualify for
5 an income tax credit under the Nebraska Advantage Microenterprise
6 Tax Credit Act or the Nebraska Advantage Research and Development
7 Act.

8 (3) There shall be allowed to all individuals as a
9 nonrefundable credit against the income tax imposed by the Nebraska
10 Revenue Act of 1967:

11 (a) A credit for personal exemptions allowed under
12 section 77-2716.01; and

13 (b) A credit for contributions to certified community
14 betterment programs as provided in the Community Development
15 Assistance Act. Each partner, each shareholder of an electing
16 subchapter S corporation, each beneficiary of an estate or trust,
17 or each member of a limited liability company shall report his or
18 her share of the credit in the same manner and proportion as he
19 or she reports the partnership, subchapter S corporation, estate,
20 trust, or limited liability company income.

21 (4) There shall be allowed as a credit against the income
22 tax imposed by the Nebraska Revenue Act of 1967:

23 (a) A credit to all resident estates and trusts for taxes
24 paid to another state as provided in section 77-2730; and

25 (b) A credit to all estates and trusts for contributions
26 to certified community betterment programs as provided in the
27 Community Development Assistance Act.

1 (5) There shall be allowed to all business firms as a
2 credit against the income tax imposed by the Nebraska Revenue Act
3 of 1967 a credit as provided in section 77-27,222.

4 (6) There shall be allowed as a refundable credit against
5 the income tax imposed by the Nebraska Revenue Act of 1967 a credit
6 as provided in section 30 of this act.

7 Sec. 33. Section 77-2717, Revised Statutes Supplement,
8 2005, is amended to read:

9 77-2717 (1)(a) The tax imposed on all resident estates
10 and trusts shall be a percentage of the federal taxable income
11 of such estates and trusts as modified in section 77-2716, plus
12 a percentage of the federal alternative minimum tax and the
13 federal tax on premature or lump-sum distributions from qualified
14 retirement plans. The additional taxes shall be recomputed by (i)

15 substituting Nebraska taxable income for federal taxable income,
16 (ii) calculating what the federal alternative minimum tax would
17 be on Nebraska taxable income and adjusting such calculations for
18 any items which are reflected differently in the determination
19 of federal taxable income, and (iii) applying Nebraska rates to
20 the result. The federal credit for prior year minimum tax, after
21 the recomputations required by the Nebraska Revenue Act of 1967,
22 and the credits provided in the Nebraska Advantage Microenterprise
23 Tax Credit Act, the Nebraska Advantage Research and Development
24 Act, and section 77-27,222 and section 30 of this act shall be
25 allowed as a reduction in the income tax due. A refundable income
26 tax credit shall be allowed for all resident estates and trusts
27 under the Nebraska Advantage Microenterprise Tax Credit Act and the
1 Nebraska Advantage Research and Development Act.

2 (b) The tax imposed on all nonresident estates and trusts
3 shall be the portion of the tax imposed on resident estates and
4 trusts which is attributable to the income derived from sources
5 within this state. The tax which is attributable to income derived
6 from sources within this state shall be determined by multiplying
7 the liability to this state for a resident estate or trust with
8 the same total income by a fraction, the numerator of which is
9 the nonresident estate's or trust's Nebraska income as determined
10 by sections 77-2724 and 77-2725 and the denominator of which is
11 its total federal income after first adjusting each by the amounts
12 provided in section 77-2716.

13 (2) In all instances wherein a fiduciary income tax
14 return is required under the provisions of the Internal Revenue
15 Code, a Nebraska fiduciary return shall be filed, except that a
16 fiduciary return shall not be required to be filed regarding a
17 simple trust if all of the trust's beneficiaries are residents of
18 the State of Nebraska, all of the trust's income is derived from
19 sources in this state, and the trust has no federal tax liability.
20 The fiduciary shall be responsible for making the return for the
21 estate or trust for which he or she acts, whether the income be
22 taxable to the estate or trust or to the beneficiaries thereof.
23 The fiduciary shall include in the return a statement of each
24 beneficiary's distributive share of net income when such income is
25 taxable to such beneficiaries.

26 (3) The beneficiaries of such estate or trust who are
27 residents of this state shall include in their income their
1 proportionate share of such estate's or trust's federal income and
2 shall reduce their Nebraska tax liability by their proportionate
3 share of the credits as provided in the Nebraska Advantage
4 Microenterprise Tax Credit Act, the Nebraska Advantage Research
5 and Development Act, and section 77-27,222 and section 30 of this
6 act. There shall be allowed to a beneficiary a refundable income
7 tax credit under the Beginning Farmer Tax Credit Act for all
8 taxable years beginning or deemed to begin on or after January 1,
9 2001, under the Internal Revenue Code of 1986, as amended.

10 (4) If any beneficiary of such estate or trust is a
11 nonresident during any part of the estate's or trust's taxable
12 year, he or she shall file a Nebraska income tax return which
13 shall include (a) in Nebraska adjusted gross income that portion
14 of the estate's or trust's Nebraska income, as determined under
15 sections 77-2724 and 77-2725, allocable to his or her interest
16 in the estate or trust and (b) a reduction of the Nebraska tax
17 liability by his or her proportionate share of the credits as
18 provided in the Nebraska Advantage Microenterprise Tax Credit Act,
19 the Nebraska Advantage Research and Development Act, and section
20 77-27,222 and section 30 of this act and shall execute and forward
21 to the fiduciary, on or before the original due date of the
22 Nebraska fiduciary return, an agreement which states that he or she
23 will file a Nebraska income tax return and pay income tax on all
24 income derived from or connected with sources in this state, and
25 such agreement shall be attached to the Nebraska fiduciary return
26 for such taxable year.

27 (5) In the absence of the nonresident beneficiary's
1 executed agreement being attached to the Nebraska fiduciary return,
2 the estate or trust shall remit a portion of such beneficiary's
3 income which was derived from or attributable to Nebraska sources
4 with its Nebraska return for the taxable year. The amount of
5 remittance, in such instance, shall be the highest individual
6 income tax rate determined under section 77-2715.02 multiplied by
7 the nonresident beneficiary's share of the estate or trust income
8 which was derived from or attributable to sources within this
9 state. The amount remitted shall be allowed as a credit against the
10 Nebraska income tax liability of the beneficiary.

11 (6) The Tax Commissioner may allow a nonresident
12 beneficiary to not file a Nebraska income tax return if the
13 nonresident beneficiary's only source of Nebraska income was his or
14 her share of the estate's or trust's income which was derived from
15 or attributable to sources within this state, the nonresident did
16 not file an agreement to file a Nebraska income tax return, and
17 the estate or trust has remitted the amount required by subsection
18 (5) of this section on behalf of such nonresident beneficiary. The
19 amount remitted shall be retained in satisfaction of the Nebraska
20 income tax liability of the nonresident beneficiary.

21 (7) For purposes of this section, unless the context
22 otherwise requires, simple trust shall mean any trust instrument
23 which (a) requires that all income shall be distributed currently
24 to the beneficiaries, (b) does not allow amounts to be paid,
25 permanently set aside, or used in the tax year for charitable
26 purposes, and (c) does not distribute amounts allocated in the
27 corpus of the trust. Any trust which does not qualify as a simple
1 trust shall be deemed a complex trust.

