

**FIFTY-SIXTH DAY - APRIL 6, 2006****LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE  
SECOND SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 6, 2006

**PRAYER**

The prayer was offered by Senator Janssen.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Cornett who was excused; and Senators Combs, Cunningham, Loudon, McDonald, Preister, and Price who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fifth day was approved.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 5, 2006, at 6:41 p.m. were the following: LBs 85, 85A, 366, 542e, 542Ae, 605e, 605Ae, 690, 690A, 746, 746A, 795e, 817, 817Ae, 872, 872A, 990, 990A, 996, 996A, 1086, 1086A, 1208, and 1208A.

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

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 5, 2006, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Keigher/Rasmussen & Associates, LLC

Conservation Voters, Nebraska League of

## REPORTS

The following reports were received by the Legislature:

### Investment Finance Authority

2006 Series A & B Single Family Housing Revenue Bonds Notice  
2006 Series G.O.-20 General Obligation Bonds Notice

## AMENDMENT - Print in Journal

Senator Johnson filed the following amendment to LB 385:  
AM3087

(Amendments to E & R amendments, AM7220)

- 1 1. On page 3, line 17, strike "taking" and insert
- 2 "collecting".
- 3 2. On page 9, line 27; page 10, lines 4, 5, 7, 10,
- 4 13, and 21; and page 11, line 11, strike "taken" and insert
- 5 "collected".
- 6 3. On page 11, lines 14 and 17, strike "taking" and
- 7 insert "collecting"; and in line 15 strike "take" and insert
- 8 "collect".
- 9 4. On page 14, line 9, strike "taken", show as stricken,
- 10 and insert "collected"; and in line 25, strike "take", show as
- 11 stricken, and insert "collect".

## SELECT FILE

**LEGISLATIVE BILL 1222A.** Advanced to E & R for engrossment.

## GENERAL FILE

**LEGISLATIVE BILL 1249.** The Standing Committee amendment, AM2127, found on page 559 and considered on pages 1424 and 1429, was renewed.

Senator Friend offered the following motion:  
Bracket LB 1249 until April 13, 2006.

Senator Friend withdrew his motion to bracket.

Senators Friend and Landis offered the following amendment to the Standing Committee amendment:  
AM3144

(Amendments to Standing Committee amendments, AM2127)

- 1 1. Strike the original amendments and insert the
- 2 following amendments:

- 3 1. Strike sections 5, 6, 7, 8, 9, and 10.  
 4 2. On page 4, strike lines 3 through 7.  
 5 3. On page 13, after line 12 insert:  
 6 "(4) Any enlargement or extension by a metropolitan  
 7 utilities district within the boundaries of a city of the  
 8 metropolitan class involving the exercise of the power of eminent  
 9 domain pursuant to subsection (2) of section 14-2116 shall by  
 10 reason of such exercise be conclusively determined to be in the  
 11 public interest."; and in line 24 strike "No" and insert "(1)  
 12 Except as provided in subsections (2) and (3) of this section, no".  
 13 4. On page 14, line 8, after the period insert "Any  
 14 proposal for extension or enlargement shall be filed with the  
 15 commission, and the commission shall promptly make such application  
 16 public in such manner as the commission deems appropriate."; and  
 17 after line 25 insert:  
 18 "(2) Any metropolitan utilities district proposing to  
 19 extend or enlarge its system (a) within the corporate boundaries  
 20 of the city of the metropolitan class it serves or (b) within  
 21 the boundaries of the county in which such city is located and  
 22 within three miles of the corporate boundaries of such city,  
 1 the metropolitan utilities district may pursue such extension  
 2 or enlargement without the need for commission approval or the  
 3 requirement to file and request permission to pursue such extension  
 4 or enlargement.  
 5 (3) If no person or entity has filed with the commission  
 6 a protest alleging that the proposed extension or enlargement is  
 7 not in the public interest within fifteen business days of the  
 8 date upon which the application was made public, the enlargement  
 9 or extension shall be conclusively presumed to be in the public  
 10 interest and the jurisdictional utility or metropolitan utilities  
 11 district may proceed with the extension or enlargement without  
 12 further commission action."  
 13 5. Renumber the remaining sections and correct internal  
 14 references accordingly.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Friend-Landis amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Senator Friend withdrew his pending amendments, AM2215 and AM2219, found on page 643.

Senator Synowiecki withdrew his pending amendments, AM2508, AM2510,

AM2511, and AM2514, found on pages 906 and 907.

Senator Landis withdrew his pending amendment, AM2624, found on page 952.

Advanced to E & R for review with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

### **REPORT OF THE EXECUTIVE BOARD**

#### 2006 Resolutions calling for an Interim Study

LR 410 Rereferred from Government, Military and Veterans Affairs to Judiciary

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

### **GENERAL FILE**

**LEGISLATIVE BILL 1024.** The Standing Committee amendment, AM2687, printed separately and referred to on page 1332 and considered on page 1412, as amended, was renewed.

The Cornett pending amendment, AM3033, found on page 1421, was withdrawn.

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

AM3141

(Amendments to Standing Committee amendments, AM2687)

- 1 1. On page 16, lines 8 and 11, strike "and one-half".
- 2 2. On page 18, line 5, strike "five" and insert "two";
- 3 and in lines 9 and 10 strike "two and one-half" and insert "one".

### **SENATOR SCHIMEK PRESIDING**

The Raikes amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senators Chambers and Raikes offered the following amendment to the Standing Committee amendment:

AM3142

(Amendments to Standing Committee amendments, AM2687)

- 1 1. Insert the following new section:
- 2 Sec. 44. (1) On or before July 1, 2007, each learning
- 3 community coordinating council shall submit a plan to the state
- 4 committee to divide any Class V school districts in the learning
- 5 community into new Class V school districts organized around the

6 attendance areas of existing high school buildings which are not  
 7 currently being used exclusively for specialized programs, with  
 8 two or three such high school buildings in each new Class V  
 9 school district. Such new Class V districts shall consist of school  
 10 buildings having attendance areas which are contiguous and whose  
 11 student populations share a community of interest. The effective  
 12 date for reorganizations pursuant to this section shall be July 1,  
 13 2008. Such reorganizations shall not be subject to the approval or  
 14 disapproval of any school board pursuant to section 40 of this act.

