

EIGHTY-SEVENTH DAY - MAY 24, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****EIGHTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 24, 2007

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Dubas, Heidemann, and Hudkins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-sixth day was approved.

PRESIDENT SHEEHY PRESIDING**COMMUNICATION**

May 24, 2007

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

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Heineman of LB 321e, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

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

PJO:jk

REPORT

The following report was received by the Legislature:

Criminal Justice, Commission on Law Enforcement

Nebraska Crime Victim's Reparation Program's Report for fiscal year 05/06

MOTION - Return LB 641 to Select File

Senator Flood moved to return LB 641 to Select File for the following specific amendment:

FA136

Strike the enacting clause.

Senator Flood withdrew his motion to return.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 641 with 36 ayes, 5 nays, 6 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 641.

A BILL FOR AN ACT relating to schools; to amend sections 32-567, 32-604, 32-606, and 79-1015.01, Reissue Revised Statutes of Nebraska, sections 77-3442, 79-4,117, 79-4,125, 79-4,126, 79-4,128, 79-528, 79-769, 79-1001, 79-1007.02, 79-1007.03, 79-1007.04, 79-1007.05, 79-1007.06, 79-1007.07, 79-1007.08, 79-1007.09, 79-1008.02, 79-1073, 79-1073.01, 79-10,120, 79-10,126.01, 79-11,150, 79-1204, 79-2101, 79-2102, 79-2103, 79-2104, 79-2107, and 79-2110, Revised Statutes Cumulative Supplement, 2006, and sections 79-611, 79-1003, and 79-1022, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change and eliminate provisions relating to property tax levy limits, school funding, school financial reports, transportation costs, state aid, the high-needs education coordinator, learning communities, and learning community coordinating councils; to provide powers and duties; to provide for election and appointment of members of the councils; to provide for achievement subcouncils; to eliminate a task force and a plan to divide a Class V school district; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 79-4,130,

79-2105, 79-2106, 79-2108, and 79-2109, Revised Statutes Cumulative Supplement, 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, 33:

Adams	Engel	Johnson	Mines	Rogert
Aguilar	Fischer	Karpisek	Nantkes	Schimek
Ashford	Flood	Kruse	Nelson	Synowiecki
Avery	Friend	Lathrop	Pahls	White
Carlson	Harms	Louden	Pirsch	Wightman
Chambers	Howard	McDonald	Preister	
Dubas	Janssen	McGill	Raikes	

Voting in the negative, 14:

Burling	Dierks	Gay	Langemeier	Stuthman
Christensen	Erdman	Hansen	Pankonin	Wallman
Cornett	Fulton	Kopplin	Pedersen	

Excused and not voting, 2:

Heidemann Hudkins

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 641A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 641, One Hundredth Legislature, First Session, 2007.

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, 37:

Adams	Dubas	Howard	McDonald	Rogert
Aguilar	Engel	Janssen	McGill	Schimek
Ashford	Fischer	Johnson	Mines	Synowiecki
Avery	Flood	Karpisek	Nantkes	White
Carlson	Friend	Kruse	Nelson	Wightman
Chambers	Fulton	Langemeier	Pahls	
Cornett	Hansen	Lathrop	Preister	
Dierks	Harms	Louden	Raikes	

Voting in the negative, 5:

Christensen	Erdman	Gay	Pankonin	Pedersen
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Present and not voting, 5:

Burling	Kopplin	Pirsch	Stuthman	Wallman
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Excused and not voting, 2:

Heidemann	Hudkins
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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 342 with 36 ayes, 6 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 342. With Emergency.

A BILL FOR AN ACT relating to education; to amend sections 85-1418, 85-1511, 85-1536, and 85-1538, Reissue Revised Statutes of Nebraska, and sections 13-518, 77-3442, 85-9,177, 85-9,178, 85-9,179, 85-9,180, 85-9,181, 85-9,182, 85-1416, 85-1503, 85-1517, and 85-1903, Revised Statutes Cumulative Supplement, 2006; to adopt the Community College Foundation and Equalization Aid Act; to change and eliminate provisions related to community colleges; to rename and change provisions of the Minority Scholarship Program Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 85-1537, Reissue Revised Statutes of Nebraska, and section 85-1536.01, Revised Statutes Cumulative Supplement, 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, 41:

Adams	Dierks	Howard	McGill	Rogert
Aguilar	Dubas	Janssen	Mines	Schimek
Ashford	Engel	Johnson	Nantkes	Stuthman
Avery	Erdman	Karpisek	Nelson	Synowiecki
Burling	Fischer	Kopplin	Pahls	Wightman
Carlson	Flood	Kruse	Pankonin	
Chambers	Fulton	Langemeier	Pedersen	
Christensen	Hansen	Louden	Preister	
Cornett	Harms	McDonald	Raikes	

Voting in the negative, 6:

Friend	Lathrop	Wallman
Gay	Pirsch	White

Excused and not voting, 2:

Heidemann Hudkins

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 342A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 342, One Hundredth Legislature, First Session, 2007; to authorize certain transfers; to provide an operative 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:

Adams	Cornett	Hansen	Langemeier	Pedersen
Aguilar	Dierks	Harms	Louden	Preister
Ashford	Dubas	Howard	McDonald	Raikes
Avery	Engel	Janssen	McGill	Rogert
Burling	Erdman	Johnson	Mines	Schimek
Carlson	Fischer	Karpisek	Nantkes	Stuthman
Chambers	Flood	Kopplin	Nelson	Synowiecki
Christensen	Fulton	Kruse	Pahls	Wightman

Voting in the negative, 5:

Friend Gay Lathrop Pirsch Wallman

Present and not voting, 2:

Pankonin White

Excused and not voting, 2:

Heidemann Hudkins

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 603 with 34 ayes, 5 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 603. With Emergency.