2 Sec. 34. Section 77-2734.03, Revised Statutes Supplement,
3 2005, is amended to read:

4 77-2734.03 (1)(a) For taxable years commencing prior to

5 January 1, 1997, any (i) insurer paying a tax on premiums and
6 assessments pursuant to section 77-908 or 81-523, (ii) electric
7 cooperative organized under the Joint Public Power Authority Act,
8 or (iii) credit union shall be credited, in the computation of
9 the tax due under the Nebraska Revenue Act of 1967, with the
10 amount paid during the taxable year as taxes on such premiums and
11 assessments and taxes in lieu of intangible tax.

12 (b) For taxable years commencing on or after January 1,
13 1997, any insurer paying a tax on premiums and assessments pursuant
14 to section 77-908 or 81-523, any electric cooperative organized
15 under the Joint Public Power Authority Act, or any credit union
16 shall be credited, in the computation of the tax due under the
17 Nebraska Revenue Act of 1967, with the amount paid during the
18 taxable year as (i) taxes on such premiums and assessments included
19 as Nebraska premiums and assessments under section 77-2734.05 and
20 (ii) taxes in lieu of intangible tax.

21 (c) For taxable years commencing or deemed to commence
22 prior to, on, or after January 1, 1998, any insurer paying a tax on
23 premiums and assessments pursuant to section 77-908 or 81-523 shall
24 be credited, in the computation of the tax due under the Nebraska
25 Revenue Act of 1967, with the amount paid during the taxable year
26 as assessments allowed as an offset against premium and related
27 retaliatory tax liability pursuant to section 44-4233.

1 (2) There shall be allowed to corporate taxpayers a
2 tax credit for contributions to community betterment programs as
3 provided in the Community Development Assistance Act.

4 (3) There shall be allowed to corporate taxpayers a
5 refundable income tax credit under the Beginning Farmer Tax Credit
6 Act for all taxable years beginning or deemed to begin on or
7 after January 1, 2001, under the Internal Revenue Code of 1986, as
8 amended.

9 (4) There shall be allowed to corporate taxpayers a tax
10 credit as provided in section 77-27,222.

11 (5) The changes made to this section by Laws 2004, LB
12 983, apply to motor fuels purchased during any tax year ending
13 or deemed to end on or after January 1, 2005, under the Internal
14 Revenue Code of 1986, as amended.

15 (6) There shall be allowed to corporate taxpayers
16 refundable income tax credits under the Nebraska Advantage
17 Microenterprise Tax Credit Act and the Nebraska Advantage Research
18 and Development Act.

19 (7) There shall be allowed to corporate taxpayers as a
20 refundable credit against the income tax imposed by the Nebraska
21 Revenue Act of 1967 a credit as provided in section 30 of this act.

22 Sec. 38. Original sections 77-2701, 77-2715.07, 77-2717,
23 and 77-2734.03, Revised Statutes Supplement, 2005, are repealed.

24 2. Correct the operative date section so that the
25 sections added by this amendment become operative for all taxable

26 years beginning or deemed to begin on or after January 1, 2006,
27 under the Internal Revenue Code of 1986, as amended.

SENATOR CUDABACK PRESIDING

Senator Beutler withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1226A. Senator Schrock asked unanimous consent to withdraw his pending amendment, AM2973, found on page 1321, and replace it with his substitute pending amendment, AM3060, found on page 1408. No objections. So ordered.

The Schrock amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Schrock withdrew his pending amendment, AM2980, found on page 1332.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 925. E & R amendment, AM7208, printed separately and referred to on page 1359, was adopted.

Senator Bourne renewed his pending amendment, AM3084, found on page 1430.

The Bourne amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 489A. Placed on Select File.

(Signed) Michael Flood, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 445. Introduced by Howard, 9.

WHEREAS, Paula and Lou Hyland have provided a safe and nurturing home to more than six hundred children in the Nebraska foster care system over the past thirty-five years; and

WHEREAS, Mr. and Mrs. Hyland have operated a licensed childcare home through the Nebraska Children's Home Childcare Program; and

WHEREAS, Mr. and Mrs. Hyland have cared for children ranging from newborns to pregnant teens of all races, ethnicities, and religions; and

WHEREAS, Paula and Lou Hyland have provided for the special needs of children with severe physical handicaps, behavioral disorders, and mental health challenges; and

WHEREAS, Mr. and Mrs. Hyland have made their home available twenty-four hours per day for emergency placement of children in need; and

WHEREAS, Paula and Lou Hyland, while serving as foster parents to hundreds of needy children, have raised four children of their own and sustained a thriving grocery store business over the course of their forty-eight-year marriage.

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

1. That the Nebraska Legislature honors the dedication of Paula and Lou Hyland and their many achievements on behalf of Nebraska children; and

2. That the Clerk of the Legislature send a copy of this resolution to the Hyland family.

Laid over.

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 965A:
AM3092

- 1 1. Insert the following new section:
- 2 Sec. 2. There is hereby appropriated (1) \$250,000 from
- 3 the General Fund for FY2006-07 and (2) \$175,000 from the Long-Term
- 4 Care Savings Plan Cash Fund for FY2007-08 to the State Treasurer,
- 5 for Program 659, to aid in carrying out the provisions of
- 6 Legislative Bill 965, Ninety-ninth Legislature, Second Session,
- 7 2006.
- 8 Total expenditures for permanent and temporary salaries
- 9 and per diems from funds appropriated in this section shall not
- 10 exceed \$52,000 for FY2006-07 or \$52,000 for FY2007-08.

Senator Chambers filed the following amendment to LB 385:
FA673

Amendment to AM7220

Page 2, line 13 after "section 28-507" insert "provided that the real estate is a dwelling place intended for human occupancy".

MESSAGE FROM THE GOVERNOR

April 5, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 454, 454A were received in my office on March 30, 2006.

I signed these bills and delivered them to the Secretary of State on April 5, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

UNANIMOUS CONSENT - Add Cointroducer

Senator Flood asked unanimous consent to add his name as cointroducer to LB 746. No objections. So ordered.

VISITORS

Visitors to the Chamber were Matt Habrock from Madison; 40 ninth-through twelfth-grade students and teachers from Millard South High School, Omaha; former Senator Jennie Robak from Columbus; 47 fourth-grade students, parents, and teachers from St. Michael's School, Hastings; 22 fourth-grade students and teacher from St. Bernard's School, Omaha; 35 fourth-grade students and teachers from Blessed Sacrament School, Lincoln; Senator Janssen's daughter, son-in-law, and granddaughter, Nola, David, and Maggie Swenson, from Hooper; and Larry Bayer from Norfolk.

