

FORTY-SECOND DAY - MARCH 13, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 13, 2006

PRAYER

The prayer was offered by Pastor Ron Elliot, Immanuel Medical Center, Bellevue.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Erdman and Johnson who were excused; and Senators Cornett, Landis, Dw. Pedersen, Raikes, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

MESSAGE FROM THE GOVERNOR

March 13, 2006

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 196, 409, 757e, 771, 787e, 789, 792e, 815, 823, 833, 860, 875e, 921, 941, 1008, 1008A, 1066, 1067, 1116e, and 1178 were received in my office on March 7, 2006.

I signed these bills and delivered them to the Secretary of State on March 13, 2006.

Sincerely,

(Signed) Dave Heineman
Governor

GENERAL FILE

LEGISLATIVE BILL 786. Title read. Considered.

The Standing Committee amendment, AM2533, found on page 859, was considered.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA552

Amendments to AM2533

P. 1, line 17 after "Malfeasance" insert "in office"; in line 22 after "Misfeasance" insert "in office"; p. 2, line 3 after "Nonfeasance" insert "in office".

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

The Chambers amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORT Business and Labor

LEGISLATIVE BILL 354. Placed on General File.

(Signed) Douglas Cunningham, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1086A. Introduced by Synowiecki, 7; Jensen, 20.

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.

RESOLUTION**LEGISLATIVE RESOLUTION 304.** Introduced by Cornett, 45.

WHEREAS, the Bellevue East High School girls' basketball team won the Class A Girls' State High School Basketball Championship with a fifty-five to forty-five win over Lincoln Northeast High School; and

WHEREAS, the team snapped Northeast's forty-eight game win streak and finished the season with twenty-eight wins and two losses; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Bellevue East High School girls' basketball team be congratulated for their exemplary effort this season.

2. That a copy of this resolution be sent to Coach Scott Jensen and the Bellevue East High School girls' basketball team.

Laid over.

AMENDMENTS - Print in Journal

Senator Burling filed the following amendment to LB 915:
AM2690

(Amendments to Standing Committee amendments, AM2566)

- 1 1. Insert the following new sections:
- 2 Sec. 5. The Nebraska Commission on Law Enforcement and
- 3 Criminal Justice shall award grants for methamphetamine abuse
- 4 prevention and education programs on a competitive basis to local
- 5 or private nonprofit agencies. Such agencies may apply for grants
- 6 on forms developed and provided by the commission in cooperation
- 7 with the Community Corrections Council. The application shall
- 8 include, but not be limited to, the name of the local or private
- 9 nonprofit agency, a description of the proposed program's services,
- 10 target population, and location, the program's budget, an estimate
- 11 of other funds available to fund the program, and such other
- 12 information as the commission deems necessary. The commission may
- 13 award grants to one or more applicants on the basis of criteria
- 14 developed by the commission which shall include, but need not
- 15 be limited to, need for seed funding and operational funding,
- 16 research, ability to measure and quantify the results of the
- 17 program, the program's potential for success, and such other
- 18 criteria as the commission deems appropriate.
- 19 Sec. 6. It is the intent of the Legislature to
- 20 appropriate two hundred thousand dollars from the General Fund for
- 21 fiscal year 2006-07 to the Nebraska Commission on Law Enforcement
- 22 and Criminal Justice to carry out section 5 of this act.
- 1 Sec. 7. Section 1, 2, 3, and 4 of this act become
- 2 operative three calendar months after adjournment of this

- 3 legislative session. The other sections of this act become
4 operative on their effective date.
5 Sec. 8. Since an emergency exists, this act takes effect
6 when passed and approved according to law.

Senator Chambers filed the following amendment to LB 990:
FA575

P. 6, line 12 strike "under", and show as stricken, and insert "pursuant to";
in line 20 strike "less", and show as stricken and insert "fewer"; page 8, line
15 strike "under", and show as stricken and insert "pursuant to".

Senator Chambers filed the following amendment to LB 990:
FA576

P. 2, line 14 after "management" insert "which is not required in order to
come into compliance with any law, rule or regulation applicable to such
operations".

Senator Chambers filed the following amendments to LB 904:
FA580

Amendment to AM2576

P. 1, in lines 9-11 strike new matter and reinstate original matter.

FA581

Amendment to AM2576

P. 1, line 5 strike "established" show as stricken and insert "created".

FA582

Amendment to AM2576

P. 1, line 8 strike beginning with "together" through "Fund" in line 9 and
show as stricken.

FA583

Amendment to AM2576

P. 1, line 12 strike "pursuant to" show as stricken and insert "in
accordance with".

FA584

Amendment to AM2576

P. 1, line 16 strike "to be" and show as stricken.

FA585

Amendment to AM2576

P. 1, line 17 strike "shall be" show as stricken and insert "is".

FA586

Amendment to AM2576

P. 1, line 19 strike "may" show as stricken and insert "shall".

FA587

Amendment to AM2576

P. 2, line 2 strike "under" show as stricken and insert "in accordance with".

FA588

Amendment to AM2576

P. 2, line 4 after "showing" insert "all".

FA589

Amendment to AM2576

P. 2, line 5 strike "the" show as stricken and insert "such".

FA590

Amendment to AM2576

P. 2, lines 4 and 5 strike "so" show as stricken.

Senator Aguilar filed the following amendment to LB 915:
AM2693

(Amendments to Standing Committee amendments, AM2566)

1 1. Insert the following sections:

2 Sec. 5. (1) When any person is convicted of an
3 offense under the Uniform Controlled Substances Act involving
4 the manufacture of a controlled substance, the court may order
5 the person to make restitution to property owners for the
6 costs incurred in the rehabilitation of the property where the
7 clandestine drug lab used by the person to manufacture the
8 controlled substance is located.