15 (2) If the state committee disapproves such plan pursuant  
 16 to section 38 of this act, the state committee shall revise the  
 17 plan and shall hold one or more hearings pursuant to section 36  
 18 of this act on the revised plan. The state committee may further  
 19 revise the plan and hold one or more additional hearings pursuant  
 20 to such section.

21 (3) If a learning community coordinating council fails  
 22 to submit a plan as required pursuant to subsection (1) of this  
 1 section on or before July 1, 2007, the state committee shall  
 2 develop a plan to divide any Class V school districts in the  
 3 learning community into new Class V school districts organized  
 4 around the attendance areas of the existing high school buildings  
 5 which are not currently being used exclusively for specialized  
 6 programs, with two or three such high school buildings in each new  
 7 Class V school district. The state committee shall hold a hearing  
 8 pursuant to section 36 of this act and may revise the plan and may  
 9 hold one or more additional hearings pursuant to such section.

10 (4) On or before December 31, 2007, the state committee  
 11 shall approve plans to divide all Class V school districts in  
 12 learning communities into new Class V school districts organized  
 13 around the attendance areas of existing high school buildings,  
 14 which are not currently being used exclusively for specialized  
 15 programs, with two or three such high school buildings in each new  
 16 Class V school district.

17 2. On page 23, line 8, strike "embracing", show as  
 18 stricken, and insert "whose employees participate in a retirement  
 19 system established pursuant to the Class V School Employees  
 20 Retirement Act and which embraces"; and strike beginning with  
 21 "a" in line 9 through "with" in line 10 and show as stricken.

22 3. On page 39, line 9, strike "43" and insert "44".

23 4. On page 40, line 21, strike beginning with "a" in line  
 24 21 through "(7)" in line 23; in line 24 strike "(8)" and insert  
 25 "(7)"; in line 25 strike "(9)" and insert "(8)"; and in line 27  
 26 strike "(10)" and insert "(9)".

27 5. On page 41, line 1, strike "(11)" and insert "(10)";  
 1 in line 7 strike "completed or"; and in lines 9 and 10 strike "it"  
 2 and insert "the state committee".

3 6. On page 42, line 1, strike the comma and insert "and";  
 4 and strike beginning with the comma in line 4 though "districts" in  
 5 line 6.

- 6 7. On page 43, line 1, strike "If" and insert "Except as  
 7 provided in section 44 of this act, if"; in line 11 after "boards"  
 8 insert ", except that reorganizations required pursuant to section  
 9 44 of this act shall not require the approval of any school board";  
 10 and in line 20 after "district" insert ", if required".  
 11 8. Renumber the remaining sections and correct internal  
 12 references accordingly.

### **SENATOR CUDABACK PRESIDING**

### **SENATOR BAKER PRESIDING**

### **SENATOR CUDABACK PRESIDING**

Senator Kopplin moved the previous question. The question is, "Shall the debate now close?"

Senator Kopplin moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

The Chambers-Raikes amendment was adopted with 33 ayes, 6 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

## **SELECT COMMITTEE REPORTS**

### **Enrollment and Review**

#### **Correctly Engrossed**

The following bills were correctly engrossed: LBs 1199, 1199A, 1222A, 1226, and 1226A.

ER9100

Enrollment and Review Change to LB 1199

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

1. In the Bourne amendment, AM3082, on page 81, line 23, "69" has been struck and "67" inserted.
2. In the E & R amendments, AM7204:
  - a. On page 3, line 26, "28-367," has been struck; and

b. On page 4, line 3, "29-3705," has been struck; in line 4 "71-912, 71-914," has been struck and "71-919," has been inserted after "71-918,"; and in line 9 "71-1128," has been inserted after the first comma.

ER9101

Enrollment and Review Change to LB 1226

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

1. In the Standing Committee amendments, AM2578, on page 42, line 21, "are not" and all amendments thereto have been struck and "not be" inserted.

2. In the E & R amendments, AM7210, on page 2, line 9, "46-602," has been struck; and in line 13 "and" has been struck and ", and section 46-602, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 508, Ninety-ninth Legislature, Second Session, 2006" has been inserted after "2005".

(Signed) Michael Flood, Chairperson

**AMENDMENTS - Print in Journal**

Senators Landis and Foley filed the following amendment to LB 57:  
AM3134

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Sec. 2. Section 28-308, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 28-308 (1) A person commits the offense of assault in the
- 5 first degree if he or she intentionally or knowingly causes serious
- 6 bodily injury to another person.
- 7 (2) ~~Assault~~ Except as provided in subsection (3) of this
- 8 section, assault in the first degree shall be a Class III felony.
- 9 (3) The minimum sentence for assault in the first degree
- 10 shall be two years if the prosecution alleges and proves beyond a
- 11 reasonable doubt that the victim was pregnant at the time of the
- 12 assault.
- 13 Sec. 3. Section 28-309, Revised Statutes Cumulative
- 14 Supplement, 2004, is amended to read:
- 15 28-309 (1) A person commits the offense of assault in the
- 16 second degree if he or she:
- 17 (a) Intentionally or knowingly causes bodily injury to
- 18 another person with a dangerous instrument;
- 19 (b) Recklessly causes serious bodily injury to another
- 20 person with a dangerous instrument; or
- 21 (c) While during confinement or in legal custody of
- 22 the Department of Correctional Services or in any county jail,
- 1 unlawfully strikes or wounds another.
- 2 (2) ~~Assault~~ Except as provided in subsection (3) of this
- 3 section, assault in the second degree shall be a Class IIIA felony.

4 (3) The minimum sentence for assault in the second degree  
 5 shall be one year if the prosecution alleges and proves beyond a  
 6 reasonable doubt that the victim was pregnant at the time of the  
 7 assault.

8 Sec. 4. Section 28-310, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 28-310 (1) A person commits the offense of assault in the  
 11 third degree if he or she

12 (a) Intentionally, knowingly, or recklessly causes bodily  
 13 injury to another person; or

14 (b) Threatens another in a menacing manner.

15 (2) ~~Assault~~ Except as provided in subsection (3) of this  
 16 section, assault in the third degree shall be a Class I misdemeanor  
 17 unless committed in a fight or scuffle entered into by mutual  
 18 consent, in which case it shall be a Class II misdemeanor.