RECESS

At 11:55 a.m., on a motion by Senator Janssen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

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

SPEAKER BRASHEAR PRESIDING

REPORT OF THE EXECUTIVE BOARD2006 Resolutions calling for an Interim Study

- LR 303 Interim study to examine issues relating to the salary structure of the Commission of Industrial Relations
Business and Labor
- LR 307 Interim study to examine whether insurance laws should be amended in order to allow insurance producers to charge fees for services
Banking, Commerce and Insurance
- LR 308 Interim study to examine the funding mechanisms of Nebraska's two tribally-controlled community colleges
Education
- LR 310 Interim study to review the fairness of the property tax valuation system
Revenue
- LR 313 Interim study to explore policy options to promote increased employer-provided health insurance benefits for Nebraska's workforce
Health and Human Services
- LR 314 Interim study to explore policy options that help families succeed in the transition from public assistance to work
Health and Human Services
- LR 318 Interim study to review the threat of voter fraud in Nebraska
Government, Military and Veterans Affairs
- LR 319 Interim study to examine the requirements necessary to implement state mandatory livestock price reporting in the event Congress fails to reauthorize federal mandatory price reporting
Agriculture
- LR 320 Interim study to review the benefits and criticisms of the livestock friendly county program
Agriculture
- LR 321 Interim study to examine the impact of Area Health Education Center programs on the health of the citizens of Nebraska
Health and Human Services
- LR 322 Interim study to examine how the federal law referred to as the REAL ID Act, may alter the business practices of the

Department of Motor Vehicles
Transportation and Telecommunications

- LR 323 Interim study to evaluate the locations of the Game and Parks Commission offices and the location of commission headquarters
Natural Resources
- LR 324 Interim study to examine issues within the jurisdiction of the Transportation and Telecommunications Committee
Transportation and Telecommunications
- LR 325 Interim study to examine the legislative intent in enacting the Nebraska Public Transportation Act and the appropriation of funds
Transportation and Telecommunications
- LR 327 Interim study to examine the utilization by municipalities or counties of Transfer of Development Rights programs
Government, Military and Veterans Affairs
- LR 328 Interim study to examine procedures for inspection of public park buildings
Government, Military and Veterans Affairs
- LR 329 Interim study to examine statutes regarding the movement and transfer of cattle into and out of a brand commission area
Agriculture
- LR 330 Interim study to examine statutory rape statutes and the deterrent effect of such statutes
Judiciary
- LR 331 Interim study to examine the process by which determinations are made regarding custodial placement of children during divorce proceedings
Judiciary
- LR 332 Interim study to examine issues relating to statutory rape
Judiciary
- LR 333 Interim study to determine whether Nebraska should enact the Uniform Debt-Management Services Act
Banking, Commerce and Insurance
- LR 334 Interim study to continue examining issues relating to the Uniform Trust Code
Banking, Commerce and Insurance

- LR 336 Interim study of educational service units
Education
- LR 337 Interim study to examine LB 1153 (2006) which allows for the
development of a health information technology network
Judiciary
- LR 338 Interim study to examine the employee retirement systems
administered by the Public Employees Retirement Board
Nebraska Retirement Systems
- LR 339 Interim study to review and update the General Principles of
Sound Retirement Planning
Nebraska Retirement Systems
- LR 340 Interim study to review actuarial assumptions used to perform
the annual actuarial valuation for the retirement systems
administered by the Public Employees Retirement Board
Nebraska Retirement Systems
- LR 341 Interim study to examine the treatment of compensation for
purposes of calculating retirement benefits under the School
Employees Retirement Act and the Class V School Employees
Retirement Act
Nebraska Retirement Systems
- LR 342 Interim study to examine the minimum benefit for the
purchasing power of the original benefit received upon
retirement for members of the School Employees' Retirement
System
Nebraska Retirement Systems
- LR 343 Interim study to examine the need for the state to make an
additional contribution to the School Employees' Retirement
System under the Class V School Employees' Retirement Act
Nebraska Retirement Systems
- LR 344 Interim study to examine matters relating to the licensing and
regulating of electronic systems technicians
General Affairs
- LR 345 Interim study to review community college funding statutes
Education
- LR 347 Interim study to examine requiring Nebraska contractors to
register with the Department of Labor and provide a surety
bond
Business and Labor

- LR 348 Interim study to examine the administrative license revocation process as administered by the Department of Motor Vehicles
Judiciary
- LR 349 Interim study to examine issues relating to the governance of municipal libraries especially those in cities of the second class and villages
General Affairs
- LR 350 Interim study to examine a requirement for significant purchasers of grain who are not required by law to be licensed or bonded to disclose that fact to grain sellers on scale tickets or contracts
Agriculture
- LR 351 Interim study to examine transferring the operations of the Grain Warehouse Division of the Public Service Commission to the Dept. of Agriculture
Agriculture
- LR 352 Interim study to examine issues relevant to the Nebraska Liquor Control Act and whether additional license categories, such as a bed and breakfast category are needed
General Affairs
- LR 353 Interim study of cemetery statutes
General Affairs
- LR 354 Interim study of the process of micro-distillation and to determine the necessity for legislation
General Affairs
- LR 355 Interim study of the issue of unlicensed and uninsured drivers
Judiciary/ Transportation and Telecommunications
- LR 356 Interim study of the School Employees Retirement Act and determining whether to make participation in the system voluntary
Nebraska Retirement Systems
- LR 357 Interim study of construction and safety standards and enforcement regulations relating to modular housing
Health and Human Services
- LR 359 Interim study to examine county board of equalization processes and changes to the homestead exemption program
Revenue
- LR 360 Interim study to examine the sales tax structure relating to both

self-serve and fully-automated car washes
Revenue

- LR 361 Interim study to examine programs administered by the Dept. of Environmental Quality which use agricultural inspectors
Natural Resources
- LR 362 Interim study to examine statutes which require the completion of a cost-benefit analysis before state agencies may enter into a contract for services
Government, Military and Veterans Affairs
- LR 363 Interim study to examine the recycling of electronic waste
Natural Resources
- LR 364 Interim study to examine automobile insurance rates which are based on the occupation of the insurance applicant
Banking, Commerce and Insurance
- LR 365 Interim study to examine renewable energy development in Nebraska
Natural Resources
- LR 366 Interim study to examine issues relating to uninsured motorists
Transportation and Telecommunications
- LR 367 Interim study to examine the Workplace Safety Consultation Program
Business and Labor
- LR 368 Interim study to develop legislation to encourage businesses to use recyclable materials in their manufacturing processes
Revenue
- LR 369 Interim study to examine valuation and taxation of mineral interests for property tax purposes
Revenue
- LR 370 Interim study to continue examination of rural economic development issues in Nebraska
Executive Board
- LR 371 Interim study of issues relating to winemaking and promoting the grape industry
General Affairs/Agriculture
- LR 372 Interim study to examine policies to maximize new market opportunities to help Nebraska become competitive with other states that are pursuing renewable energy development

Natural Resources

- LR 373 Interim study to determine whether to implement a court screening process statewide to determine eligibility for indigent defense
Judiciary
- LR 374 Interim study to examine the current coroner system in which county attorneys are designated as county coroners
Judiciary
- LR 375 Interim study to examine the state's employee health insurance program
Government, Military and Veterans Affairs
- LR 376 Interim study to examine the composition, qualifications, terms of service, and duties and responsibilities of the Public Employees Retirement Board
Nebraska Retirement Systems
- LR 377 Interim study to examine advantages, barriers, and opportunities to housing diversification in a metropolitan city
Executive Board
- LR 378 Interim study to examine issues within the jurisdiction of the Education Committee
Education
- LR 379 Interim study to address issues surrounding long-term residential treatment resources for chemical dependency
Health and Human Services
- LR 380 Interim study of parole issues
Judiciary
- LR 381 Interim study to examine procedures to be followed by the Department of Motor Vehicles when motor vehicle liability insurance is canceled or terminated
Transportation and Telecommunications
- LR 382 Interim study to evaluate implementation of a new rule regarding acceptable forms of payment between retail licensees and wholesale licensees for purchases of alcoholic beverages
General Affairs
- LR 383 Interim study to examine issues surrounding the use of ignition interlock devices for people who have been convicted of driving under the influence