9 (2) For purposes of this section:

10 (a) Clandestine drug lab means any area where glassware,
11 heating devices, or other equipment or precursors, solvents, or
12 related articles or reagents are used to unlawfully manufacture
13 methamphetamine; and

14 (b) Rehabilitate or rehabilitation means all actions
15 necessary to ensure that contaminated property is safe for human
16 habitation or use.

17 Sec. 6. Section 28-401.01, Revised Statutes Supplement,
18 2005, is amended to read:

19 28-401.01 Sections 28-401 to 28-456.01 and section 5 of
20 this act shall be known and may be cited as the Uniform Controlled
21 Substances Act.

22 Sec. 7. Original section 28-401.01, Revised Statutes
1 Supplement, 2005, is repealed.

Senator Howard filed the following amendment to LB 57:
AM2665

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 Sec. 8. Section 43-2515, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-2515 On or before October 1, 1993, and for each year
 5 thereafter, the Department of Health and Human Services Finance
 6 and Support and the State Department of Education shall jointly
 7 certify to the budget administrator of the budget division of
 8 the Department of Administrative Services the amount of federal
 9 medicaid funds paid to school districts pursuant to the Early
 10 Intervention Act for special education services for children five
 11 years of age and older. The General Fund appropriation to the State
 12 Department of Education for state special education aid shall be
 13 decreased by an amount equal to the amount that would have been
 14 reimbursed with state general funds to the school districts through
 15 the special education reimbursement process for special education
 16 services for children five years of age and older that was paid
 17 to school districts or approved cooperatives with federal medicaid
 18 funds.

19 It is the intent of the Legislature that an amount
 20 equal to the amount that would have been reimbursed with state
 21 general funds to the school districts, certified to the budget
 22 administrator, be appropriated from the General Fund to aid in
 1 carrying out the provisions of the Early Intervention Act and other
 2 related early intervention services.

3 It is the intent of the Legislature to appropriate,
 4 in addition to any and other amounts appropriated, five hundred
 5 thousand dollars from the General Fund to aid in carrying out the
 6 provisions of the Early Intervention Act and other related early
 7 intervention services.

8 2. On page 1, line 1; and page 4, line 1, strike
 9 "section" and insert "sections 43-2515 and".

10 3. On page 1, line 7, after the first semicolon insert
 11 "to state intent with respect to early intervention programs;".

12 4. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 1226:
 AM2683

(Amendments to Standing Committee amendments, 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
25 easement. In the case of a partnership, subchapter S corporation,
26 or other similar pass-through entity that donates a perpetual
27 conservation easement as an entity, the credit shall be allocated
1 to the entity's partners, members, or shareholders in proportion
2 to the partners', members', or shareholders' distributive shares of
3 income from the entity.

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

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

9 (6) On or before January 1, 2008, and each January 1
10 thereafter through January 1, 2015, the Department of Revenue
11 shall issue a report to the Legislature and Governor detailing
12 the use of income tax credits under this section. A portion
13 of the report shall show easements and income tax credits by
14 natural resources district. The Department of Natural Resources

15 shall assist the Department of Revenue with the report. The
16 report shall be presented using aggregated information and other
17 techniques so as not to reveal confidential information that allows
18 identification of any taxpayer. The report shall not be issued
19 until the Tax Commissioner has confirmed in writing that the
20 report does not reveal any confidential information that allows
21 identification of any taxpayer.

22 Sec. 31. Section 77-2701, Revised Statutes Supplement,
23 2005, is amended to read:

24 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and
25 77-27,228 to 77-27,234 and section 30 of this act shall be known
26 and may be cited as the Nebraska Revenue Act of 1967.

27 Sec. 32. Section 77-2715.07, Revised Statutes Supplement,
28 2005, is amended to read:

29 77-2715.07 (1) There shall be allowed to qualified
30 resident individuals as a nonrefundable credit against the income
31 tax imposed by the Nebraska Revenue Act of 1967:

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

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

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

39 (a) For returns filed reporting federal adjusted
40 gross incomes of greater than twenty-nine thousand dollars, a
41 nonrefundable credit equal to twenty-five percent of the federal
42 credit allowed under section 21 of the Internal Revenue Code of
43 1986, as amended;

44 (b) For returns filed reporting federal adjusted gross
45 income of twenty-nine thousand dollars or less, a refundable credit
46 equal to a percentage of the federal credit allowable under section
47 21 of the Internal Revenue Code of 1986, as amended, whether or
48 not the federal credit was limited by the federal tax liability.

49 The percentage of the federal credit shall be one hundred percent
50 for incomes not greater than twenty-two thousand dollars, and
51 the percentage shall be reduced by ten percent for each one
52 thousand dollars, or fraction thereof, by which the reported
53 federal adjusted gross income exceeds twenty-two thousand dollars;

54 (c) A refundable credit for individuals who qualify for
55 an income tax credit under the Beginning Farmer Tax Credit Act for
56 all taxable years beginning or deemed to begin on or after January
57 1, 2001, under the Internal Revenue Code of 1986, as amended; and

58 (d) A refundable credit for individuals who qualify for
59 an income tax credit under the Nebraska Advantage Microenterprise
60 Tax Credit Act or the Nebraska Advantage Research and Development
61 Act.

62 (3) There shall be allowed to all individuals as a
63 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
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 Beutler filed the following amendment to LB 933:
 AM2682

(Amendments to Standing Committee amendments, AM1915)

1 1. Insert the following new sections:

2 Sec. 21. (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
25 easement. In the case of a partnership, subchapter S corporation,
26 or other similar pass-through entity that donates a perpetual
27 conservation easement as an entity, the credit shall be allocated
1 to the entity's partners, members, or shareholders in proportion
2 to the partners', members', or shareholders' distributive shares of
3 income from the entity.