19 (3) The minimum sentence for assault in the third degree  
 20 shall be sixty days if the prosecution alleges and proves beyond a  
 21 reasonable doubt that the victim was pregnant at the time of the  
 22 assault.

23 2. On page 1, line 1; and page 4, line 1, strike  
 24 "section" and insert "sections 28-308, 28-310, and".

25 3. On page 1, line 3; and page 4, line 2, strike "section  
 26 28-101" and insert "sections 28-101 and 28-309".

27 4. On page 1, line 4, after the first semicolon insert  
 1 "to change penalties for assault in the first, second, and third  
 2 degrees;".

3 5. On page 2, lines 3 and 6, strike "2 to 7" and insert  
 4 "5 to 10"; in lines 12, 17, and 23 after "she" insert ", during the  
 5 commission of any criminal assault on a pregnant woman,"; in lines  
 6 13, 18, and 24 strike "an" and insert "her"; and in lines 13, 19,  
 7 and 24 after the period insert "Assault on the pregnant woman and  
 8 assault on her unborn child shall be considered as separate acts or  
 9 conduct for purposes of prosecution.".

10 6. On page 3, line 14, after "child" insert "of a  
 11 pregnant woman"; and after line 25 insert the following new  
 12 subsection:

13 "(3) For the purposes of this section, unborn child shall  
 14 have the same meaning as in section 6 of this act.".

15 7. Renumber the remaining sections accordingly.

Senator Jensen filed the following amendment to LB 965:  
 AM3124

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

3 Section 1. Sections 1 to 6 of this act shall be known and  
 4 may be cited as the Long-Term Care Savings Plan Act.

5 Sec. 2. For purposes of the Long-Term Care Savings Plan  
 6 Act:

7 (1) Long-term care expense means the cost of long-term

8 care in a long-term care facility and the cost of care provided in  
9 a person's home when the person receiving the care is unable to  
10 perform multiple basic life functions independently;

11 (2) Long-term care insurance premiums means premiums paid  
12 for a long-term care insurance policy issued pursuant to the  
13 Long-Term Care Insurance Act that offers coverage to the individual  
14 or the individual's spouse;

15 (3) Participant means an individual who has entered  
16 into a participation agreement or established an account with  
17 a financial institution with which the State Treasurer has an  
18 agreement under subsection (1) of section 3 of this act; and

19 (4) Qualified individual means (a) a person who turned  
20 sixty-five years of age or older during the taxable year who has  
21 a medical necessity for long-term care during the taxable year,  
22 (b) a disabled person who has a medical necessity for long-term  
23 care during the taxable year, or (c) a person who turned sixty-two  
1 years of age or older during the taxable year who made payments for  
2 long-term care insurance premiums during the taxable year.

3 Sec. 3. (1) The Nebraska long-term care savings plan  
4 is created. The State Treasurer shall select the administrator of  
5 the plan. If the State Treasurer receives no acceptable responses  
6 to a request for proposals for an administrator for the plan by  
7 November 1, 2006, the State Treasurer may enter into agreements  
8 with state-chartered or federally chartered banks, savings banks,  
9 building and loan associations, savings and loan associations, or  
10 credit unions, or a subsidiary of any such entity, to receive  
11 contributions in the form of account deposits. The State Treasurer  
12 may adopt and promulgate rules and regulations to carry out its  
13 duties under this subsection.

14 (2) If an administrator is selected, participants shall  
15 enter into participation agreements with the State Treasurer,  
16 and if an administrator is not selected, participants may make  
17 contributions to an account with a financial institution with which  
18 the State Treasurer has an agreement under subsection (1) of this  
19 section. A lifetime maximum of one hundred sixty-five thousand  
20 dollars may be contributed by a participant. This dollar limitation  
21 shall be adjusted for inflation by the method provided in section  
22 151 of the Internal Revenue Code of 1986, as amended.

23 (3) Each participation agreement shall provide that the  
24 agreement may be canceled or transferred to a spouse upon the terms  
25 and conditions set by the State Treasurer. If the participation  
26 agreement is canceled or the Nebraska long-term care savings plan  
27 is terminated, a participant may receive the principal amount  
1 of all contributions made by the participant or on behalf  
2 of the participant plus the actual investment earnings on the  
3 contributions, less any losses incurred on the contributions. A  
4 participant shall not receive more than the fair market value  
5 of his or her account under the participation agreement on the  
6 applicable liquidation date.

7 (4) A participant retains ownership of all contributions  
8 up to the date of utilization.

9 (5) State income tax treatment of contributions and  
10 investment earnings shall be as provided in section 77-2716.

11 Sec. 4. If an administrator for the Nebraska long-term  
12 care savings plan is selected pursuant to section 3 of this act,  
13 the Nebraska long-term care savings plan trust shall be created.  
14 The State Treasurer shall be the trustee of the trust and as  
15 such responsible for the administration, operation, and maintenance  
16 of the plan and shall have all powers necessary to carry out  
17 and effectuate the purposes, objectives, and provisions of the  
18 Long-Term Care Savings Plan Act pertaining to the administration,  
19 operation, and maintenance of the trust, except that the state  
20 investment officer shall have fiduciary responsibility to make all  
21 decisions regarding the investment of the money in the trust,  
22 including the selection of all investment options and the approval  
23 of all fees and other costs charged to trust assets except  
24 costs for administration, operation, and maintenance of the trust,  
25 pursuant to the directions, guidelines, and policies established  
26 by the Nebraska Investment Council. The State Treasurer may adopt  
27 and promulgate rules and regulations to provide for the efficient  
1 administration, operation, and maintenance of the trust. The State  
2 Treasurer shall not adopt and promulgate rules and regulations  
3 that in any way interfere with the fiduciary responsibility of  
4 the state investment officer to make all decisions regarding the  
5 investment of money in the trust. The Nebraska Investment Council  
6 may adopt and promulgate rules and regulations to provide for the  
7 prudent investment of the assets of the trust. The council or its  
8 designee also has the authority to select and enter into agreements  
9 with individuals and entities to provide investment advice and  
10 management of the assets held by the trust, establish investment  
11 guidelines, objectives, and performance standards with respect to  
12 the assets held by the trust, and approve any fees, commissions,  
13 and expenses which directly or indirectly affect the return on  
14 assets.