Judiciary

- LR 384 Interim study to examine use of tax-deferred exchanges, also known as Starker exchanges
Revenue
- LR 386 Interim study to examine the economic impact of net metering on private renewable energy production
Natural Resources
- LR 387 Interim study to determine whether Nebraska should enact the Uniform Real Property Electronic Recording Act
Banking, Commerce and Insurance
- LR 388 Interim study to determine whether Nebraska should enact the Uniform Residential Mortgage Satisfaction Act
Banking, Commerce and Insurance
- LR 389 Interim study to examine the possibility of interbasin transfers during water-short years to assist the state in complying with any interstate compact
Natural Resources
- LR 390 Interim study to examine the exemption of certain individuals from requirements of the Geologists Regulation Act
Natural Resources
- LR 391 Interim study to examine the possibility for elimination of park entry permit fees and possible replacement dollars
Natural Resources
- LR 392 Interim study to examine permit application rejection, disciplinary actions, and frivolous complaints under the Livestock Waste Management Act
Natural Resources
- LR 393 Interim study to examine the effects of conservation practices on water quantity in Nebraska's rivers and streams
Natural Resources
- LR 394 Interim study to review the Nebraska Resources Development Fund in the Department of Natural Resources
Natural Resources
- LR 395 Interim study to examine school district boundary issues, adequacy of financial resources, racial diversity, and other issues in the Douglas County metropolitan area
Education

- LR 397 Interim study to examine issues relating to organic food production
Agriculture
- LR 398 Interim study to explore the issue of fees which are collected and retained by public officials and employees
Government, Military and Veterans Affairs
- LR 399 Interim study to compare and contrast Nebraska statutes pertaining to dissolution of marriage, child custody, visitation, and protection orders, with California statutes
Judiciary
- LR 400 Interim study to examine and provide recommendations relating to the Welfare Reform Act and state-funded public assistance programs
Health and Human Services
- LR 401 Interim study to examine development of a plan for coordinating and funding of publicly funded services and support on behalf of persons with traumatic brain injury and their families
Health and Human Services
- LR 402 Interim study to examine issues within the jurisdiction of the Health and Human Services Committee
Health and Human Services
- LR 403 Interim study to follow-up on recommendations made in the report "Moving Past the Era of Good Intentions: Methamphetamine Treatment Study" conducted by the University of Nebraska at Omaha
Judiciary
- LR 404 Interim study of the Nebraska Health and Human Services System and related issues
Health and Human Services
- LR 405 Interim study to provide recommendations relating to the provision of state-funded assistance to low-income women for health care
Health and Human Services
- LR 406 Interim study to provide recommendations relating to development and funding of a statewide immunization registry
Health and Human Services
- LR 407 Interim study to review options available to cities and villages to conduct economic development activities on their own

initiative
Urban Affairs

- LR 408 Interim study to examine issues within the jurisdiction of the Urban Affairs Committee
Urban Affairs
- LR 409 Interim study to examine fines issued and other actions taken by the Department of Environmental Quality for violations of program statutes and regulations
Natural Resources
- LR 410 Interim study to evaluate the variables affecting the incidence of suicide in county and city jail facilities
Government, Military and Veterans Affairs
- LR 411 Interim study to determine how Nebraska can encourage private landowners to allow the general public to hunt, fish, and trap on their land
Natural Resources
- LR 412 Interim study to examine whether the benefits of a unicameral system of government have been realized
Government, Military and Veterans Affairs
- LR 413 Interim study to examine creation of lump-sum staff salary budgets for state senators
Executive Board
- LR 414 Interim study to review the status of public higher education
Education
- LR 415 Interim study to examine issues associated with implementation of an animal identification program
Agriculture
- LR 416 Interim study to reexamine the effects of changing the age of majority from 19 to 18 years of age
Judiciary
- LR 417 Interim study to examine the retirement system in place for peace officers
Nebraska Retirement Systems
- LR 418 Interim study to examine ways to support and develop the vehicle service and towing industry
Transportation and Telecommunications
- LR 419 Interim study to examine issues involved with seeking a

federal exemption extending the length of combination vehicles for purposes of hauling grain
Transportation and Telecommunications

- LR 421 Interim study to review child custody proceedings and determinations
Judiciary
- LR 422 Interim study to examine hospital districts' access to property tax revenue
Revenue
- LR 423 Interim study to continue examination of Nebraska's tax structure
Revenue
- LR 424 Interim study to examine negotiating a fuel tax agreement between the state and the Ponca Tribe of Nebraska
Revenue
- LR 425 Interim study to examine the tax sale certificate process
Revenue
- LR 426 Interim study to review action taken in other states and on the national level relating to identity theft
Judiciary
- LR 428 Interim study to examine current safety requirements and to determine whether tornado shelters should be required in mobile home parks
Health and Human Services
- LR 429 Interim study to examine procedures utilized by the Nebraska Environmental Trust
Natural Resources
- LR 430 Interim study to examine potential conflicts between and among the regulations governing livestock waste control and groundwater quality standards and use classifications
Natural Resources
- LR 431 Interim study to examine reporting requirements under the Political Accountability and Disclosure Act of contributions, expenditures, and services by businesses and organizations
Government, Military and Veterans Affairs
- LR 432 Interim study to determine whether providers of medical services should have standing in the workers' compensation court

Business and Labor

- LR 433 Interim study to examine overpayments made under the Employment Security Law
Business and Labor
- LR 434 Interim study to examine specific issues under the Nebraska Workers' Compensation Act
Business and Labor
- LR 435 Interim study of the State Tort Claims Act and the State Miscellaneous Claims Act
Government, Military and Veterans Affairs/Business and Labor
- LR 436 Interim study to examine issues relating to permitting out of state employees to collect Nebraska workers' compensation benefits
Business and Labor
- LR 437 Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee
Government, Military and Veterans Affairs
- LR 438 Interim study to examine personnel issues surrounding a proposed merger of the offices of probation and parole administration under the executive branch or the Supreme Court
Judiciary
- LR 439 Interim study to examine constitutional issues raised in LB 1249 relating to natural gas regulation
Judiciary/Urban Affairs
- LR 442 Interim study to examine the legislative confirmation process of gubernatorial appointees
Government, Military and Veterans Affairs

(Signed) L. Patrick Engel, Chairperson
Legislative Council, Executive Board

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 385, 396, 420, and 427 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 385, 396, 420, and 427.

SENATOR CUDABACK PRESIDING**MOTION - Override Line-Item Veto on LB 1060**

The Appropriations Committee offered the following motion:

Override the Governor's line-item veto contained in the following section of LB 1060:

1) Section 208, Agency 26, Department of Health and Human Services - Finance and Support, Program 502 (Public Health Aid), for Fiscal Year 2006-07 only, and the earmarked amounts for FY 2006-07 only, as contained in Section 208, for Qualified Community Health Centers.