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

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

9 (6) On or before January 1, 2008, and each January 1
10 thereafter through January 1, 2015, the Department of Revenue
11 shall issue a report to the Legislature and Governor detailing
12 the use of income tax credits under this section. A portion

13 of the report shall show easements and income tax credits by
 14 natural resources district. The Department of Natural Resources
 15 shall assist the Department of Revenue with the report. The
 16 report shall be presented using aggregated information and other
 17 techniques so as not to reveal confidential information that allows
 18 identification of any taxpayer. The report shall not be issued
 19 until the Tax Commissioner has confirmed in writing that the
 20 report does not reveal any confidential information that allows
 21 identification of any taxpayer.

22 Sec. 22. Section 77-2701, Revised Statutes Supplement,
 23 2005, is amended to read:

24 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and
 25 77-27,228 to 77-27,234 and section 21 of this act shall be known
 26 and may be cited as the Nebraska Revenue Act of 1967.

27 Sec. 23. Section 77-2715.07, Revised Statutes Supplement,
 1 2005, is amended to read:

2 77-2715.07 (1) There shall be allowed to qualified
 3 resident individuals as a nonrefundable credit against the income
 4 tax imposed by the Nebraska Revenue Act of 1967:

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

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

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

12 (a) For returns filed reporting federal adjusted
 13 gross incomes of greater than twenty-nine thousand dollars, a
 14 nonrefundable credit equal to twenty-five percent of the federal
 15 credit allowed under section 21 of the Internal Revenue Code of
 16 1986, as amended;

17 (b) For returns filed reporting federal adjusted gross
 18 income of twenty-nine thousand dollars or less, a refundable credit
 19 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 21 of this act.

7 Sec. 24. 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 21 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 21 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 21 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. 25. 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 21 of this act.

22 Sec. 26. Sections 21, 22, 23, 24, 25, and 27 of this act
 23 become operative for all taxable years beginning or deemed to begin
 24 on or after January 1, 2006, under the Internal Revenue Code of
 25 1986, as amended. The other sections of this act become operative
 26 on their effective date

27 Sec. 27. Original sections 77-2701, 77-2715.07, 77-2717,
 1 and 77-2734.03, Revised Statutes Supplement, 2005, are repealed.

Senator Howard filed the following amendment to LB 994:
 AM2663

(Amendments to E & R amendments, AM7178)

1 1. Insert the following new section:

2 Sec. 54. It is the intent of the Legislature to
 3 appropriate funds to the Department of Health and Human Services
 4 to provide for at least ten full-time social service workers for
 5 the department to implement the changes made to sections 68-1713
 6 and 68-1721 by this legislative bill. It is the intent of the
 7 Legislature that such social service workers will be hired and
 8 trained by January 1, 2007.

9 2. Correct the operative date section so that the section

- 10 added by this amendment becomes operative on its effective date
 11 with the emergency clause.
 12 3. Renumber the remaining sections accordingly.

Senator Landis filed the following amendment to LB 1060:
 AM2686

(Amendments to Standing Committee amendments, AM2581)

- 1 PURPOSE: Add \$86,084 General Funds for FY2006-07 for a School
 2 Safety Consultant.
 3 AMENDMENT:
 4 1. On page 12, line 14, strike "248,861" and insert
 5 "334,945"; in line 18 strike "306,948" and insert "393,032"; and in
 6 line 19 strike "98,479" and insert "149,233".

Senator Aguilar filed the following amendment to LB 915:
 AM2691

(Amendments to Standing Committee amendments, AM2566)

- 1 1. On page 1, line 9, after "property" insert "or portion
 2 thereof".
 3 2. On page 2, line 18, after "The" insert "local".
 4 3. Strike beginning with "The" on page 2, line 25,
 5 through page 3, line 1.
 6 4. On page 3, line 4, after "costs" insert "directly";
 7 in line 5 strike ", and" and insert "as provided in rules and
 8 regulations of the department. A local public health department";
 9 and in line 9 strike "use" and insert "commercial or other use in
 10 a timely manner".

Senators Synowiecki and Jensen filed the following amendment to LB 1086:
 AM2429

- 1 1. On page 2, line 1, strike "Fund".
 2 2. On page 3, lines 12 and 13, strike "create a fund
 3 and"; strike beginning with "Nebraska" in line 15 through "is"
 4 in line 19 and insert "Legislature shall appropriate funds"; and
 5 strike beginning with "Any" in line 21 through the period in line
 6 24.
 7 3. On page 4, lines 2 and 3, strike "from the Nebraska
 8 Prostitution Intervention and Treatment Fund"; in line 14 strike
 9 "and"; in line 16 after "activity" insert ";
 10 (d) Evidence that the regional behavioral health
 11 authorities consulted with recognized neighborhood and business
 12 associations within close geographic proximity to concentrated
 13 areas of prostitution; and
 14 (e) The amount of local subdivision treatment funding";
 15 and strike lines 23 and 24.
 16 4. On page 5, line 2, strike "this act" and insert "the
 17 Nebraska Prostitution Intervention and Treatment Act".

Senator Brown filed the following amendment to LB 968:
AM2668

(Amendments to Standing Committee amendments, AM2582)

1 1. Insert the following new section:
2 Sec. 2. Section 77-2704.15, Revised Statutes Cumulative
3 Supplement, 2004, is amended to read:
4 77-2704.15 (1) Sales and use taxes shall not be imposed
5 on the gross receipts from the sale, lease, or rental of and
6 the storage, use, or other consumption in this state of purchases
7 by the state, including public educational institutions recognized
8 or established under the provisions of Chapter 85, or by any
9 county, township, city, village, rural or suburban fire protection
10 district, city airport authority, county airport authority, joint
11 airport authority, drainage district organized under sections
12 31-401 to 31-450, natural resources district, elected county fair
13 board, housing agency as defined in section 71-1575, or joint
14 entity or agency formed to fulfill the purposes described in the
15 Integrated Solid Waste Management Act by any combination of two
16 or more counties, townships, cities, or villages pursuant to the
17 Interlocal Cooperation Act, the Integrated Solid Waste Management
18 Act, or the Joint Public Agency Act, except for purchases for use
19 in the business of furnishing gas, water, electricity, or heat, or
20 by any irrigation or reclamation district, the irrigation division
21 of any public power and irrigation district, or public schools
22 established under Chapter 79.