15 Sec. 5. A qualified individual as defined in subdivision  
16 (4)(a) or (b) of section 2 of this act may make withdrawals as  
17 a participant in the Nebraska long-term care savings plan to pay  
18 or reimburse long-term care expenses. A qualified individual as  
19 defined in subdivision (4)(c) of section 2 of this act may make  
20 withdrawals to pay or reimburse long-term care insurance premiums.  
21 Any participant who is not a qualified individual or who makes  
22 a withdrawal for any reason other than transfer of funds to a  
23 spouse, long-term care expenses, long-term care insurance premiums,  
24 or death of the participant shall be subject to a ten-percent  
25 penalty on the amount withdrawn. The State Treasurer shall collect  
26 the penalty.

27 Sec. 6. The Long-Term Care Savings Plan Cash Fund is  
1 created. If an administrator is selected, a pro rata share of the

2 budget appropriated for the Nebraska long-term care savings plan  
3 management functions of the State Treasurer shall be charged to  
4 the income of each account under each participation agreement held  
5 in invested cash, and such charges shall be transferred to the  
6 Long-Term Care Savings Plan Cash Fund. The allocation of charges  
7 may be made by any method determined to be reasonably related to  
8 actual costs incurred by the State Treasurer in carrying out the  
9 Nebraska long-term care savings plan management functions under  
10 section 4 of this act. It is the intent of this section to  
11 have funds held in invested cash be charged a pro rata share  
12 of the expenses for the Nebraska long-term care savings plan  
13 management functions when this is not prohibited by statute or the  
14 Constitution of Nebraska. Any money in the Long-Term Care Savings  
15 Plan Cash Fund available for investment shall be invested by the  
16 state investment officer pursuant to the Nebraska Capital Expansion  
17 Act and the Nebraska State Funds Investment Act.

18 Sec. 7. Section 77-2716, Revised Statutes Supplement,  
19 2005, is amended to read:

20 77-2716 (1) The following adjustments to federal adjusted  
21 gross income or, for corporations and fiduciaries, federal taxable  
22 income shall be made for interest or dividends received:

23 (a) There shall be subtracted interest or dividends  
24 received by the owner of obligations of the United States and its  
25 territories and possessions or of any authority, commission, or  
26 instrumentality of the United States to the extent includable in  
27 gross income for federal income tax purposes but exempt from state  
1 income taxes under the laws of the United States;

2 (b) There shall be subtracted that portion of the  
3 total dividends and other income received from a regulated  
4 investment company which is attributable to obligations described  
5 in subdivision (a) of this subsection as reported to the recipient  
6 by the regulated investment company;

7 (c) There shall be added interest or dividends received  
8 by the owner of obligations of the District of Columbia, other  
9 states of the United States, or their political subdivisions,  
10 authorities, commissions, or instrumentalities to the extent  
11 excluded in the computation of gross income for federal income  
12 tax purposes except that such interest or dividends shall not be  
13 added if received by a corporation which is a regulated investment  
14 company;

15 (d) There shall be added that portion of the total  
16 dividends and other income received from a regulated investment  
17 company which is attributable to obligations described in  
18 subdivision (c) of this subsection and excluded for federal  
19 income tax purposes as reported to the recipient by the regulated  
20 investment company; and

21 (e)(i) Any amount subtracted under this subsection shall  
22 be reduced by any interest on indebtedness incurred to carry the  
23 obligations or securities described in this subsection or the

24 investment in the regulated investment company and by any expenses  
25 incurred in the production of interest or dividend income described  
26 in this subsection to the extent that such expenses, including  
27 amortizable bond premiums, are deductible in determining federal  
1 taxable income.

2 (ii) Any amount added under this subsection shall be  
3 reduced by any expenses incurred in the production of such income  
4 to the extent disallowed in the computation of federal taxable  
5 income.

6 (2) There shall be allowed a net operating loss derived  
7 from or connected with Nebraska sources computed under rules  
8 and regulations adopted and promulgated by the Tax Commissioner  
9 consistent, to the extent possible under the Nebraska Revenue  
10 Act of 1967, with the laws of the United States. For a resident  
11 individual, estate, or trust, the net operating loss computed  
12 on the federal income tax return shall be adjusted by the  
13 modifications contained in this section. For a nonresident  
14 individual, estate, or trust or for a partial-year resident  
15 individual, the net operating loss computed on the federal return  
16 shall be adjusted by the modifications contained in this section  
17 and any carryovers or carrybacks shall be limited to the portion of  
18 the loss derived from or connected with Nebraska sources.

19 (3) There shall be subtracted from federal adjusted gross  
20 income for all taxable years beginning on or after January 1, 1987,  
21 the amount of any state income tax refund to the extent such refund  
22 was deducted under the Internal Revenue Code, was not allowed in  
23 the computation of the tax due under the Nebraska Revenue Act of  
24 1967, and is included in federal adjusted gross income.

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

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

9 (6) There shall be subtracted from federal taxable income  
10 a portion of the income earned by a corporation subject to the  
11 Internal Revenue Code of 1986 that is actually taxed by a foreign  
12 country or one of its political subdivisions at a rate in excess  
13 of the maximum federal tax rate for corporations. The taxpayer may  
14 make the computation for each foreign country or for groups of  
15 foreign countries. The portion of the taxes that may be deducted  
16 shall be computed in the following manner:

17 (a) The amount of federal taxable income from operations  
18 within a foreign taxing jurisdiction shall be reduced by the amount

19 of taxes actually paid to the foreign jurisdiction that are not  
20 deductible solely because the foreign tax credit was elected on the  
21 federal income tax return;

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

25 (c) The result of the calculation in subdivision (b) of  
26 this subsection shall be subtracted from the amount of federal  
27 taxable income used in subdivision (a) of this subsection. The  
1 result of such calculation, if greater than zero, shall be  
2 subtracted from federal taxable income.

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

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

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

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

23 (d) Federal adjusted gross income or, for corporations  
24 and fiduciaries, federal taxable income shall be increased by  
25 the amount resulting from the cancellation of a participation  
26 agreement refunded to the taxpayer as a participant in the Nebraska  
27 educational savings plan trust to the extent previously deducted as  
1 a contribution to the trust.