A BILL FOR AN ACT relating to education; to amend sections 32-515, 32-607, 79-1201, 79-1201.01, 79-1208, 79-1211, 79-1212, 79-1217, and 79-1241, Reissue Revised Statutes of Nebraska, sections 13-503, 79-1012, 79-1018.01, 79-1103, 79-1223, 79-1233, 79-1241.01, 79-1241.02, 79-1243, 79-1304, 79-1334, 79-1335, 79-1336, 79-1337, 84-304, 86-515, and 86-5,100, Revised Statutes Cumulative Supplement, 2006, and section 79-1028, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change provisions relating to election of board members for educational service units; to provide a formula and change provisions relating to core services and technology infrastructure funding; to define terms; to change provisions relating to distance education, unit boundaries, and board membership; to provide for election districts; to eliminate and create councils; to provide a duty for the Auditor of Public Accounts; to change provisions relating to the Early Childhood Education Grant Program; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 79-1332 and 79-1333, Revised Statutes Cumulative Supplement, 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, 42:

Adams	Dierks	Howard	McDonald	Rogert
Aguilar	Dubas	Janssen	McGill	Schimek
Ashford	Engel	Johnson	Mines	Stuthman
Avery	Erdman	Karpisek	Nantkes	Synowiecki
Burling	Fischer	Kopplin	Nelson	White
Carlson	Friend	Kruse	Pahls	Wightman
Chambers	Fulton	Langemeier	Pankonin	
Christensen	Hansen	Lathrop	Preister	
Cornett	Harms	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 5:

Flood	Gay	Pedersen	Pirsch	Wallman
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Excused and not voting, 2:

Heidemann	Hudkins
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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.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 603A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 603, One Hundredth Legislature, First Session, 2007.

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:

Adams	Dierks	Harms	Louden	Preister
Aguilar	Dubas	Howard	McDonald	Raikes
Ashford	Engel	Janssen	McGill	Rogert
Avery	Erdman	Johnson	Mines	Schimek
Burling	Fischer	Karpisek	Nantkes	Stuthman
Carlson	Flood	Kopplin	Nelson	Synowiecki
Chambers	Friend	Kruse	Pahls	White
Christensen	Fulton	Langemeier	Pankonin	Wightman
Cornett	Hansen	Lathrop	Pedersen	

Voting in the negative, 0.

Present and not voting, 3:

Gay Pirsch Wallman

Excused and not voting, 2:

Heidemann Hudkins

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

LEGISLATIVE BILL 338.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2006; to change income tax reduction amounts for participants in the Nebraska educational savings plan trust; to provide an operative date; 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, 46:

Adams	Engel	Janssen	Mines	Schimek
Aguilar	Erdman	Johnson	Nantkes	Stuthman
Ashford	Fischer	Karpisek	Nelson	Synowiecki
Avery	Friend	Kopplin	Pahls	Wallman
Burling	Fulton	Kruse	Pankonin	White
Carlson	Gay	Langemeier	Pedersen	Wightman
Christensen	Hansen	Lathrop	Pirsch	
Cornett	Harms	Louden	Preister	
Dierks	Heidemann	McDonald	Raikes	
Dubas	Howard	McGill	Rogert	

Voting in the negative, 0.

Present and not voting, 2:

Chambers Flood

Excused and not voting, 1:

Hudkins

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

LEGISLATIVE BILL 377. With Emergency.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, and sections 24-201.01, 24-301.02, and 24-503, Revised Statutes Cumulative Supplement, 2006; to change salary provisions of judges; to reallocate district, county, and separate juvenile court judgeships; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 42:

Adams	Dubas	Janssen	Mines	Rogert
Aguilar	Engel	Johnson	Nantkes	Schimek
Ashford	Flood	Karpisek	Nelson	Stuthman
Burling	Friend	Kopplin	Pahls	Synowiecki
Carlson	Fulton	Kruse	Pankonin	Wallman
Chambers	Gay	Langemeier	Pedersen	Wightman
Christensen	Hansen	Lathrop	Pirsch	
Cornett	Harms	McDonald	Preister	
Dierks	Howard	McGill	Raikes	

Voting in the negative, 2:

Erdman	Louden
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Present and not voting, 4:

Avery	Fischer	Heidemann	White
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Excused and not voting, 1:

Hudkins

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 377A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 377, One Hundredth Legislature, First Session, 2007; 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, 41:

Adams	Dubas	Janssen	Mines	Schimek
Aguilar	Engel	Johnson	Nantkes	Stuthman
Ashford	Flood	Karpisek	Nelson	Synowiecki
Burling	Friend	Kopplin	Pahls	White
Carlson	Fulton	Kruse	Pankonin	Wightman
Chambers	Hansen	Langemeier	Pedersen	
Christensen	Harms	Lathrop	Preister	
Cornett	Heidemann	McDonald	Raikes	
Dierks	Howard	McGill	Rogert	