1 (2) The appointment of purchasing agents shall be
2 recognized for the purpose of altering the status of the
3 construction contractor as the ultimate consumer of building
4 materials which are physically annexed to the structure and which
5 subsequently belong to the state or the governmental unit. The
6 appointment of purchasing agents shall be in writing and occur
7 prior to having any building materials annexed to real estate in
8 the construction, improvement, or repair. The contractor who has
9 been appointed as a purchasing agent may apply for a refund of or
10 use as a credit against a future use tax liability the tax paid
11 on inventory items annexed to real estate in the construction,
12 improvement, or repair of a project for the state or a governmental
13 unit.

14 (3) Any governmental unit listed in subsection (1) of
15 this section, except the state, which enters into a contract
16 of construction, improvement, or repair upon property annexed to
17 real estate without first issuing a purchasing agent authorization
18 to a contractor or repairperson prior to the building materials
19 being annexed to real estate in the project may apply to the Tax
20 Commissioner for a refund of any sales and use tax paid by the
21 contractor or repairperson on the building materials physically
22 annexed to real estate in the construction, improvement, or repair.
23 2. Correct the operative date section and repealer so
24 that the section added by this amendment becomes operative on

- 25 October 1, 2006.
 26 3. Renumber the remaining sections and correct internal
 27 references accordingly.

GENERAL FILE

LEGISLATIVE BILL 786. Senator Chambers offered the following amendment to the Standing Committee amendment:
 FA553

Amendment to AM2533

P. 1, line 17 strike "willful" and insert "knowing and intentional".

The Chambers amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:
 FA554

Amendment to AM2533

P. 1, line 17 after "commission" insert "by a public official"; in line 19 strike "a" and insert "such"; in line 20 strike the first appearance of "the" and insert "such".

The Chambers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment to the Standing Committee amendment:
 FA555

Amendment to AM2533

P. 1, lines 19 and 20 strike "which is outside the scope of the authority of the public official".

The Chambers amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 75, 248, 454, and 454A.

ER9082

Enrollment and Review Change to LB 75

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

1. The Chambers amendment, FA422, has been incorporated into the E & R amendments, AM7151, on page 1, line 14, and an underscored comma has been inserted after "law".

2. In the E & R amendments, AM7151, on page 2, line 5, "certain" has been inserted after "of"; and in line 16 "certain" has been inserted after "by".

ER9083

Enrollment and Review Change to LB 248

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

1. In the Baker amendment, AM2527, sections 2 and 7 have been renumbered as sections 1 and 5, respectively.

2. In the E & R amendments, AM7153, on page 7, line 23, "This act becomes" has been struck and "Sections 2 and 4 of this act become" inserted and "The other sections of this act become operative on their effective date." has been inserted after the last period.

3. On page 1, the matter beginning with "revenue" in line 1 through line 4 and all amendments thereto have been struck and "motor vehicles; to amend sections 60-3,186 and 60-3,187, Revised Statutes Supplement, 2005; to change provisions relating to collection of motor vehicle fees and taxes; to change motor vehicle tax calculations as prescribed; to provide operative dates; and to repeal the original sections." inserted.

(Signed) Michael Flood, Chairperson

VISITORS

Visitors to the Chamber were 21 high-school students and teacher from Cedar Bluffs; El Seibert and Leron Peters from Omaha; Ted Thompson from Lincoln; 18 representatives of Guiding Star Girl Scouts from the panhandle area; 9 fourth-grade students and teacher from Cornerstone School, Bellevue; and 5 members of Delta Sigma Theta Sorority from Omaha.

RECESS

At 11:59 a.m., on a motion by Senator Kremer, 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 Senators Erdman and Johnson who were excused; and Senators Engel, Landis, and Raikes who were excused until they arrive.

MOTION - Return LB 32 to Select File

Senator Chambers moved to return LB 32 to Select File for the following specific amendment:

FA577

P. 2, line 6 strike "of", and show as stricken; strike "such", and show as stricken, and insert "a".

The Chambers motion to return prevailed with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 32. The Chambers specific amendment, FA577, found in this day's Journal, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 87 to Select File

Senator Chambers moved to return LB 87 to Select File for the following specific amendment:

FA578

P. 2, line 7 strike "equally", and show as stricken, and after "participate" insert "equally".

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 87.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 71-4728 and 71-4728.05, Reissue Revised Statutes of Nebraska, and sections 20-150, 20-151, and 20-156, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to licensure of interpreters; to redefine terms; to change and provide powers and duties for the Commission for the Deaf and Hard of Hearing; to change membership provisions relating to the Interpreter Review Board; 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	Combs	Heidemann	McDonald	Schimek
Baker	Connealy	Howard	Mines	Schrock
Beutler	Cornett	Hudkins	Pahls	Smith
Bourne	Cudaback	Janssen	Pedersen, Dw.	Stuhr
Brashear	Cunningham	Jensen	Pederson, D.	Stuthman
Brown	Fischer	Kopplin	Preister	Synowiecki
Burling	Flood	Kremer	Price	Thompson
Byars	Foley	Langemeier	Raikes	Wehrbein
Chambers	Friend	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 5:

Engel	Erdman	Johnson	Kruse	Landis
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 87A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 87, 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	Combs	Heidemann	McDonald	Schimek
Baker	Connealy	Howard	Mines	Schrock
Beutler	Cornett	Hudkins	Pahls	Smith
Bourne	Cudaback	Janssen	Pedersen, Dw.	Stuhr
Brashear	Cunningham	Jensen	Pederson, D.	Stuthman
Brown	Fischer	Kopplin	Preister	Synowiecki
Burling	Flood	Kremer	Price	Thompson
Byars	Foley	Langemeier	Raikes	Wehrbein
Chambers	Friend	Louden	Redfield	

Voting in the negative, 0.