Senator Chambers requested a roll call vote on the motion to override the line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 4:

Bourne	Burling	Landis	Redfield
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Excused and not voting, 4:

Brashear	Combs	Cornett	McDonald
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Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

MOTION - Override Line-Item Veto on LB 1060

Senators Connealy, Chambers, and Dw. Pedersen offered the following motion:

To override the Governor's line-item veto, for Fiscal Year 2006-07 only, contained in section 45 of LB 1060 of \$325,773 for four staff positions and the employer match for teacher retirement in the Department of Education.

SENATOR BOURNE PRESIDING**SENATOR CUDABACK PRESIDING**

Senator Connealy moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Connealy requested a roll call vote on the motion to override the line-item veto.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 14:

Aguilar	Chambers	Kopplin	Pedersen, Dw.	Schimek
Beutler	Connealy	Louden	Preister	Thompson
Byars	Howard	Pahls	Price	

Voting in the negative, 24:

Bourne	Fischer	Janssen	Langemeier	Smith
Burling	Flood	Jensen	Mines	Stuhr
Cunningham	Foley	Johnson	Pederson, D.	Stuthman
Engel	Heidemann	Kremer	Raikes	Wehrbein
Erdman	Hudkins	Landis	Redfield	

Present and not voting, 8:

Baker	Brown	Friend	Schrock
Brashear	Cudaback	Kruse	Synowiecki

Excused and not voting, 3:

Combs	Cornett	McDonald
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Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

RESOLUTIONS**LEGISLATIVE RESOLUTION 446.** Introduced by Howard, 9.

WHEREAS, Rudy Srb enjoyed a rich life that brought music and comfort to the lives of others for decades; and

WHEREAS, Rudy Srb, upon graduating from Central High School and earning a bachelor's degree in music from Omaha University, joined the army and performed with the West Point Academy Band; and

WHEREAS, Mr. Srb, specializing in clarinet and piano, earned a master's degree in music from the University of Nebraska and taught vocal and instrumental music throughout Nebraska and Iowa; and

WHEREAS, Rudy Srb reunited an orchestra of family members and friends in the 1980's and recorded an album of Czech polkas and waltzes, "Reflections of Dr. Srb's Orchestra", and continued to play with bands and teach private lessons for children after his retirement; and

WHEREAS, Rudy Srb found a second twelve-year career as a driver and case aide for the Nebraska Health and Human Services foster care system; and

WHEREAS, Mr. Srb went above and beyond the call of duty for foster children by personally providing them with clothing, food, and other basic necessities; and

WHEREAS, Mr. Srb demonstrated a commitment to helping children and others throughout his life.

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

1. That the Nebraska Legislature honors the memory of Rudy Srb and his many achievements.

2. That the Clerk of the Legislature send a copy of this resolution to the Srb family.

Laid over.

LEGISLATIVE RESOLUTION 447. Introduced by Preister, 5; Beutler, 28.

WHEREAS, more than forty years ago, the well-known writer, scientist, and ecologist, Rachel Carson, alerted America and the world to the potential hazards of pesticides in her landmark book "Silent Spring"; and

WHEREAS, despite Rachel Carson's warning, more than 6.6 billion pounds of pesticides are spread on the earth annually and the quantity of pesticides used in the United States has continued to grow over the years and poses a potential threat to all life forms; and

WHEREAS, our children are uniquely vulnerable to chemical pesticides due to their developing physiology and to their habit of frequently putting their hands into their mouths; and

WHEREAS, chemical pesticides applied outdoors are washed into our waterways and our drinking water sources. Several types of cancer,

neurological disease, endocrine disorders, and birth defects have all been associated with exposure to common pesticides; and

WHEREAS, Rachel Carson made a profound impact on how we treat the environment and more can still be done to further her legacy; and

WHEREAS, the Legislature would like to invite citizens throughout Nebraska to observe May 27th, 2006, the anniversary of the birth date of Rachel Carson, by refraining from using pesticides on that day and to ask the citizens of Nebraska for their cooperation in seeking alternative methods of pest management, including the practice of integrated pest management.

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

1. That the Legislature designates May 27, 2006, as Rachel Carson Day.

Laid over.

AMENDMENT - Print in Journal

Senator Erdman filed the following amendment to LB 821:
AM3086

- 1 1. Strike amendment 1 and insert the following new
- 2 amendment:
- 3 1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 Section 1. An exempt student shall be eligible to enroll
- 6 pursuant to section 2 of this act as a part-time student in
- 7 a public school operated in the student's school district of
- 8 residence or in an option school district as provided in the
- 9 enrollment option program established under sections 79-232 to
- 10 79-246. For purposes of sections 1 to 4 of this act, exempt student
- 11 means a student enrolled in a school which elects not to meet state
- 12 accreditation or approval requirements pursuant to section 79-1601.
- 13 Sec. 2. Each school board shall, not later than August
- 14 1, 2006, adopt policies and procedures that allow the part-time
- 15 enrollment of exempt students. Such policies and procedures may
- 16 require exempt students enrolled part-time to follow other school
- 17 policies that apply to students at any time the exempt student
- 18 is present on school grounds or at a school-sponsored activity or
- 19 athletic event.
- 20 Sec. 3. Part-time enrollment shall not entitle a student
- 21 to transportation or transportation reimbursements pursuant to
- 22 section 79-611.
- 23 Sec. 4. Nothing in sections 1 to 3 of this act shall
- 1 be construed to exempt any student from the compulsory attendance
- 2 provisions of sections 79-201 to 79-207.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 85.

A BILL FOR AN ACT relating to personal assets; to amend sections 12-1106 and 68-129, Reissue Revised Statutes of Nebraska; to change provisions relating to designation of irrevocable funds; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Kremer Stuthman

Excused and not voting, 3:

Combs Cornett McDonald

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

LEGISLATIVE BILL 85A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 85, Ninety-ninth Legislature, Second Session, 2006.

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, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Beutler Stuthman

Excused and not voting, 3:

Combs Cornett McDonald

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 366 with 37 ayes, 3 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 366.

A BILL FOR AN ACT relating to retirement; to amend sections 2-1608, 23-2301, 23-2306, 23-2306.03, 23-2319, 84-1301, 84-1307, 84-1308, and 84-1321, Revised Statutes Cumulative Supplement, 2004, and sections 23-2308.01 and 84-1309.02, Revised Statutes Supplement, 2005; to change membership and contribution provisions relating to county and state retirement systems; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 23-2306.01 and 84-1326.02, 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, 46:

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

Voting in the negative, 0.

Excused and not voting, 3:

Combs Cornett McDonald

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 542. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to create the Tax Policy Reform Commission; to provide powers and duties; to provide a termination date; 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, 40:

Aguilar	Cudaback	Heidemann	Kruse	Redfield
Baker	Cunningham	Howard	Landis	Schrock
Beutler	Engel	Hudkins	Langemeier	Smith
Bourne	Erdman	Janssen	Louden	Stuhr
Brashear	Fischer	Jensen	Mines	Stuthman
Burling	Flood	Johnson	Pahls	Synowiecki
Byars	Foley	Kopplin	Price	Thompson
Connealy	Friend	Kremer	Raikes	Wehrbein

Voting in the negative, 2:

Chambers Preister

Present and not voting, 4:

Brown Pedersen, Dw. Pederson, D. Schimek

Excused and not voting, 3:

Combs Cornett McDonald

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

LEGISLATIVE BILL 542A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 542, Ninety-ninth Legislature, Second Session, 2006; 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, 35:

Aguilar	Cudaback	Friend	Kruse	Schrock
Baker	Cunningham	Heidemann	Landis	Smith
Bourne	Engel	Hudkins	Langemeier	Stuhr
Brashear	Erdman	Jensen	Louden	Stuthman
Burling	Fischer	Johnson	Mines	Synowiecki
Byars	Flood	Kopplin	Pahls	Thompson
Connealy	Foley	Kremer	Raikes	Wehrbein

Voting in the negative, 3:

Chambers Howard Preister

Present and not voting, 8:

Beutler	Janssen	Pederson, D.	Redfield
Brown	Pedersen, Dw.	Price	Schimek

Excused and not voting, 3:

Combs Cornett McDonald

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

LEGISLATIVE BILL 605. With Emergency.