Voting in the negative, 1:

Erdman

Present and not voting, 6:

Avery	Gay	Pirsch
Fischer	Louden	Wallman

Excused and not voting, 1:

Hudkins

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 343.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.08 and 77-2715.09, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2715.07, and 77-2734.03, Revised Statutes Cumulative Supplement, 2006; to create an investment tax credit for biodiesel facilities; to provide an adjustment to income for extraordinary dividends; to harmonize provisions; to provide an operative date; 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, 46:

Adams	Engel	Howard	McGill	Rogert
Aguilar	Erdman	Janssen	Mines	Schimek
Ashford	Fischer	Johnson	Nantkes	Stuthman
Avery	Flood	Karpisek	Nelson	Wallman
Burling	Friend	Kopplin	Pahls	White
Chambers	Fulton	Kruse	Pankonin	Wightman
Christensen	Gay	Langemeier	Pedersen	
Cornett	Hansen	Lathrop	Pirsch	
Dierks	Harms	Louden	Preister	
Dubas	Heidemann	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Carlson Synowiecki

Excused and not voting, 1:

Hudkins

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

LEGISLATIVE BILL 343A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 343, One Hundredth Legislature, First Session, 2007.

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

Voting in the affirmative, 47:

Adams	Dubas	Heidemann	McDonald	Raikes
Aguilar	Engel	Howard	McGill	Rogert
Ashford	Erdman	Janssen	Mines	Schimek
Avery	Fischer	Johnson	Nantkes	Stuthman
Burling	Flood	Karpisek	Nelson	Wallman
Carlson	Friend	Kopplin	Pahls	White
Chambers	Fulton	Kruse	Pankonin	Wightman
Christensen	Gay	Langemeier	Pedersen	
Cornett	Hansen	Lathrop	Pirsch	
Dierks	Harms	Louden	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Synowiecki

Excused and not voting, 1:

Hudkins

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

LEGISLATIVE BILL 324. With Emergency.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 81-2014, 81-2014.01, and 81-2017, Revised Statutes Cumulative Supplement, 2006; to define terms; to provide for deferred retirement option plans; to change and eliminate provisions relating to retirement system contributions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 46:

Adams	Engel	Howard	McGill	Schimek
Aguilar	Erdman	Janssen	Mines	Stuthman
Ashford	Fischer	Johnson	Nantkes	Synowiecki
Burling	Flood	Karpisek	Nelson	Wallman
Carlson	Friend	Kopplin	Pahls	White
Chambers	Fulton	Kruse	Pankonin	Wightman
Christensen	Gay	Langemeier	Pirsch	
Cornett	Hansen	Lathrop	Preister	
Dierks	Harms	Louden	Raikes	
Dubas	Heidemann	McDonald	Rogert	

Voting in the negative, 0.

Present and not voting, 2:

Avery Pedersen

Excused and not voting, 1:

Hudkins

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 324A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 324, One Hundredth Legislature, First Session, 2007; 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, 46:

Adams	Engel	Howard	McGill	Rogert
Aguilar	Erdman	Janssen	Mines	Schimek
Ashford	Fischer	Johnson	Nantkes	Stuthman
Avery	Flood	Karpisek	Nelson	Synowiecki
Burling	Friend	Kopplin	Pahls	Wallman
Carlson	Fulton	Kruse	Pankonin	White
Chambers	Gay	Langemeier	Pedersen	
Cornett	Hansen	Lathrop	Pirsch	
Dierks	Harms	Louden	Preister	
Dubas	Heidemann	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Christensen Wightman

Excused and not voting, 1:

Hudkins

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 470.

A BILL FOR AN ACT relating to criminal history records; to amend section 29-3523, Revised Statutes Cumulative Supplement, 2006; to change a provision relating to dissemination of information; 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, 46:

Adams	Dubas	Heidemann	McGill	Schimek
Aguilar	Engel	Howard	Mines	Stuthman
Ashford	Erdman	Janssen	Nantkes	Synowiecki
Avery	Fischer	Karpisek	Nelson	Wallman
Burling	Flood	Kopplin	Pahls	White
Carlson	Friend	Kruse	Pankonin	Wightman
Chambers	Fulton	Langemeier	Pedersen	
Christensen	Gay	Lathrop	Preister	
Cornett	Hansen	Louden	Raikes	
Dierks	Harms	McDonald	Rogert	

Voting in the negative, 0.

Present and not voting, 2:

Johnson Pirsch

Excused and not voting, 1:

Hudkins

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

LEGISLATIVE BILL 470A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, One Hundredth Legislature, First Session, 2007.

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:

Adams	Dubas	Howard	McGill	Schimek
Aguilar	Engel	Janssen	Mines	Stuthman
Ashford	Fischer	Johnson	Nantkes	Synowiecki
Avery	Flood	Karpisek	Nelson	Wallman
Burling	Friend	Kopplin	Pahls	White
Carlson	Fulton	Kruse	Pankonin	Wightman
Chambers	Gay	Langemeier	Pedersen	
Christensen	Hansen	Lathrop	Preister	
Cornett	Harms	Louden	Raikes	
Dierks	Heidemann	McDonald	Rogert	

Voting in the negative, 1:

Erdman

Present and not voting, 1:

Pirsch

Excused and not voting, 1:

Hudkins

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

LEGISLATIVE BILL 425.