Excused and not voting, 5:

Engel Erdman Johnson Kruse Landis

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

MOTION - Return LB 508 to Select File

Senator Chambers moved to return LB 508 to Select File for the following specific amendment:

FA579

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL 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 508 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 508.

A BILL FOR AN ACT relating to water; to amend sections 46-286, 46-602, 46-602.01, 46-1208, 46-1217, 46-1233.01, 46-1238, 46-1239, 46-1404, and 46-1405, Reissue Revised Statutes of Nebraska, and section 81-2121, Revised Statutes Supplement, 2004; to define and redefine terms; to change provisions relating to registration, construction, opening, and decommissioning of water wells, breaking seals, and installation of pumps; to change membership provisions for the Water Well Standards and Contractors' Licensing Board; 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, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 5:

Engel	Erdman	Johnson	Kruse	Landis
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 663 to Select File

Senator Chambers moved to return LB 663 to Select File for the following specific amendment:

FA603

Strike the enacting clause.

Senator Chambers 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 663 with 40 ayes, 2 nays, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 663. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-101, 60-117, 60-139, 60-140, 60-142, 60-143, 60-144, 60-148, 60-149, 60-154, 60-159, 60-169, 60-193, 60-301, 60-333, 60-3,104, 60-3,130, 60-3,132, 60-3,133, and 60-3,175, Revised Statutes Supplement, 2005; to change and eliminate provisions relating to certificates of title, registration

certificates, and license plates for assembled, kit, and historical vehicles; to change provisions relating to certificates of title for mobile homes and manufactured homes; to change provisions relating to odometer statements; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Erdman	Johnson	Kruse	Landis
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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 853 with 36 ayes, 2 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 853. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,139, 60-4,142, 60-601, 60-605, 60-6,144, 60-6,265, 60-6,267, 60-6,290, and 66-1406.02, Reissue Revised Statutes of Nebraska, and sections 60-311, 60-342, 60-3,183, 60-3,196, 60-3,205, 60-462, 60-462.01, 60-465, 60-4,124, and 60-4,147.02, Revised Statutes Supplement, 2005; to update references to the International Registration Plan and federal law; to provide powers and duties for the Director of Motor Vehicles with respect to the International Registration Plan and the International Fuel Tax

Agreement Act; to change provisions relating to registration and operation of commercial motor vehicles; to provide for impoundment of school permits; to change provisions relating to LPC-learners' permits; to authorize placement of road name signs by local authorities as prescribed; to change issuance provisions for permits for extraordinary use of controlled-access highways; to change provisions regarding the permissible length of certain vehicles; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Erdman	Johnson	Kruse	Landis
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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 975 with 40 ayes, 3 nays, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 975. With Emergency.

A BILL FOR AN ACT relating to pollution regulation; to amend sections 54-2416, 54-2417, 54-2418, 54-2419, 54-2422, 54-2423, 54-2424, 54-2425, 54-2426, 54-2428, 54-2431, 54-2432, 54-2433, 54-2435, and 81-1513, Reissue Revised Statutes of Nebraska, and section 54-2429, Revised Statutes Supplement, 2005; to change provisions of the Livestock Waste

Management Act; to change procedures for the granting of variances from the Department of Environmental Quality rules or regulations; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Erdman	Johnson	Kruse	Landis
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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 1115 with 40 ayes, 2 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1115. With Emergency.

A BILL FOR AN ACT relating to legal processes and reporting; to amend sections 25-214, 25-302, 25-307, 25-308, 25-316, 25-322, 25-325, 25-326, 25-329, 25-2009, 29-812, 29-814.01, 30-2603, 42-108, 42-116, 42-371.01, 43-247, 43-2,129, 43-1314, 44-3311, 71-507, 71-510, 84-915.01, and 84-917, Reissue Revised Statutes of Nebraska, sections 25-2720.01, 29-4202, 29-4203, 29-4204, 29-4205, 29-4206, 29-4207, 71-612, and 71-628, Revised Statutes Cumulative Supplement, 2004, and section 71-601.01, Revised Statutes Supplement, 2005; to adopt the Uniform Conflict of Laws Limitations Act; to change and eliminate provisions

relating to civil actions, courts, search warrants, audiovisual court appearances, payments to minors, marriage ceremonies, foster care placements, and reporting regarding lawyers; to provide for abstracts of marriage, reporting of exposure to infectious diseases, waiver of sovereign immunity, and agency records and modification of findings and decisions in contested administrative cases; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 25-215, Reissue Revised Statutes of Nebraska; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Erdman	Johnson	Kruse	Landis
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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.

SELECT FILE

LEGISLATIVE BILL 647A. Advanced to E & R for engrossment.

AMENDMENT - Print in Journal

Senator Smith filed the following amendment to LB 1060:
AM2695

1 1. Strike the enacting clause.

RESOLUTION

LEGISLATIVE RESOLUTION 305. Introduced by Cunningham, 40.

WHEREAS, the Ewing Tigers boys' basketball team is the champion of the 2006 Class D-2 Boys' State Basketball Tournament; and

WHEREAS, the victory over the Spencer-Naper Pirates earned the Tigers their first Class D-2 championship; and

WHEREAS, the championship game finished off an impressive 25-2 season for the Tigers, having experienced their only losses to the second-ranked Spencer-Naper Pirates, making the championship game especially momentous; and

WHEREAS, throughout the year, the Ewing Tigers boys' basketball team has demonstrated that hard work, dedication, and discipline produces results; and

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

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

1. That the Legislature recognizes and congratulates the Ewing Tigers boys' basketball team and its coaches.

2. That a copy of this resolution be sent to the Ewing Tigers boys' basketball team head coach, Greg Appleby.

Laid over.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 710. Placed on General File as amended.