2 (9)(a) For income tax returns filed after September  
3 10, 2001, federal adjusted gross income or, for corporations  
4 and fiduciaries, federal taxable income shall be increased by  
5 eighty-five percent of any amount of any federal bonus depreciation  
6 received under the federal Job Creation and Worker Assistance Act  
7 of 2002 or the federal Jobs and Growth Tax Act of 2003, under  
8 section 168(k) or section 1400L of the Internal Revenue Code of  
9 1986, as amended, for assets placed in service after September 10,  
10 2001, and before December 31, 2005.

11 (b) For a partnership, limited liability company,  
12 cooperative, including any cooperative exempt from income taxes  
13 under section 521 of the Internal Revenue Code of 1986, as amended,

14 subchapter S corporation, or joint venture, the increase shall be  
15 distributed to the partners, members, shareholders, patrons, or  
16 beneficiaries in the same manner as income is distributed for use  
17 against their income tax liabilities.

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

22 (d) The amount of bonus depreciation added to federal  
23 adjusted gross income or, for corporations and fiduciaries, federal  
24 taxable income by this subsection shall be subtracted in a  
25 later taxable year. Twenty percent of the total amount of bonus  
26 depreciation added back by this subsection for tax years beginning  
27 or deemed to begin before January 1, 2003, under the Internal  
1 Revenue Code of 1986, as amended, may be subtracted in the first  
2 taxable year beginning or deemed to begin on or after January 1,  
3 2005, under the Internal Revenue Code of 1986, as amended, and  
4 twenty percent in each of the next four following taxable years.  
5 Twenty percent of the total amount of bonus depreciation added back  
6 by this subsection for tax years beginning or deemed to begin on or  
7 after January 1, 2003, may be subtracted in the first taxable year  
8 beginning or deemed to begin on or after January 1, 2006, under the  
9 Internal Revenue Code of 1986, as amended, and twenty percent in  
10 each of the next four following taxable years.

11 (10) For taxable years beginning or deemed to begin on  
12 or after January 1, 2003, under the Internal Revenue Code of 1986,  
13 as amended, federal adjusted gross income or, for corporations  
14 and fiduciaries, federal taxable income shall be increased by the  
15 amount of any capital investment that is expensed under section  
16 179 of the Internal Revenue Code of 1986, as amended, that is in  
17 excess of twenty-five thousand dollars that is allowed under the  
18 federal Jobs and Growth Tax Act of 2003. Twenty percent of the  
19 total amount of expensing added back by this subsection for tax  
20 years beginning or deemed to begin on or after January 1, 2003,  
21 may be subtracted in the first taxable year beginning or deemed to  
22 begin on or after January 1, 2006, under the Internal Revenue Code  
23 of 1986, as amended, and twenty percent in each of the next four  
24 following tax years.

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

4 (b) Federal adjusted gross income shall be increased by  
5 the withdrawals made as a participant in the Nebraska long-term  
6 care savings plan under the act by a person who is not a qualified  
7 individual or for any reason other than transfer of funds to a  
8 spouse, long-term care expenses, long-term care insurance premiums,

9 or death of the participant, including withdrawals made by reason  
 10 of cancellation of the participation agreement or termination of  
 11 the plan, to the extent previously deducted as a contribution or as  
 12 investment earnings.

13 Sec. 8. This act becomes operative for taxable years  
 14 beginning or deemed to begin on or after January 1, 2006, under the  
 15 Internal Revenue Code of 1986, as amended.

16 Sec. 9. Original section 77-2716, Revised Statutes  
 17 Supplement, 2005, is repealed.

Senator Schrock filed the following amendments to LB 1113:

AM3114

(Amendments to Standing Committee amendments, AM2785)

- 1 1. Strike sections 13, 14, 15, 16, 17, and 18.
- 2 2. Amend the repealer, renumber remaining sections, and
- 3 correct internal references accordingly.

AM3138

(Amendments to Standing Committee amendments, AM2785)

- 1 1. Insert the following new section:
- 2 Sec. 19. (1) In addition to other powers authorized  
 3 by law, the board of directors of a natural resources district  
 4 encompassing a city of the metropolitan class may issue negotiable  
 5 bonds and refunding bonds of the district, entitled flood control  
 6 project bonds, with terms as determined appropriate by the board  
 7 of directors, payable from an annual levy upon the taxable value  
 8 of all taxable property in the district not exceeding two cents  
 9 on each one hundred dollars of taxable valuation. The proceeds  
 10 of such bonds shall be used to pay rights-of-way acquisition and  
 11 construction costs for flood control dam and reservoir projects  
 12 within the district. Any funds raised from such special levy  
 13 shall be placed in a separate sinking fund and shall be used  
 14 for retirement of such bonds. For the purpose of making partial  
 15 payments as rights-of-way acquisition and construction progresses,  
 16 the board of directors may issue warrants having terms as  
 17 determined appropriate by the board of directors, payable from  
 18 the proceeds of such bonds or from such special annual levy. The  
 19 board of directors may agree to pay fees to fiscal agents in  
 20 connection with the placement of such warrants or bonds of the  
 21 district. Such warrants and bonds shall be subject to the same  
 22 conditions as provided by section 2-3254.07 for improvement project  
 1 area bonds.
- 2 (2) Such a district may enter into cost-sharing  
 3 agreements with landowners, developers, and other cooperators in  
 4 connection with such dam and reservoir projects, such agreements to  
 5 contain such terms and conditions as the board of directors, after  
 6 a public hearing, determines reasonable and in the public interest.
- 7 (3) In such a district's acquisition of rights-of-way  
 8 for flood control dam and reservoir projects, the amount of any

9 increase in the fair market value of a landowner's remainder  
 10 resulting from the proximity of the reservoir, or resulting from  
 11 the landowner's retention of direct access to the reservoir for  
 12 recreational purposes or retention of other benefits not enjoyed by  
 13 the public at large, shall offset severance damages in such amount  
 14 due to the landowner from the acquisition of such rights-of-way.

15 (4) The board of directors may determine that offsetting  
 16 benefits retained by landowners are only incidental and that such  
 17 flood control dam and reservoir are of general benefit to a  
 18 district and may be carried out with any funds of the district.

19 2. Renumber the remaining sections and correct internal  
 20 references and the repealer accordingly.