A BILL FOR AN ACT relating to economic development; to create the Nebraska Operational Assistance Act; to create a statewide program to assist high-growth business enterprises to attract private equity; to prescribe duties; and to require reporting.

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, 48:

Adams	Dubas	Heidemann	Louden	Preister
Aguilar	Engel	Howard	McDonald	Raikes
Ashford	Erdman	Hudkins	McGill	Rogert
Avery	Fischer	Janssen	Mines	Schimek
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Karpisek	Nelson	Synowiecki
Chambers	Fulton	Kopplin	Pahls	Wallman
Christensen	Gay	Kruse	Pankonin	White
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Wightman

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

LEGISLATIVE BILL 425A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 425, One Hundredth Legislature, First Session, 2007.

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, 48:

Adams	Engel	Howard	McDonald	Raikes
Ashford	Erdman	Hudkins	McGill	Rogert
Avery	Fischer	Janssen	Mines	Schimek
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Karpisek	Nelson	Synowiecki
Chambers	Fulton	Kopplin	Pahls	Wallman
Christensen	Gay	Kruse	Pankonin	White
Cornett	Hansen	Langemeier	Pedersen	Wightman
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Aguilar

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

LEGISLATIVE BILL 12.

A BILL FOR AN ACT relating to the Commercial Dog and Cat Operator Inspection Act; to amend sections 54-628, 54-629, 54-630, 54-631, and 54-632, Reissue Revised Statutes of Nebraska, and sections 54-625, 54-627, and 54-633, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to license requirements, inspections, rules and regulations, applications, disciplinary actions, and enforcement powers; to provide for administrative fines; to provide powers and duties; 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:

Adams	Dierks	Howard	McDonald	Raikes
Aguilar	Dubas	Hudkins	McGill	Rogert
Ashford	Engel	Janssen	Mines	Schimek
Avery	Fischer	Johnson	Nelson	Stuthman
Burling	Flood	Karpisek	Pahls	Synowiecki
Carlson	Friend	Kopplin	Pankonin	Wallman
Chambers	Fulton	Kruse	Pedersen	White
Christensen	Hansen	Langemeier	Pirsch	Wightman
Cornett	Harms	Lathrop	Preister	

Voting in the negative, 1:

Erdman

Present and not voting, 4:

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

LEGISLATIVE BILL 12A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 12, One Hundredth Legislature, First Session, 2007.

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:

Adams	Dierks	Heidemann	Lathrop	Preister
Aguilar	Dubas	Howard	McDonald	Raikes
Ashford	Engel	Hudkins	McGill	Rogert
Avery	Fischer	Janssen	Mines	Schimek
Burling	Flood	Johnson	Nelson	Stuthman
Carlson	Friend	Karpisek	Pahls	Synowiecki
Chambers	Fulton	Kopplin	Pankonin	Wallman
Christensen	Hansen	Kruse	Pedersen	White
Cornett	Harms	Langemeier	Pirsch	Wightman

Voting in the negative, 1:

Erdman

Present and not voting, 3:

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

LEGISLATIVE BILL 73. With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-10,138, Reissue Revised Statutes of Nebraska; to change provisions relating to school breakfasts; to provide an operative date; 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, 48:

Adams	Engel	Howard	McDonald	Raikes
Ashford	Erdman	Hudkins	McGill	Rogert
Avery	Fischer	Janssen	Mines	Schimek
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Karpisek	Nelson	Synowiecki
Chambers	Fulton	Kopplin	Pahls	Wallman
Christensen	Gay	Kruse	Pankonin	White
Cornett	Hansen	Langemeier	Pedersen	Wightman
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Aguilar

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 73A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 73, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

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

Voting in the affirmative, 48:

Adams	Dubas	Heidemann	Louden	Raikes
Aguilar	Engel	Howard	McDonald	Rogert
Ashford	Erdman	Hudkins	McGill	Schimek
Avery	Fischer	Janssen	Mines	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	

Voting in the negative, 0.

Present and not voting, 1:

Pedersen

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 304.

A BILL FOR AN ACT relating to the Long-Term Care Savings Plan Act; to amend sections 77-6102 and 77-6105, Revised Statutes Cumulative Supplement, 2006; to redefine terms; to change provisions relating to authorized withdrawals; 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, 48:

Adams	Dubas	Heidemann	Louden	Raikes
Aguilar	Engel	Howard	McDonald	Rogert
Ashford	Erdman	Hudkins	McGill	Schimek
Avery	Fischer	Janssen	Mines	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Preister

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

LEGISLATIVE BILL 211. With Emergency.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend section 48-806, Reissue Revised Statutes of Nebraska; to change the compensation of members of the commission; 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, 46:

Adams	Engel	Hudkins	McGill	Schimek
Aguilar	Erdman	Janssen	Mines	Stuthman
Ashford	Fischer	Johnson	Nantkes	Synowiecki
Avery	Flood	Karpisek	Nelson	Wallman
Burling	Friend	Kopplin	Pahls	White
Carlson	Fulton	Kruse	Pankonin	Wightman
Chambers	Gay	Langemeier	Pedersen	
Christensen	Hansen	Lathrop	Pirsch	
Cornett	Harms	Louden	Raikes	
Dierks	Howard	McDonald	Rogert	

Voting in the negative, 0.