Standing Committee amendment to LB 710:

AM2497

- 1 1. On page 2, line 5; and page 3, line 18, strike the
- 2 new matter and insert "no less than six percent but no greater than
- 3 seven".
- 4 2. On page 7, line 3, strike "July 1, 2005" and insert
- 5 "October 1, 2007".

LEGISLATIVE BILL 1022. Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1069. Title read. Considered.

The Standing Committee amendment, AM2307, found on page 675, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and

not voting.

Senator Baker renewed his pending amendment, AM2585, found on page 976.

The Baker amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1069A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 962. Title read. Considered.

SENATOR SCHIMEK PRESIDING

Senator Beutler renewed his pending amendment, FA551, found on page 967.

The Beutler amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 962A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 306. Introduced by Langemeier, 23.

WHEREAS, the David City Aquinas High School boys' basketball team won the Class C-2 Boys' State Basketball Championship with a sixty to fifty-five win over Ravenna High School; and

WHEREAS, the team won twenty-four of twenty-six games played this season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the David City Aquinas High School boys' basketball team be congratulated for their exemplary effort this season.

2. That a copy of this resolution be sent to Coach Mark Watton and the David City Aquinas High School boys' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 307. Introduced by Langemeier, 23.

PURPOSE: The purpose of this resolution is to study whether the insurance laws of this state should be amended in order to allow insurance producers to charge fees for services they perform, subject to regulation by the Department of Insurance. The study should include a review of the issues raised by LB 980, introduced by Senator Langemeier in 2006. In order to carry out the purpose of this resolution, the Banking, Commerce and Insurance Committee of the Legislature should seek and consider the input of the Department of Insurance and interested persons, including insurance producers and organizations which represent them, as the committee deems necessary and beneficial.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Friend filed the following amendment to LB 287:
AM2700

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) The Legislature finds that families have
- 4 a substantial interest in organizing and attending funerals for
- 5 deceased relatives and that the rights of families to peacefully
- 6 and privately mourn the loss of deceased relatives are violated
- 7 when funerals are targeted for picketing or protest activities.
- 8 (2) The Legislature also recognizes individuals have a
- 9 right to free speech and in the context of funeral ceremonies, the
- 10 competing interests of picketers and funeral participants must be
- 11 balanced. Therefore, the Legislature declares that the purposes of
- 12 sections 1 to 3 of this act are to protect the privacy of grieving
- 13 families and to preserve the peaceful character of cemeteries,
- 14 mortuaries, churches, and other places of worship while still
- 15 providing picketers and protestors the opportunity to communicate
- 16 their message at a time and place that minimizes the interference
- 17 with the rights of funeral participants.

18 Sec. 2. (1) Funeral means the ceremonies and memorial
 19 services held in connection with the burial or cremation of the
 20 dead but does not include funeral processions on public streets.

21 (2) Picketing means protest activities engaged in by a
 22 person or persons located within three hundred feet of a cemetery,
 23 mortuary, church, or other place of worship.

1 Sec. 3. (1) A person commits the offense of unlawful
 2 picketing of a funeral if he or she engages in picketing from one
 3 hour prior to through two hours following the commencement of a
 4 funeral.

5 (2) Unlawful picketing of a funeral is a Class III
 6 misdemeanor.

7 Sec. 4. Section 28-101, Revised Statutes Cumulative
 8 Supplement, 2004, is amended to read:

9 28-101 Sections 28-101 to 28-1350 and sections 1 to 3 of
 10 this act shall be known and may be cited as the Nebraska Criminal
 11 Code.

12 Sec. 5. Original section 28-101, Revised Statutes
 13 Cumulative Supplement, 2004, is repealed.

14 Sec. 6. Since an emergency exists, this act takes effect
 15 when passed and approved according to law.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 1096. Placed on General File.

LEGISLATIVE BILL 914. Placed on General File as amended.

Standing Committee amendment to LB 914:

AM2675

1 1. Strike the original sections and insert the following
 2 new sections:

3 Section 1. (1) When any person is convicted of an
 4 offense under the Uniform Controlled Substances Act involving the
 5 manufacture of methamphetamine, the court may order the person to
 6 make restitution to property owners for the costs incurred in the
 7 rehabilitation of the property where the clandestine drug lab used
 8 by the person to manufacture the methamphetamine is located.

9 (2) For purposes of this section:

10 (a) Clandestine drug lab means any area where glassware,
 11 heating devices, or other equipment or precursors, solvents, or
 12 related articles or reagents are used to unlawfully manufacture
 13 methamphetamine; and

14 (b) Rehabilitate or rehabilitation means all actions
 15 necessary to ensure that contaminated property is safe for human
 16 habitation or use.

17 Sec. 2. Section 28-401.01, Revised Statutes Supplement,
 18 2005, is amended to read:

19 28-401.01 Sections 28-401 to 28-456.01 and section 1 of

20 this act shall be known and may be cited as the Uniform Controlled
 21 Substances Act.
 22 Sec. 3. Original section 28-401.01, Revised Statutes
 23 Supplement, 2005, is repealed.

LEGISLATIVE BILL 925. Placed on General File as amended.
 (Standing Committee amendment, AM2604, is printed separately and
 available in the Bill Room, Room 1104.)