A BILL FOR AN ACT relating to state universities and state colleges; to state intent; to create the University of Nebraska Facilities Program of 2006

and the State Colleges Facilities Program of 2006; to provide powers and duties for the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges relating to construction and improvement projects; 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, 44:

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

Voting in the negative, 1:

Langemeier

Present and not voting, 1:

Redfield

Excused and not voting, 3:

Combs Cornett McDonald

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

LEGISLATIVE BILL 605A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 605, Ninety-ninth Legislature, Second Session, 2006; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Aguilar Redfield

Excused and not voting, 3:

Combs Cornett McDonald

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

LEGISLATIVE BILL 690.

A BILL FOR AN ACT relating to education; to adopt the Career Education Partnership Act; and to provide a termination date.

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, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Brown Chambers Redfield

Excused and not voting, 3:

Combs Cornett McDonald

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

LEGISLATIVE BILL 690A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 690, Ninety-ninth Legislature, Second Session, 2006.

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, 40:

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

Voting in the negative, 0.

Present and not voting, 6:

Beutler Chambers Mines
Burling Cudaback Redfield

Excused and not voting, 3:

Combs Cornett McDonald

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

LEGISLATIVE BILL 746.

A BILL FOR AN ACT relating to court costs; to amend sections 81-1413, 81-1428, and 81-1429, Revised Statutes Cumulative Supplement, 2004; to state intent; to provide for grants for civil legal services to eligible low-income persons; to create a fund; to provide and change provisions relating to fees and use of court costs; to change provisions relating to funding of law enforcement training; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Redfield Synowiecki

Excused and not voting, 3:

Combs Cornett McDonald

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

LEGISLATIVE BILL 746A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 746, Ninety-ninth Legislature, Second Session, 2006; and to reduce appropriations.

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

Voting in the negative, 0.

Present and not voting, 4:

Beutler	Howard	Redfield	Synowiecki
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Excused and not voting, 3:

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

LEGISLATIVE BILL 795. With Emergency.

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; to repeal the original section; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Burling	Smith
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Excused and not voting, 3:

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

LEGISLATIVE BILL 817.

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.

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, 39:

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

Voting in the negative, 3:

Erdman	Howard	Preister
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Present and not voting, 4:

Beutler	Burling	Connealy	Foley
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Excused and not voting, 3:

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

LEGISLATIVE BILL 817A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 817, Ninety-ninth Legislature, Second Session, 2006; 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, 36:

Aguilar	Cunningham	Jensen	Mines	Stuthman
Baker	Engel	Johnson	Pahls	Synowiecki
Bourne	Fischer	Kopplin	Pedersen, Dw.	Thompson
Brashear	Flood	Kremer	Pederson, D.	Wehrbein
Brown	Friend	Kruse	Raikes	
Byars	Heidemann	Landis	Schrock	
Chambers	Hudkins	Langemeier	Smith	
Cudaback	Janssen	Louden	Stuhr	

Voting in the negative, 4:

Erdman	Howard	Preister	Redfield
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Present and not voting, 6:

Beutler	Connealy	Price
Burling	Foley	Schimek

Excused and not voting, 3:

Combs	Cornett	McDonald
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause 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 872 with 35 ayes, 3 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 872.

A BILL FOR AN ACT relating to the environment; to amend section 81-1505, Revised Statutes Cumulative Supplement, 2004, and sections 77-2701 and 81-1505.04, Revised Statutes Supplement, 2005; to provide a renewable energy tax credit; to change provisions relating to emissions trading programs under the Environmental Protection Act; 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, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Burling Chambers

Excused and not voting, 3:

Combs Cornett McDonald

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 872A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 872, Ninety-ninth Legislature, Second Session, 2006.

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, 43:

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

Voting in the negative, 0.

Present and not voting, 3:

Burling Chambers Pederson, D.

Excused and not voting, 3:

Combs Cornett McDonald

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 990 with 36 ayes, 3 nays, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 990.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,188.02, 77-27,189, 77-5201, 77-5203, 77-5208, 77-5209, 77-5211, 77-5212, and 77-5213, Reissue Revised Statutes of Nebraska, and sections 77-2715.07, 77-27,187.01, 77-27,187.02, 77-27,188, and 77-27,195, Revised Statutes Supplement, 2005; to change provisions of the Nebraska Advantage Rural Development Act and the Beginning Farmer Tax Credit Act; to provide tax credits relating to agriculture; 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, 44:

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

Voting in the negative, 1:

Landis

Present and not voting, 1:

Preister

Excused and not voting, 3:

Combs Cornett McDonald

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 990A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 990, Ninety-ninth Legislature, Second Session, 2006.

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, 44:

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

Voting in the negative, 1:

Landis

Present and not voting, 1:

Preister

Excused and not voting, 3:

Combs Cornett McDonald

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

LEGISLATIVE BILL 996.

A BILL FOR AN ACT relating to the state veteran cemetery system; to amend section 12-1301, Revised Statutes Supplement, 2005; to eliminate restrictions on the use of General Funds; and to repeal the original section.

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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

LEGISLATIVE BILL 996A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 996, Ninety-ninth Legislature, Second Session, 2006.

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, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Foley Schrock

Excused and not voting, 4:

Chambers Combs Cornett McDonald

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

LEGISLATIVE BILL 1086.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-801 and 28-804.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Cumulative Supplement, 2004; to adopt the Nebraska Prostitution Intervention and Treatment Act; to change and provide penalties relating to prostitution; to provide for the crime of solicitation of prostitution; to change provisions relating to testimony as prescribed; to prohibit forced labor or services as prescribed and certain acts relating to sexual activity; to provide penalties; to require reports; 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, 38:

Aguilar	Cudaback	Hudkins	Louden	Schrock
Baker	Cunningham	Janssen	Mines	Smith
Beutler	Engel	Jensen	Pahls	Stuhr
Bourne	Erdman	Johnson	Pedersen, Dw.	Stuthman
Brashear	Flood	Kopplin	Preister	Synowiecki
Byars	Foley	Kremer	Price	Thompson
Chambers	Friend	Kruse	Raikes	
Connealy	Howard	Landis	Schimek	

Voting in the negative, 3:

Fischer	Langemeier	Redfield
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Present and not voting, 5:

Brown	Burling	Heidemann	Pederson, D.	Wehrbein
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Excused and not voting, 3:

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

LEGISLATIVE BILL 1086A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1086, Ninety-ninth Legislature, Second Session, 2006; and to state intent.