Present and not voting, 3:

Dubas	Heidemann	Preister
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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 211A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 211, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

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

Voting in the affirmative, 47:

Adams	Engel	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Schimek
Ashford	Fischer	Janssen	Mines	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pedersen	
Cornett	Harms	Lathrop	Pirsch	
Dierks	Heidemann	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Dubas Preister

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 117 with 37 ayes, 3 nays, and 9 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 117.

A BILL FOR AN ACT relating to insurance; to amend sections 21-2005, 44-319.07, 44-501, 44-507, 44-508, 44-522, 44-1104, 44-4501, 44-4519, 44-5110, 44-5111, 44-5120, 44-5137, 44-5140, 44-5141, 44-5152, 44-5501, 44-5502, 44-5504, 44-7504, and 48-446, Reissue Revised Statutes of Nebraska, and sections 44-5103, 44-5153, 44-8101, 44-8102, 44-8103, 44-8104, 44-8105, 44-8106, 44-8107, 48-144.03, 48-146.01, and 77-908, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Business Corporation Act, the Long-Term Care Insurance Act, the Surplus Lines Insurance Act, securities, workers' compensation insurance, fire insurance policies, standard provisions and forms, the Viatical Settlements Act, nonadmitted insurers, and the Insurers Investment Act; to provide training requirements for long-term care insurance providers; to provide for a tax on premiums of policies procured by industrial insureds and premiums received by captive insurers; to rename the Nebraska Senior Protection in Annuity Transactions Act; to adopt the Captive Insurers Act; to define and redefine terms; to provide powers and duties; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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, 47:

Adams	Engel	Howard	McGill	Rogert
Aguilar	Erdman	Hudkins	Mines	Schimek
Ashford	Fischer	Janssen	Nantkes	Stuthman
Avery	Flood	Johnson	Nelson	Synowiecki
Burling	Friend	Karpisek	Pahls	Wallman
Carlson	Fulton	Kopplin	Pankonin	White
Chambers	Gay	Kruse	Pedersen	Wightman
Christensen	Hansen	Langemeier	Pirsch	
Cornett	Harms	Louden	Preister	
Dierks	Heidemann	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Dubas	Lathrop
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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 540. With Emergency.

A BILL FOR AN ACT relating to probation and parole; to adopt the Probation and Parole Services Study Act; 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, 49:

Adams	Dubas	Heidemann	Louden	Preister
Aguilar	Engel	Howard	McDonald	Raikes
Ashford	Erdman	Hudkins	McGill	Rogert
Avery	Fischer	Janssen	Mines	Schimek
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Karpisek	Nelson	Synowiecki
Chambers	Fulton	Kopplin	Pahls	Wallman
Christensen	Gay	Kruse	Pankonin	White
Cornett	Hansen	Langemeier	Pedersen	Wightman
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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 540A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 540, One Hundredth Legislature, First Session, 2007; 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, 49:

Adams	Dubas	Heidemann	Louden	Preister
Aguilar	Engel	Howard	McDonald	Raikes
Ashford	Erdman	Hudkins	McGill	Rogert
Avery	Fischer	Janssen	Mines	Schimek
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Karpisek	Nelson	Synowiecki
Chambers	Fulton	Kopplin	Pahls	Wallman
Christensen	Gay	Kruse	Pankonin	White
Cornett	Hansen	Langemeier	Pedersen	Wightman
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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 316. With Emergency.

A BILL FOR AN ACT relating to education; to create the Special Education Services Task Force; to provide powers and duties; to provide for termination; and to declare an emergency.

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

Voting in the affirmative, 48:

Adams	Dubas	Heidemann	Louden	Preister
Aguilar	Engel	Howard	McDonald	Raikes
Ashford	Erdman	Hudkins	McGill	Rogert
Avery	Fischer	Janssen	Mines	Schimek
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Karpisek	Nelson	Synowiecki
Chambers	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Wallman

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 316A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 316, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

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

Voting in the affirmative, 47:

Adams	Dubas	Heidemann	Louden	Raikes
Aguilar	Engel	Howard	McDonald	Rogert
Ashford	Erdman	Hudkins	McGill	Schimek
Avery	Fischer	Janssen	Mines	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	White
Chambers	Fulton	Kopplin	Pahls	Wightman
Christensen	Gay	Kruse	Pankonin	
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 2:

Preister Wallman

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 328 with 38 ayes, 3 nays, and 8 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 328. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2308.01, 23-2310.04, 23-2317, 23-2319.01, 23-2319.02, 23-2320, 84-1309.02, 84-1314, 84-1319, 84-1321.01, and 84-1322, Revised Statutes Cumulative Supplement, 2006; to provide for a cash balance benefit election for certain county and state employees; to rename and create funds; to change provisions relating to reemployment of county and state employees; to adopt the Law Enforcement Officers Retirement Survey Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 48:

Adams	Dubas	Heidemann	Louden	Raikes
Aguilar	Engel	Howard	McDonald	Rogert
Ashford	Erdman	Hudkins	McGill	Schimek
Avery	Fischer	Janssen	Mines	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 1:

Preister

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 328A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 328, One Hundredth Legislature, First Session, 2007; 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, 49:

Adams	Dubas	Heidemann	Louden	Preister
Aguilar	Engel	Howard	McDonald	Raikes
Ashford	Erdman	Hudkins	McGill	Rogert
Avery	Fischer	Janssen	Mines	Schimek
Burling	Flood	Johnson	Nantkes	Stuthman
Carlson	Friend	Karpisek	Nelson	Synowiecki
Chambers	Fulton	Kopplin	Pahls	Wallman
Christensen	Gay	Kruse	Pankonin	White
Cornett	Hansen	Langemeier	Pedersen	Wightman
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Not voting, 0.