(Signed) Patrick J. Bourne, Chairperson

AMENDMENTS - Print in Journal

Senator D. Pederson filed the following amendment to LB 1060:
 AM2699

(Amendments to Standing Committee amendments, AM2581)

1 1. Strike original section 169 and insert the following
 2 new sections:
 3 Sec. 186. Laws 2005, LB 424, section 39, is amended to
 4 read:

5 Sec. 39. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE
 6 SERVICES

7 Program No. 901 - State Capitol Improvements

	FY2005-06	FY2006-07	FUTURE
9 STATE BUILDING FUND	750,000	500,000	2,000,000
10 PROGRAM TOTAL	750,000	500,000	2,000,000
11 STATE BUILDING FUND	<u>600,000</u>	<u>500,000</u>	<u>2,000,000</u>
12 PROGRAM TOTAL	<u>600,000</u>	<u>500,000</u>	<u>2,000,000</u>

13 (1) The State Capitol Administrator is hereby authorized
 14 to undertake projects identified within the Master Plan for the
 15 Conservation and Restoration of the Nebraska State Capitol. Such
 16 projects to be undertaken in FY2005-06 shall include a Capitol
 17 heating, ventilating, and air conditioning study as identified in
 18 the Master Plan. Prior to expending any amounts appropriated in
 19 this section, the State Capitol Administrator shall identify
 20 projects planned to be undertaken with such amounts and shall
 21 submit such plans to the Nebraska Capitol Commission for review.
 22 There is included in the appropriation to this program \$500,000 for
 23 FY2005-06 and \$500,000 for FY2006-07 from the State Building Fund
 1 for such purpose.

2 (2) In addition to amounts appropriated in this section
 3 for FY2005-06 and FY2006-07, it is intended that \$500,000 be
 4 appropriated from the State Building Fund for this program for
 5 FY2007-08 and each fiscal year thereafter through FY2010-11 to
 6 undertake projects identified within the Master Plan for the
 7 Conservation and Restoration of the Nebraska State Capitol.

8 (3) Subject to provisions of subdivision (3) of section
 9 81-1107, the Department of Administrative Services is hereby
 10 authorized to acquire property located within the Nebraska State

11 Capitol Environs District as such may become available. There is
 12 included in the appropriation to this program for FY2005-06
 13 ~~\$250,000~~ \$100,000 from the State Building Fund for such purpose.
 14 Sec. 226. Laws 2005, LB 425, section 241, is amended to
 15 read:

16 Sec. 241. AGENCY NO. 78 -- NEBRASKA COMMISSION ON LAW
 17 ENFORCEMENT AND CRIMINAL JUSTICE

18 Program No. 198 - Central Administration

	FY2005-06	FY2006-07
19		
20 GENERAL FUND	507,503	533,532
21 CASH FUND	37,000	37,000
22 FEDERAL FUND est.	7,114,457	6,914,457
23 PROGRAM TOTAL	7,658,960	7,484,989
24 <u>GENERAL FUND</u>	508,359	997,399
25 <u>CASH FUND</u>	37,141	37,300
26 <u>FEDERAL FUND est.</u>	7,116,189	6,918,139
27 <u>PROGRAM TOTAL</u>	7,661,689	7,952,838
1 SALARY LIMIT	516,863	533,662

2 There is included in the appropriation to this program
 3 for FY2005-06 \$13,457 General Funds and \$6,570,000 Federal Funds
 4 estimate for state aid, which shall only be used for such purpose.

5 There is included in the appropriation to this program for
 6 FY2006-07 \$13,457 General Funds and \$6,370,000 Federal Funds
 7 estimate for state aid, which shall only be used for such purpose.

8 There is included in the appropriation to this program
 9 for FY2006-07 \$462,046 General Funds for state aid, which shall
 10 only be used for such purpose and shall be allocated by the
 11 Nebraska Commission on Law Enforcement and Criminal Justice to
 12 local law enforcement agencies for replacement of federal Byrne
 13 funds. The Nebraska Commission on Law Enforcement and Criminal
 14 Justice shall not award or distribute these funds unless the local
 15 grant applicants agree to provide a twenty-five percent local match
 16 for the \$462,046 supplemental General Funds appropriated in this
 17 section.

18 There is included in the appropriation to this program
 19 for FY2005-06 \$53,000 General Funds and \$212,000 Federal Funds
 20 estimate from the federal Victims of Crime Act to operate a victim
 21 notification system, which shall only be used for such purpose.

22 There is included in the appropriation to this program for
 23 FY2006-07 \$53,000 General Funds and \$212,000 Federal Funds estimate
 24 from the federal Victims of Crime Act to operate a victim
 25 notification system, which shall only be used for such purpose.

26 2. On page 121, line 7, strike "\$1,500,000", show as
 27 stricken, and insert "\$1,812,046".

1 3. On page 124, line 20, after "25," insert "39,"; and
 2 in line 24 after "240," insert "241,".

3 4. Renumber the remaining sections and correct internal
 4 references accordingly.

Senator Raikes filed the following amendment to LB 1208:
AM2688

(Amendments to Standing Committee amendments, AM2565)

- 1 1. On page 2, line 13, after the period insert "All
- 2 telecommunications facilities operated or supervised by the
- 3 commission shall not produce or be involved in the production
- 4 of commercials and shall not be involved in the distribution or
- 5 retransmission of national commercials and subscription television
- 6 channels.".

Senator Langemeier filed the following amendment to LB 1060:
AM2676

(Amendments to Standing Committee amendments, AM2581)

- 1 1. On page 94, line 2, strike "\$18,500,000" and insert
- 2 "\$26,500,000. The increased allocation limit for this program is
- 3 intended to allow the consideration of additional project
- 4 allocation requests, including, but not limited to, projects that
- 5 may receive significant federal funding".

SELECT FILE

LEGISLATIVE BILL 1175. Senator Chambers offered the following motion:

Indefinitely postpone LB 1175.

Senator Chambers withdrew his motion.

Senator Chambers offered the following amendment:

FA605

Amendment to AM7177

Strike section 1.

SENATOR CUDABACK PRESIDING

Senator Chambers offered the following motion:

Recommit LB 1175 to Urban Affairs Committee.

Senator Chambers withdrew his motion.

Senator Chambers offered the following motion:

Bracket LB 1175 until April 7, 2006.

Pending.