## AM3120

(Amendments to Standing Committee amendments, AM2785)

1 1. Strike section 14 and insert the following new  
 2 section:

3 Sec. 14. (1) A district shall permit public use of  
 4 those portions of a water project located on lands owned by  
 5 the district and on land over which the district has a lease  
 6 or an easement permitting use thereof for public recreational  
 7 purposes. All recreational users of such portions of a water  
 8 project shall abide by the applicable rules and regulations adopted  
 9 and promulgated by the board.

10 (2) For purposes of this section water project means  
 11 a project with cooperators or others, as authorized in section  
 12 2-3235, that results in construction of a reservoir or other body  
 13 of water having a permanent pool suitable for recreational purposes  
 14 greater than one hundred fifty surface acres, the construction of  
 15 which commenced after the effective date of this act. Water project  
 16 shall not mean soil conservation projects, wetlands projects, or  
 17 other district projects with cooperators or others that do not have  
 18 a recreational purpose.

19 2. On page 7, line 11, after "owns" insert "land or has  
 20 a lease or an easement permitting the use of land for public";  
 21 strike from the second comma through "for" in line 12 and show as  
 22 stricken; in line 13 strike the first "and" and show as stricken;

1 strike "unless" in line 15 through the period in line 16, show  
 2 as stricken and insert an underscored period; and strike "shall"  
 3 in line 18 through "purposes" in line 20, show as stricken, and  
 4 insert "means land owned by the district or over which a district  
 5 has a lease or an easement permitting the use thereof for public  
 6 recreational purposes which the board authorizes to be used for  
 7 such purposes.".

8 3. On page 9, lines 8 through 13, strike the new matter  
 9 and insert "The city or village shall provide for and permit public  
 10 use of the recreational portions of a water project as defined in  
 11 section 14 of this act, on lands owned by the city or village and  
 12 on lands over which the city or village has a lease or an easement

13 permitting the use thereof for public recreational purposes. All  
 14 users of the recreational portions of a city or village water  
 15 project shall abide by the applicable rules and regulations adopted  
 16 and promulgated by the city or village."

AM3117

(Amendments to Standing Committee amendments, AM2785)

1 1. On page 6, line 27, strike "one" and insert "two".

AM3115

(Amendments to Standing Committee amendments, AM2785)

1 1. On page 6, line 18, after the period insert "Any  
 2 contract between one or more private residential or commercial  
 3 developers and a natural resources district that involves the  
 4 building of a water project shall contain a clause that requires  
 5 the provision of reasonable public access for recreational use at  
 6 access points designated by the natural resources district."

AM3118

(Amendments to Standing Committee amendments, AM2785)

1 1. On page 6, line 18, after the period insert "Such  
 2 access points shall provide reasonable access to the water project  
 3 without interfering with the right of protection against trespass  
 4 of the private property owners adjacent to the water project."

AM3135

(Amendments to Standing Committee amendments, AM2785)

1 1. Strike sections 13, 14, 15, 16, 17, and 18 and insert  
 2 the following new section:  
 3 Sec. 13. (1) The Flood Control and Recreation Project  
 4 Funding Task Force is created. The members shall be appointed as  
 5 follows:  
 6 (a) Three members appointed by the Executive Board of the  
 7 Legislative Council;  
 8 (b) Three members appointed by the Judiciary Committee of  
 9 the Legislature;  
 10 (c) Three members appointed by the Natural Resources  
 11 Committee of the Legislature;  
 12 (d) Three members appointed by the Appropriations  
 13 Committee of the Legislature;  
 14 (e) One member appointed by the Game and Parks  
 15 Commission;  
 16 (f) One member appointed by the Director of Natural  
 17 Resources;  
 18 (g) Three natural resources district representatives  
 19 appointed by the Governor;  
 20 (h) Three landowner representatives appointed by the  
 21 Governor;  
 22 (i) One member of the investment banking community

- 1 appointed by the Governor; and  
2 (j) One member of the real estate development community  
3 appointed by the Governor.  
4 (2) Appointments under this section shall be completed  
5 within thirty days after the effective date of this act and  
6 reported to the Executive Board of the Legislative Council. The  
7 chairperson of the Executive Board shall convene the first meeting  
8 of the task force within forty-five days after the appointments are  
9 reported, and the task force shall select a chairperson at such  
10 time.  
11 (3) Issues to be studied by the task force shall include,  
12 but not be limited to:  
13 (a) The availability of sites for necessary flood control  
14 dams and reservoirs in developing areas;  
15 (b) The desirability of mandating that flood control dams  
16 and reservoirs provide for public recreational access, including  
17 access on lands owned by the private sector, the existing methods  
18 of financing the additional land rights acquisition, and the  
19 related construction, operation and maintenance costs that may  
20 result from such a mandate;  
21 (c) The existing methods of publicly financing the costs  
22 of necessary flood control dams and reservoirs, including the  
23 adequacy of allocations from the Nebraska Resources Development  
24 Fund and reliance upon current revenue from local property  
25 taxation;  
26 (d) The need for long-term financing of necessary flood  
27 control dams and reservoirs;  
1 (e) The utilization of agreements with and cooperation  
2 of developers and other landowners to minimize the public cost of  
3 flood control dams and reservoirs; and  
4 (f) The adequacy of existing methods of providing  
5 protection of the private property rights of adjoining landowners  
6 and those affected by flood control dams and reservoirs.  
7 (4) The task force shall study the issues described in  
8 subsection (3) of this section, identify options for the resolution  
9 of such issues, and make recommendations to the Legislature and  
10 the Governor relating to any policy changes the task force deems  
11 desirable. The task force shall complete its work by January 1,  
12 2006, and submit its report to the Legislature, the Governor,  
13 the Natural Resources Committee of the Legislature, the Judiciary  
14 Committee of the Legislature, and the Appropriations Committee of  
15 the Legislature by such date.  
16 (5) This section terminates on December 1, 2006.  
17 2. Renumber the remaining sections and correct internal  
18 references and the repealer accordingly.

AM3116

(Amendments to Standing Committee amendments, AM2785)

- 1 1. On page 9, strike from "The" in line 11 through  
 2 "property." in line 13.

AM3119

(Amendments to Standing Committee amendments, AM2785)

- 1 1. On page 6, line 16, strike "The" and insert "(a)  
 2 Except as otherwise provided in subdivision (b) of this subsection,  
 3 the"; and after line 23 insert the following:  
 4 "(b) No public access shall be required for any water  
 5 project built pursuant to contract requirements between a private  
 6 developer and a natural resources district wherein the natural  
 7 resources district's portion of the cost of the water project  
 8 consists solely of providing flood control.".