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

MOTION - Return LB 456 to Select File

Senator White moved to return LB 456 to Select File for the following specific amendment:

AM1488

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 77-2716, Revised Statutes Cumulative
- 3 Supplement, 2006, is amended to read:
- 4 77-2716 (1) The following adjustments to federal adjusted
- 5 gross income or, for corporations and fiduciaries, federal taxable
- 6 income shall be made for interest or dividends received:
- 7 (a) There shall be subtracted interest or dividends
- 8 received by the owner of obligations of the United States and its
- 9 territories and possessions or of any authority, commission, or
- 10 instrumentality of the United States to the extent includable in

11 gross income for federal income tax purposes but exempt from state
12 income taxes under the laws of the United States;

13 (b) There shall be subtracted that portion of the
14 total dividends and other income received from a regulated
15 investment company which is attributable to obligations described
16 in subdivision (a) of this subsection as reported to the recipient
17 by the regulated investment company;

18 (c) There shall be added interest or dividends received
19 by the owner of obligations of the District of Columbia, other
20 states of the United States, or their political subdivisions,
21 authorities, commissions, or instrumentalities to the extent
22 excluded in the computation of gross income for federal income
1 tax purposes except that such interest or dividends shall not be
2 added if received by a corporation which is a regulated investment
3 company;

4 (d) There shall be added that portion of the total
5 dividends and other income received from a regulated investment
6 company which is attributable to obligations described in
7 subdivision (c) of this subsection and excluded for federal
8 income tax purposes as reported to the recipient by the regulated
9 investment company; and

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

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

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

8 (3) There shall be subtracted from federal adjusted gross
9 income for all taxable years beginning on or after January 1, 1987,
10 the amount of any state income tax refund to the extent such refund

11 was deducted under the Internal Revenue Code, was not allowed in
12 the computation of the tax due under the Nebraska Revenue Act of
13 1967, and is included in federal adjusted gross income.

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

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

25 (6) There shall be subtracted from federal taxable income
26 a portion of the income earned by a corporation subject to the
27 Internal Revenue Code of 1986 that is actually taxed by a foreign
1 country or one of its political subdivisions at a rate in excess
2 of the maximum federal tax rate for corporations. The taxpayer may
3 make the computation for each foreign country or for groups of
4 foreign countries. The portion of the taxes that may be deducted
5 shall be computed in the following manner:

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

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

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

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

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

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

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

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

18 (9)(a) For income tax returns filed after September 10,
19 2001, for taxable years beginning or deemed to begin before January
20 1, 2006, under the Internal Revenue Code of 1986, as amended,
21 federal adjusted gross income or, for corporations and fiduciaries,
22 federal taxable income shall be increased by eighty-five percent
23 of any amount of any federal bonus depreciation received under
24 the federal Job Creation and Worker Assistance Act of 2002 or the
25 federal Jobs and Growth Tax Act of 2003, under section 168(k) or
26 section 1400L of the Internal Revenue Code of 1986, as amended,
27 for assets placed in service after September 10, 2001, and before
1 December 31, 2005.

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

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

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

27 Internal Revenue Code of 1986, as amended, and twenty percent in
1 each of the next four following taxable years.

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

16 (11)(a) Federal adjusted gross income shall be reduced
17 by contributions, up to two thousand dollars per married filing
18 jointly return or one thousand dollars for any other return, and
19 any investment earnings made as a participant in the Nebraska
20 long-term care savings plan under the Long-Term Care Savings Plan
21 Act, to the extent not deducted for federal income tax purposes.

22 (b) Federal adjusted gross income shall be increased by
23 the withdrawals made as a participant in the Nebraska long-term
24 care savings plan under the act by a person who is not a qualified
25 individual or for any reason other than transfer of funds to a
26 spouse, long-term care expenses, long-term care insurance premiums,
27 or death of the participant, including withdrawals made by reason
1 of cancellation of the participation agreement or termination of
2 the plan, to the extent previously deducted as a contribution or as
3 investment earnings.

4 (12) There shall be added to federal adjusted gross
5 income for individuals, estates, and trusts any amount taken as
6 a credit for franchise tax paid by a financial institution under
7 sections 77-3801 to 77-3807 as allowed by subsection (6) of section
8 77-2715.07.

9 2. On page 1, line 3; and page 6, line 10, strike
10 "section 77-2715.07" and insert "sections 77-2715.07 and 77-2716".

11 3. Renumber the remaining sections accordingly.