SPEAKER BRASHEAR PRESIDING

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 87, 87A, 508, 663, 853, 975, and 1115.

AMENDMENTS - Print in Journal

Senator Aguilar filed the following amendment to LB 915:
AM2704

(Amendments to Standing Committee amendments, AM2566)

- 1 1. Insert the following sections:
- 2 Sec. 5. (1) When any person is convicted of an
- 3 offense under the Uniform Controlled Substances Act involving the
- 4 manufacture of methamphetamine, the court may order the person to
- 5 make restitution to property owners for the costs incurred in the
- 6 rehabilitation of the property where the clandestine drug lab used
- 7 by the person to manufacture the methamphetamine is located.
- 8 (2) For purposes of this section:
- 9 (a) Clandestine drug lab has the same meaning as in
- 10 section 1 of this act; and
- 11 (b) Rehabilitate or rehabilitation has the same meaning
- 12 as in section 1 of this act.
- 13 Sec. 6. Section 28-401.01, Revised Statutes Supplement,
- 14 2005, is amended to read:
- 15 28-401.01 Sections 28-401 to 28-456.01 and section 5 of
- 16 this act shall be known and may be cited as the Uniform Controlled
- 17 Substances Act.
- 18 Sec. 7. Original section 28-401.01, Revised Statutes
- 19 Supplement, 2005, is repealed.

Senator Connealy filed the following amendment to LB 1060:
AM2677

(Amendments to Standing Committee amendments, AM2581)

- 1 PURPOSE: Add \$146,094 General Funds for FY2006-07 for an American
- 2 Indian Coordinator and an American Indian Specialist.
- 3 AMENDMENT:
- 4 1. On page 12, line 14, strike "248,861" and insert
- 5 "394,955"; in line 18 strike "306,948" and insert "453,042"; and in
- 6 line 19 strike "98,479" and insert "196,665".

Senator Foley filed the following amendment to LB 1060:
AM2441

(Amendments to Standing Committee amendments, AM2581)

- 1 1. Insert the following new section:
- 2 Sec. 209. Laws 2005, LB 425, section 118, is amended to
- 3 read:
- 4 Sec. 118. AGENCY NO. 26 -- DEPARTMENT OF HEALTH AND
- 5 HUMAN SERVICES FINANCE AND SUPPORT
- 6 Program No. 514 - Health Aid

7		
8	FY2005-06	FY2006-07
9	3,060,471	3,149,166
10	8,394,821	8,645,531
11	34,152,057	34,687,255
12	45,607,349	46,481,952

12 There is included in the appropriation to this program
 13 for FY2005-06 \$3,060,471 General Funds, \$8,394,821 Cash Funds, and
 14 \$34,152,057 Federal Funds estimate for state aid, which shall only
 15 be used for such purpose. There is included in the appropriation
 16 to this program for FY2006-07 \$3,149,166 General Funds, \$8,645,531
 17 Cash Funds, and \$34,687,255 Federal Funds estimate for state aid,
 18 which shall only be used for such purpose.

19 There is included in the appropriation to this program
 20 for FY2005-06 \$200,000 Federal Funds from the Temporary Assistance
 21 for Needy Families bonus funding, for state aid, to fund home
 22 visitation programs provided by existing public health and
 23 nonprofit organizations in the state. There is included in the
 1 appropriation to this program for FY2006-07 \$200,000 Federal Funds
 2 from the Temporary Assistance for Needy Families bonus funding, for
 3 state aid, to fund home visitation programs provided by existing
 4 public health and nonprofit organizations in the state.

5 There is included in the appropriation to this program
 6 \$504,700 General Funds for FY2005-06 and \$519,841 General Funds for
 7 FY2006-07, which shall only be used for the following purposes:
 8 Reimbursement for the provision of pap smears, colposcopy, cervical
 9 biopsy, cryotherapy, loop electrosurgical excision procedure
 10 (LEEP), and such other treatments and procedures as may be
 11 developed for the followup of abnormal pap smears; the diagnosis
 12 and treatment of sexually transmitted diseases, including, but not
 13 limited to, chlamydia, gonorrhea, HPV (genital warts), and herpes;
 14 and associated laboratory and equipment costs and staff training
 15 costs relating to the use of colposcopy equipment. None of the
 16 General Funds provided under this program shall be used to perform
 17 or facilitate the performance of abortion or to counsel or refer
 18 for abortion.

19 The department may contract with local public health
 20 departments, federally qualified health centers, certified rural
 21 health clinics, general acute hospitals, critical access hospitals,
 22 Indian health services facilities, public health clinics, and
 23 private health care providers to provide the services described in
 24 this section to patients whose family income is equal to or less
 25 than two hundred fifty percent of the federal Office of Management
 26 and Budget income poverty guideline.

27 The department may prioritize applications for contracts
 1 with a preference for local public health departments, hospitals,
 2 and federally qualified health centers. The department shall
 3 select sufficient providers so that the services described in this
 4 section are available throughout the state. The department may
 5 contract with a provider who provides some but not all of the
 6 services described in this section if necessary to provide for
 7 availability of such services.

8 2. On page 2, line 25, strike "232" and insert "233".

9 3. On page 124, line 22, after the last comma insert
10 "118,".
11 4. Renumber the remaining sections accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1208A. Introduced by Raikes, 25.

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.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 32.

Correctly Engrossed

The following bill was correctly engrossed: LB 647A.

(Signed) Michael Flood, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to add her name as cointroducer to LB 87. No objections. So ordered.

Senators Combs and Friend asked unanimous consent to add their names as cointroducers to LB 287. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB 962. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Russell Harrison from Omaha.

ADJOURNMENT

At 5:35 p.m., on a motion by Senator Dw. Pedersen, the Legislature adjourned until 9:00 a.m., Tuesday, March 14, 2006.

Patrick J. O'Donnell
Clerk of the Legislature