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, 35:

Aguilar	Cudaback	Janssen	Mines	Schrock
Baker	Cunningham	Jensen	Pahls	Smith
Bourne	Engel	Johnson	Pedersen, Dw.	Stuhr
Brashear	Flood	Kopplin	Preister	Stuthman
Byars	Foley	Kremer	Price	Synowiecki
Chambers	Howard	Kruse	Raikes	Thompson
Connealy	Hudkins	Landis	Schimek	Wehrbein

Voting in the negative, 6:

Burling	Fischer	Pederson, D.
Erdman	Langemeier	Redfield

Present and not voting, 5:

Beutler	Brown	Friend	Heidemann	Louden
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Excused and not voting, 3:

Combs	Cornett	McDonald
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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 1208 with 37 ayes, 4 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1208.

A BILL FOR AN ACT relating to education; to amend sections 79-704, 79-761, 79-1018.01, 79-1204, 79-1223, 79-1233, 79-1241.01, 79-1241.02, 79-1243, 79-1302, 79-1303, 79-1304, 79-1319, and 79-1325, Reissue Revised Statutes of Nebraska, sections 9-812, 81-1634, 86-515, and 86-520, Revised Statutes Cumulative Supplement, 2004, and sections 79-1003, 79-1007.02, 79-1028, and 86-516, Revised Statutes Supplement, 2005; to harmonize language relating to state lottery proceeds with the 2004 constitutional amendment to Article III, section 24; to change provisions relating to distribution of the Education Innovation Fund, course offerings, mentor teacher programs, allowances and allowable growth rates under the Tax Equity and Educational Opportunities Support Act, telecommunications facilities, educational service units, and educational technology; to create a council; to define terms; to provide for and eliminate distance education programs and related incentives; to eliminate a consortium, a task force, technology programs, and funds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1301, 79-1305, 79-1306, 79-1307, 79-1310, and 79-1328, Reissue Revised Statutes of Nebraska, and sections 79-1329 and 79-1330, Revised Statutes Supplement, 2005.

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, 40:

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

Voting in the negative, 2:

Bourne Chambers

Present and not voting, 4:

Brashear Fischer Heidemann Synowiecki

Excused and not voting, 3:

Combs Cornett McDonald

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

PRESIDENT SHEEHY PRESIDING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1208A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1208, Ninety-ninth Legislature, Second Session, 2006.

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, 39:

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

Voting in the negative, 2:

Bourne Chambers

Present and not voting, 5:

Beutler Cudaback Fischer Heidemann Synowiecki

Excused and not voting, 3:

Combs Cornett McDonald

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

COMMUNICATION

April 5, 2006

The Honorable John Gale
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB 1060 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 1060, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes this 5th day of April 2006 as follows:

Section 208, Agency 26, Department of Health and Human Services - Finance and Support Program 502 (Public Health Aid), for Fiscal Year 2006-07 only, and earmarked amounts for FY 2006-07 only, as contained in Section 208, for Qualified Community Health Centers.

(Signed) Rick Sheehy
President of the Legislature

GENERAL FILE

LEGISLATIVE BILL 1105. Title read. Considered.

The Standing Committee amendment, AM2389, printed separately and referred to on page 755, was considered.

Senator Howard renewed her pending amendment, AM2829, found on page 1147, to the Standing Committee amendment.

SENATOR CUDABACK PRESIDING

Senator Howard withdrew her amendment.

Senators Brashear, Chambers, and Landis offered the following amendment to the Standing Committee amendment:

AM3111

(Amendments to Standing Committee amendments, AM2389)

- 1 1. On page 11, line 5, strike "seventy-five" and insert
- 2 "seventy".
- 3 2. On page 12, line 1, after "that" insert "five-sixths
- 4 of"; in line 2 reinstate the stricken matter and strike
- 5 "twenty-five"; in line 5 after "Fund" insert "and one-sixth
- 6 of the remaining thirty percent be appropriated in accordance
- 7 with subsection (5) of this section"; and in line 10 strike
- 8 "transferred" through "Fund" and insert "appropriated in accordance
- 9 with subsection (5) of this section."
- 10 (5) It is the intent of the Legislature that such revenue
- 11 as is directed to be appropriated pursuant to this subsection be
- 12 appropriated as follows:
- 13 (a) If (i) state law allows the designation of an
- 14 area as an entertainment and tourism development district, (ii)
- 15 such a district is, in fact, designated within one mile of a
- 16 convention and meeting center facility and sports arena facility
- 17 for which financial assistance is provided under the Convention
- 18 Center Facility and Sports Arena Facility Financing Assistance Act,
- 19 and (iii) state law permitting the designation of the entertainment
- 20 and tourism development district requires the adoption of a
- 21 community partnership plan as a part of such designation, then
- 22 the one-sixth of the thirty percent of attributable revenue from
- 1 an event described in subdivision (2)(a)(i) of this section and
- 2 the one-half of the fifty percent of attributable revenue from an
- 3 event described in subdivision (2)(a)(ii) of this section shall
- 4 be appropriated to subsidize financing of facilities developed in
- 5 conjunction with such community partnership plan; or
- 6 (b) If the conditions set forth in subdivision (a) of
- 7 this subsection are not satisfied, then the one-sixth of the
- 8 thirty percent of attributable revenue from an event described in
- 9 subdivision (2)(a)(i) of this section shall be appropriated to the
- 10 political subdivision for which an application for state assistance
- 11 under the Convention Center Facility and Sports Arena Facility
- 12 Financing Assistance Act has been approved and the one-half of the
- 13 fifty percent of attributable revenue from an event described in
- 14 subdivision (2)(a)(ii) of this section shall be transferred to the
- 15 General Fund".

The Brashear et al. amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not

voting, and 5 excused and not voting.

LEGISLATIVE BILL 500. The Standing Committee amendment, AM0773, found on page 886, First Session, 2005, and considered on pages 1454 and 1632, First Session, 2005, was renewed.

Senator Landis withdrew the first Landis-Howard pending amendment, FA272, found on page 1632, First Session, 2005, and the balance of the original amendment, AM1529, found on page 1470, First Session, 2005.

Senator Landis asked unanimous consent to withdraw the Landis-Kopplin pending amendment, AM2641, printed separately and referred to on page 952, and replace it with the substitute Landis-Brashear-Chambers amendment, AM3125. No objections. So ordered.

(Amendment, AM3125, is printed separately and available in the Bill Room, Room 1104.)

The Landis et al. amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senator Howard withdrew her pending amendment, AM1490, found on page 1436, First Session, 2005.

Senator Beutler withdrew his pending amendment, FA264, found on page 1470, First Session, 2005.

Senator Howard withdrew her pending amendment, AM2849, found on page 1139.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 500A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not voting, and 3 excused 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 85, 85A, 366, 542, 542A, 605, 605A, 690, 690A, 746, 746A, 795, 817, 817A, 872, 872A, 990, 990A, 996, 996A, 1086, 1086A, 1208, and 1208A.

AMENDMENTS - Print in Journal

Senator Cunningham filed the following amendment to LB 489:
AM3091

(Amendments to E & R amendments, AM7212)

1 1. Strike section 1 and insert the following section:

2 Section 1. Section 48-168, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 48-168 (1) The Nebraska Workers' Compensation Court shall
5 not be bound by the usual common-law or statutory rules of evidence
6 or by any technical or formal rules of procedure, other than as
7 herein provided, but may make the investigation in such manner as
8 in its judgment is best calculated to ascertain the substantial
9 rights of the parties and to carry out justly the spirit of the
10 Nebraska Workers' Compensation Act.