The White motion to return prevailed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 456. The White specific amendment, AM1488, found in this day's Journal, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 441 to Select File

Senator Hudkins moved to return LB 441 to Select File for the following specific amendment:

FA137

Strike the enacting clause.

SENATOR LANGEMEIER PRESIDING

Senator Hudkins withdrew her motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 441.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-123.15 and 53-304, Reissue Revised Statutes of Nebraska; to change provisions relating to shippers' license fees; to provide an excise tax on grapes; to define terms; to provide powers and duties; to provide a penalty; 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, 46:

Adams	Engel	Hudkins	Mines	Schimek
Aguilar	Erdman	Janssen	Nantkes	Stuthman
Ashford	Fischer	Johnson	Nelson	Synowiecki
Avery	Flood	Karpisek	Pahls	Wallman
Burling	Fulton	Kopplin	Pankonin	White
Carlson	Gay	Kruse	Pedersen	Wightman
Chambers	Hansen	Langemeier	Pirsch	
Christensen	Harms	Louden	Preister	
Cornett	Heidemann	McDonald	Raikes	
Dubas	Howard	McGill	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 2:

Dierks Friend

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

LEGISLATIVE BILL 441A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 441, One Hundredth Legislature, First Session, 2007.

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:

Adams	Engel	Hudkins	Mines	Schimek
Aguilar	Erdman	Janssen	Nantkes	Stuthman
Ashford	Fischer	Johnson	Nelson	Synowiecki
Avery	Flood	Karpisek	Pahls	Wallman
Burling	Fulton	Kopplin	Pankonin	White
Carlson	Gay	Kruse	Pedersen	Wightman
Chambers	Hansen	Langemeier	Pirsch	
Christensen	Harms	Louden	Preister	
Cornett	Heidemann	McDonald	Raikes	
Dubas	Howard	McGill	Rogert	

Voting in the negative, 0.

Present and not voting, 1:

Lathrop

Excused and not voting, 2:

Dierks Friend

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

SELECT FILE

LEGISLATIVE BILL 97. Senator Ashford offered the following motion: Suspend the rules, Rule 5, Section 7, and Rule 7, Section 3(d) to permit consideration of AM1485 to LB 97.

The Ashford motion to suspend the rules prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Ashford renewed his amendment, AM1485, found on page 1777.

The Ashford amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:

FA138

Amend AM1485 P. 1, line 18 after "worship;" insert "hospital".

Pending.

ANNOUNCEMENT

The Chair announced May 26 is Senator McDonald's birthday.

SELECT FILE

LEGISLATIVE BILL 97. The Chambers amendment, FA138, found in this day's Journal, was renewed.

PRESIDENT SHEEHY PRESIDING

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The Chambers amendment was adopted with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 641, 641A, 342, 342A, 603, 603A, 338, 377, 377A, 343, 343A, 324, 324A, 470, 470A, 425, 425A, 12, 12A, 73, 73A, 304, 211, 211A, 117, 540, 540A, 316, 316A, 328, 328A, 441, and 441A.

COMMITTEE REPORTS
Enrollment and Review**Correctly Engrossed**

The following bills were correctly engrossed: LBs 142, 551, 551A, 554, 554A, and 573.

ST9052

Enrollment and Review Change to LB 142

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "section" in line 1 through line 5 and all amendments thereto have been struck and "section 28-101, Revised Statutes Cumulative Supplement, 2006; to create the offense of enticement by electronic communication device; to provide a penalty; to harmonize provisions; and to repeal the original section." inserted.

ST9049

Enrollment and Review Change to LB 554

The following changes, required to be reported for publication in the Journal, have been made:

1. The new matter on page 1, lines 2 through 10, of the Flood amendment, AM1465, has been incorporated into the Flood amendment, AM1453, on page 3, in lieu of the new matter in lines 4 through 7.

2. In the E & R amendments, ER8115:

a. On page 7, line 12, "a" has been inserted after the last comma;

b. On page 20, line 5, "in light of the proposed temporary parenting plan" has been struck; and

c. On page 22, line 15, "(1) and (2)" has been struck and "(1)(a) and (b)" inserted.

3. On page 1, line 1, "children" has been struck and "domestic relations matters" inserted; and in line 14 "to change provisions relating to pleadings and support liens;" has been inserted after the second semicolon.

4. On page 2, line 2, "an operative date" has been struck and "operative dates" inserted.

ST9051

Enrollment and Review Change to LB 573

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Standing Committee amendments, AM1088:

a. On page 2, line 13, the commas have been struck; and

b. On page 4, line 9, "becomes" has been struck and "become" inserted.

2. On page 1, the matter beginning with "adopt" in line 1 through line 2 and all amendments thereto have been struck and "amend sections

53-167.03 and 53-180.02, Reissue Revised Statutes of Nebraska; to adopt the Minor Alcoholic Liquor Liability Act; to change provisions relating to keg identification numbers and minors in possession of alcoholic liquor; to provide operative dates; and to repeal the original sections." inserted.

(Signed) Amanda McGill, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 216. Introduced by Engel, 17.