## GENERAL FILE

**LEGISLATIVE BILL 1024.** Senators Bourne and Connealy offered the following amendment to the Standing Committee amendment:

AM3128

(Amendments to Standing Committee amendments, AM2687)

- 1 1. Insert the following new section:  
 2 Sec. 114. This act is a complete act and its provisions  
 3 inseverable. If any provision is declared unconstitutional, the  
 4 entire act is invalid.  
 5 2. Renumber the remaining sections accordingly.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?"

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

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Bourne-Connealy amendment was adopted with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

## 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 808 with 35 ayes, 2 nays, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 808.** With Emergency.

A BILL FOR AN ACT relating to government; to amend sections 18-2148, 18-2149, 19-2428, 23-2517, 23-2519, 23-2520, 23-2522, 23-2524, 23-2525, 23-2526, 23-2527, 23-2531, 23-2533, 23-3209, 77-801.01, 77-1359, 77-1843, 77-5009, and 77-5029, Reissue Revised Statutes of Nebraska, sections 18-2117.01, 18-2147, 23-114.03, 23-2518, 23-3202, 77-422, 77-1343, 77-1345, 77-1348, 77-1363, 77-5022, and 77-5023, Revised Statutes Cumulative Supplement, 2004, and sections 77-201, 77-1344, 77-1345.01, 77-1347, 77-1355, 77-1502, 77-1504, 77-1507, 77-5019, and 79-1016, Revised Statutes Supplement, 2005; to define and redefine terms; to change and eliminate provisions relating to tax-increment financing, county zoning regulations, county civil service provisions, assessment and assessors, agricultural and horticultural land classification and valuation, and proceedings of county boards of equalization and the Tax Equalization and Review Commission; to eliminate a penalty relating to county assessors; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-1360.01, 77-1361, 77-1362, 77-1515, and 77-1613.03, 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, 43:

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

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith
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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 bill was read and put upon final passage:

**LEGISLATIVE BILL 819.**

A BILL FOR AN ACT relating to real estate; to amend sections 81-885.07, 81-885.17, and 81-885.20, Reissue Revised Statutes of Nebraska; to change the membership of the State Real Estate Commission to reflect the current congressional districts; to change procedures relating to licenses; to change provisions relating to the Nebraska Real Estate License Act; 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	Cudaback	Howard	Langemeier	Redfield
Baker	Cunningham	Hudkins	Louden	Schimek
Beutler	Engel	Janssen	Mines	Schrock
Bourne	Erdman	Jensen	Pahls	Stuhr
Brashear	Fischer	Johnson	Pedersen, Dw.	Stuthman
Brown	Flood	Kopplin	Pederson, D.	Synowiecki
Burling	Foley	Kremer	Preister	Thompson
Combs	Friend	Kruse	Price	Wehrbein
Connealy	Heidemann	Landis	Raikes	

Voting in the negative, 0.

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith
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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 856 with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 856.**

A BILL FOR AN ACT relating to animals; to amend sections 2-3006, 2-3007, 54-625, 54-627, 54-633, 54-701.03, 54-703, 54-704, 54-705, 54-750, 54-751, 54-752, 54-753, 54-2601, and 54-2603, Reissue Revised Statutes of Nebraska, and sections 2-3002, 2-3003, 2-3005, 28-1008, and 28-1018, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to the Nebraska Poultry Disease Control Act; to regulate exotic animal auctions and swap meets as prescribed; to change prohibited acts relating to animals; to change provisions relating to diseased animals; to define and redefine terms; to change provisions of the Commercial Dog and Cat Operator Inspection Act; to provide powers for the Department of Agriculture; to change provisions relating to the Competitive Livestock Markets Act; to change and provide penalties; to authorize a livestock premises and animal identification system as prescribed; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith
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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 856A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 856, 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, 42:

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

Voting in the negative, 0.

Present and not voting, 2:

Beutler            Kruse

Excused and not voting, 5:

Byars            Chambers            Cornett            McDonald            Smith

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

### **LEGISLATIVE BILL 898.**

A BILL FOR AN ACT relating to the Open Meetings Act; to amend sections 84-1410, 84-1411, 84-1412, and 84-1414, Revised Statutes Cumulative Supplement, 2004; to change provisions relating to closed sessions; to provide for detailed agendas; to change provisions relating to public bodies; 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, 41:

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

Voting in the negative, 0.

Present and not voting, 3:

Brashear      Burling      Stuthman

Excused and not voting, 5:

Byars      Chambers      Cornett      McDonald      Smith

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

### **LEGISLATIVE BILL 904.**

A BILL FOR AN ACT relating to street and road funds; to amend sections 39-2401, 39-2510, 39-2520, and 77-27,132, Reissue Revised Statutes of Nebraska; to change provisions relating to proceeds credited to and distributions from the Highway Allocation Fund; to require use of certain sales and use tax revenue for street and road purposes; 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, 38:

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

Voting in the negative, 4:

Johnson      Raikes      Redfield      Thompson

Present and not voting, 2:

Brashear      Preister

Excused and not voting, 5:

Byars      Chambers      Cornett      McDonald      Smith

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 956 with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 956.**

A BILL FOR AN ACT relating to the Legislature; to amend sections 50-401.01, 50-1203, 50-1204, 50-1205, 50-1206, 50-1207, 50-1208, 50-1210, and 50-1211, Reissue Revised Statutes of Nebraska, and section 77-27,119, Revised Statutes Supplement, 2005, as amended by section 9, Legislative Bill 588, Ninety-ninth Legislature, Second Session, 2005; to establish the office of Legislative Audit and Research; to provide for appointment of a Legislative Auditor; to change provisions of the Legislative Performance Audit Act; to eliminate obsolete language; 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, 40:

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

Voting in the negative, 0.

Present and not voting, 4:

Brashear	Engel	Pedersen, Dw.	Pederson, D.
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Excused and not voting, 5:

Byars	Chambers	Cornett	McDonald	Smith
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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 956A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 956, 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, 42:

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

Voting in the negative, 0.

Present and not voting, 2:

Pedersen, Dw. Pederson, D.