11 (2)(a) The Nebraska Workers' Compensation Court may
12 establish procedures whereby a dispute may be submitted by the
13 parties, by the ~~supplier~~ provider of medical, surgical, or hospital
14 services pursuant to section 48-120, or by the compensation court
15 on its own motion for informal dispute resolution by a staff
16 member of the compensation court or outside mediator. Any party who
17 requests such informal dispute resolution shall not be precluded
18 from filing a petition pursuant to section 48-173 if otherwise
19 permitted. No settlement or agreement reached as the result of an
20 informal dispute resolution proceeding shall be final or binding
21 unless such settlement or agreement is in conformity with the
22 Nebraska Workers' Compensation Act.

1 (b) Until January 1, 2008, the Nebraska Workers'
2 Compensation Court shall establish procedures for informal dispute
3 resolution and arbitration for a dispute regarding the fees owed
4 for medical, surgical, or hospital services provided pursuant
5 to section 48-120. If the provider of medical, surgical, or
6 hospital services and the workers' compensation insurer, risk
7 management pool, or self-insured employer are unable to reach an
8 agreement on the fees to be paid for such services: (i) They
9 may agree to submit the dispute to an attorney staff member of
10 the compensation court for resolution of the dispute through the
11 informal dispute resolution process and for arbitration, if the
12 dispute is unresolved in the informal dispute resolution process;
13 or (ii) the parties may agree to submit the dispute directly to
14 arbitration. A decision by the attorney staff member for the court
15 as the result of an arbitration proceeding shall be final and
16 binding and not subject to appeal.

17 ~~(b)~~ (c) Informal dispute resolution and arbitration
18 proceedings shall be regarded as settlement negotiations and no
19 admission, representation, or statement made in informal dispute
20 resolution or arbitration proceedings, not otherwise discoverable
21 or obtainable, shall be admissible as evidence or subject to
22 discovery. A staff member or mediator shall not be subject

23 to process requiring the disclosure of any matter discussed
 24 during informal dispute resolution or arbitration proceedings.
 25 Any information from the files, reports, notes of the staff
 26 member or mediator, or other materials or communications, oral or
 27 written, relating to an informal dispute resolution or arbitration
 1 proceeding obtained by a staff member or mediator is privileged and
 2 confidential and may not be disclosed without the written consent
 3 of all parties to the proceeding. No staff member or mediator shall
 4 be held liable for civil damages for any statement or decision made
 5 in the process of dispute resolution or arbitration unless such
 6 person acted in a manner exhibiting willful or wanton misconduct.
 7 ~~(e)~~ (d) The compensation court may adopt and promulgate
 8 rules and regulations regarding informal dispute resolution
 9 proceedings that are considered necessary to effectuate the
 10 purposes of this section.
 11 2. On page 12, strike beginning with "48-120" in line
 12 2 through "2005" in line 3 and insert "48-168, Reissue Revised
 13 Statutes of Nebraska".

Senators Redfield and Beutler filed the following amendment to LB 554:
 AM3093

1 1. In the Standing Committee amendments, AM0670:
 2 a. On page 1, line 7, after "employees" insert "who are
 3 seventeen years of age or older"; in line 18 strike "persons", show
 4 as stricken, and insert "employees who are seventeen years of age
 5 or older"; and in line 21 reinstate the stricken matter and before
 6 "fifty" insert "through September 30, 2006, and thereafter";
 7 b. On page 2, line 3, strike "individual", show as
 8 stricken, and insert "employee";
 9 c. On page 3, line 5, after "wage" insert "or hire an
 10 employee under seventeen years of age"; and in line 12 after "wage"
 11 insert "or a new employee under seventeen years of age"; and
 12 d. On page 4, line 18, after "sections" insert
 13 "48-1202".
 14 2. In AM2516, on page 1, line 9, strike "forty-six" and
 15 insert "twenty-six".

Senator Brown filed the following amendment to LB 489:
 AM3105

(Amendments to AM2981)

1 1. Strike section 2 and insert the following new section:
 2 Sec. 2. Section 48-418, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 48-418 (1) Sections 2 to 14 of this act shall be known
 5 and may be cited as the Elevator Safety Act.
 6 ~~(2) The Commissioner of Labor shall, on or before the~~
 7 ~~first day of July 1965, State Fire Marshal shall on or before~~
 8 January 2007, appoint a state elevator inspector, subject to
 9 the approval of the Governor, who shall work under the direct

10 supervision of the ~~commissioner~~ State Fire Marshal. The person
 11 so appointed shall be (a) qualified by not less than five
 12 years' experience in the installation, maintenance, and repair
 13 of elevators as determined by the commissioner, (b) certified as
 14 a qualified elevator inspector by an association accredited by the
 15 American Society of Mechanical Engineers or have not less than five
 16 years' journeyman experience in elevator installation, maintenance,
 17 and inspection as determined by the ~~Commissioner of Labor State~~
 18 Fire Marshal, and (c) shall be familiar with the inspection process
 19 provided by the Nebraska Elevator Code provided under section
 20 48-418.12 12 of this act. The ~~commissioner~~ State Fire Marshal,
 21 subject to the approval of the Governor, may appoint deputy
 22 inspectors possessing the same qualifications as the state elevator
 1 inspector. A qualified individual may apply for the position of
 2 inspector or deputy inspector and such application shall include
 3 the applicant's social security number, but the individual's social
 4 security number shall not be a public record.

Senator Connealy filed the following amendment to LR 272CA:
 AM3101

(Amendments to Standing Committee amendments, AM2184)

- 1 1. On page 2, line 1, strike the new matter and reinstate
- 2 the stricken matter; in line 19 after the comma insert "and"; and
- 3 strike beginning with the comma in line 21 through "years" in line
- 4 23.

Senator Friend filed the following amendment to LB 925:
 AM3121

(Amendments to E & R amendments, AM7208)

- 1 1. On page 18, line 23, before "fifteen" insert "at least
- 2 two years but not more than".
- 3 2. On page 21, line 1, before "fifteen" insert "at least
- 4 five years but not more than".

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add her name as cointroducer to LBs 85 and 1208. No objections. So ordered.

Senator D. Pederson asked unanimous consent to add his name as cointroducer to LB 605. No objections. So ordered.

VISITORS

Visitors to the Chamber were 36 fourth-grade students and teacher from Hawthorne Elementary School, Hastings; 50 fourth-grade students and teachers from Morton Elementary School, Hastings; 20 fourth-grade students and teacher from Red Cloud; Senator Kopplin's wife, daughter, and granddaughter, Mary Lou Kopplin, and Deb and Kellsey Siemers from

Gretna; Cate Kratville from Omaha; 12 members of FFA and sponsors from Hyannis; 17 fourth-grade students and teacher from Amherst; and Ellie Ford from Omaha.

The Doctor of the Day was Dr. Carey Ford from Omaha.

ADJOURNMENT

At 6:30 p.m., on a motion by Senator Kruse, the Legislature adjourned until 9:00 a.m., Thursday, April 6, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