WHEREAS, the Newcastle Lady Raiders won the 2007 Class D Girls' State Track Championship; and

WHEREAS, the win marked the first time the Raiders have won the championship; and

WHEREAS, throughout the year the Newcastle Raiders girls' track team has demonstrated that hard work, dedication, and discipline produces remarkable results; and

WHEREAS, such an achievement is made possible not only by the players' performance and the coaching guidance, but also through the support of parents, teachers, administrators, and the community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Newcastle Lady Raiders girls' track team and its coaches.
2. That a copy of this resolution be sent to the Newcastle Lady Raiders girls' track team and head coach Robin Mohr.

Laid over.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 641 and 641A.

(Signed) Lavon Heidemann

GENERAL FILE

LEGISLATIVE BILL 570. Senator Chambers renewed his motion, found on page 1750, to reconsider the vote taken on FA129.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers motion to reconsider failed with 1 aye, 28 nays, 9 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Indefinitely postpone.

Senator Louden moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Chambers motion to indefinitely postpone failed with 0 ayes, 38 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote to indefinitely postpone.

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 47:

Adams	Engel	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Schimek
Ashford	Fischer	Janssen	Mines	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Raikes	

Excused and not voting, 1:

Preister

The Chambers motion to reconsider failed with 1 aye, 47 nays, and 1 excused and not voting.

Senator Louden offered the following motion:

To invoke cloture on LB 570, pursuant to Rule 7, Section 10.

Senator Chambers requested a roll call vote on the Louden motion to invoke cloture.

Voting in the affirmative, 44:

Adams	Erdman	Howard	Louden	Pirsch
Aguilar	Fischer	Hudkins	McDonald	Raikes
Ashford	Flood	Janssen	McGill	Rogert
Burling	Friend	Johnson	Mines	Stuthman
Carlson	Fulton	Karpisek	Nantkes	Synowiecki
Christensen	Gay	Kopplin	Nelson	Wallman
Cornett	Hansen	Kruse	Pahls	White
Dierks	Harms	Langemeier	Pankonin	Wightman
Engel	Heidemann	Lathrop	Pedersen	

Voting in the negative, 3:

Avery	Chambers	Schimek
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Present and not voting, 1:

Dubas

Excused and not voting, 1:

Preister

The Louden motion to invoke cloture prevailed with 44 ayes, 3 nays, 1 present and not voting, and 1 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 47:

Adams	Engel	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Schimek
Ashford	Fischer	Janssen	Mines	Stuthman
Avery	Flood	Johnson	Nantkes	Synowiecki
Burling	Friend	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Louden	Raikes	

Voting in the negative, 1:

Chambers

Excused and not voting, 1:

Preister

Advanced to E & R for review with 47 ayes, 1 nay, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 456.

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 97, 653, 653A, and LR 1CA.

ST9054

Enrollment and Review Change to LB 97

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Ashford amendment, AM1485, on page 1, line 18, an underscored comma has been inserted after "room".

2. On page 1, the matter beginning with "courts" in line 1 through line 5 has been struck and "handguns; to amend sections 69-2441 and 69-2443, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to carrying concealed handguns and revocation of permits for certain violations; and to repeal the original sections." inserted.

ST9053

Enrollment and Review Change to LB 653

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8118, on page 11, line 3, "high-needs education" has been struck; and in line 15 "a coordinator," has been inserted before "learning".

(Signed) Amanda McGill, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 2007, at 12:30 p.m. were the following: LBs 641, 641A, 342e, 342Ae, 603e, 603A, 338, 377e, 377Ae, 343, 343A, 324e, 324Ae, 470, 470A, 425, 425A, 12, 12A, 73e, 73Ae, 304, 211e, 211Ae, 117, 540e, 540Ae, 316e, 316Ae, 328e, 328Ae, 441, and 441A.

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

MESSAGE FROM THE GOVERNOR

May 24, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 339, 578, 588, 588A, and 674 were received in my office on May 18, 2007.

Engrossed Legislative Bills 221, 299, 334e, 482e, 482Ae, 504, 516e, 516Ae, and 542e were received in my office on May 22, 2007.

I signed these bills and delivered them to the Secretary of State on May 24, 2007.

Sincerely,
(Signed) Dave Heineman
Governor

AMENDMENTS - Print in Journal

Senator Loudon filed the following amendment to LB 570:
FA140

P. 13, line 14 strike "2008" and insert "2010"

Senator Carlson filed the following amendment to LB 570:
AM1470

- 1 1. On page 2, line 8, after "for" insert "those who died
- 2 while serving in good standing in".
- 3 2. On page 3, line 21, after "while" insert "in good
- 4 standing".

VISITORS

Visitors to the Chamber were members of Nebraska Bankers Association from Lincoln; 65 fourth-grade students and teachers from Sunny Slope Elementary, Omaha; Senator Stuthman's daughter and grandchildren, Amy, Hillary, and Mitchell Sander, from David City; 21 third-grade students, teacher, and sponsors from Arnold Elementary, Lincoln; Senator Karpisek's wife and daughter, Jill and Stephanie Karpisek, from Wilber; 53 fourth-grade students, teachers, and sponsors from Columbian Elementary, Omaha; and Dan and Brandon Caniglia from Omaha.

The Doctor of the Day was Dr. Husain from Lincoln.

ADJOURNMENT

At 2:24 p.m., on a motion by Senator Cornett, the Legislature adjourned until 9:00 a.m., Tuesday, May 29, 2007.

Patrick J. O'Donnell
Clerk of the Legislature