Excused and not voting, 5:

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

**LEGISLATIVE BILL 962.**

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-957, Reissue Revised Statutes of Nebraska, sections 71-5663, 71-5668, 85-1416, and 85-1903, Revised Statutes Cumulative Supplement, 2004, and section 71-17,112, Revised Statutes Supplement, 2005; to change provisions relating to the Nursing Faculty Student Loan Cash Fund, the Rural Health Systems and Professional Incentive Act, Peru State College, the Coordinating Commission for Postsecondary Education Act, and student financial awards; to state findings regarding postsecondary education; to provide for a report regarding postsecondary education priorities; and to repeal the original sections.

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

Voting in the affirmative, 39:

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

Voting in the negative, 1:

Redfield

Present and not voting, 4:

Baker	Burling	Kremer	Raikes
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Excused and not voting, 5:

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

### **LEGISLATIVE BILL 962A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 962, 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, 33:

Aguilar	Engel	Jensen	Pahls	Schrock
Brashear	Flood	Johnson	Pedersen, Dw.	Stuhr
Brown	Foley	Kopplin	Pederson, D.	Synowiecki
Combs	Heidemann	Kruse	Preister	Thompson
Connealy	Howard	Landis	Price	Wehrbein
Cudaback	Hudkins	Louden	Raikes	
Cunningham	Janssen	Mines	Schimek	

Voting in the negative, 3:

Erdman            Langemeier    Redfield

Present and not voting, 8:

Baker	Bourne	Fischer	Kremer
Beutler	Burling	Friend	Stuthman

Excused and not voting, 5:

Byars            Chambers    Cornett            McDonald    Smith

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

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 994.** With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 43-522, 43-524, 43-2505, 43-2507, 43-2508, 43-2509, 43-2510, 43-2512, 43-2606, 43-3401, 43-3402, 68-1204, 68-1205, 68-1206, 68-1402, 68-1403, 68-1405, 68-1503, 68-1514, 68-1521, 68-1522, 68-1523, 68-1713, 68-1721, 71-193.01, 71-193.02, 71-193.03, 71-2225, 71-2803, 71-2804, 71-2807, 71-2810, 71-3515.01, 71-3515.02, 71-3516, 71-7401, 71-7402, 71-7403, 71-7404, 71-7405, 71-7406, 71-7407, 71-7408, 71-7409, 71-7410, 71-7411, 71-7412, 71-7413, 71-7416, 71-7417, 71-7420, 71-7422, 71-7423, 71-7424, 71-7425, 71-7426, 79-1902, 80-315, 81-647, 81-668, 81-671, 81-3007.01, and 83-107.01, Reissue Revised Statutes of Nebraska, sections 20-162, 28-356, 28-372, 28-380, 71-113, 71-162, 71-612, 71-617.15, 71-627, 71-628, 71-634, 71-801, 71-802, 71-814, 71-1910, 71-1911, 71-1911.02, 71-1914, 71-1916, 81-1316, 81-3008, and 81-3009, Revised Statutes Cumulative Supplement, 2004, and sections 68-1021.01, 71-101, 71-1,104.01, 71-815, 71-816, 71-1721, 71-3503, and 71-3519, Revised Statutes Supplement, 2005; to define and redefine terms; to change, eliminate, and transfer provisions relating to the Wholesale Drug Distributor Licensing Act and physical therapy; to adopt the Rural Behavioral Health Training and Placement Program Act, the Immunosuppressant Drug Repository Program Act, and the Physical Therapy Practice Act; to adopt federal law by reference; to change provisions relating to child care regulation and welfare reform; to change membership on the Board of Veterinary Medicine and Surgery; to change the name of the Division of

Dental Health; to transfer powers and duties to the Department of Health and Human Services Finance and Support relating to home and community-based services for the elderly and children with disabilities, medically handicapped children, early intervention services for children and families, respite lifespan services, and adult protective services; to change provisions relating to fees for vital records, nurse practitioners, food programs, medical records, health information, and veterans' homes; to change and eliminate provisions relating to the Nebraska Behavioral Health Services Act and the Radiation Control Act; to provide an exemption from the State Personnel System; to create the position of system chief administrative officer for the Nebraska Health and Human Services System; to eliminate the position of Policy Secretary and the State Behavioral Health Council; to state intent and provide powers and duties relating to sudden infant death syndrome and shaken baby syndrome; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-2801, 71-2802, 71-2803.01, 71-2805, 71-2808, 71-2809, 71-2811, 71-2812, 71-2814, 71-2815, 71-2816, 71-2817, 71-2819, 71-2820, 71-2821, 71-2822, 71-2823, 71-7414, 71-7415, 71-7418, 71-7419, and 71-7421, Reissue Revised Statutes of Nebraska, sections 71-819, 71-820, and 71-1917, Revised Statutes Cumulative Supplement, 2004, and section 71-813, Revised Statutes Supplement, 2005; and to declare an emergency.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 1:

Howard

Excused and not voting, 4:

Byars	Cornett	McDonald	Smith
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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 994A.** With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, Ninety-ninth Legislature, Second Session, 2006; to reduce appropriations; 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:

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

Voting in the negative, 0.

Present and not voting, 4:

Aguilar	Beutler	Brashear	Howard
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Excused and not voting, 4:

Byars	Cornett	McDonald	Smith
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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 1010.**

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,230, 77-27,231, 77-27,232, and 77-27,233, Revised Statutes Supplement, 2005; to permit a taxpayer to receive both a charitable deduction and a charitable endowment tax credit; to reduce the amount of the credit allowed; 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, 39:

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

Voting in the negative, 3:

Chambers	Raikes	Redfield
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Present and not voting, 3:

Brashear	Fischer	Stuthman
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Excused and not voting, 4:

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

**LEGISLATIVE BILL 1038.**

A BILL FOR AN ACT relating to the Nebraska State Fairgrounds; to amend section 81-1108.33, Reissue Revised Statutes of Nebraska; to provide for review and approval of certain leases and agreements; to harmonize provisions; 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, 41:

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

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Connealy	Hudkins	Johnson
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Excused and not voting, 4:

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

#### **LEGISLATIVE BILL 1107.**

A BILL FOR AN ACT relating to schools; to provide for student self-management of diabetes at school and school-related activities.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

**LEGISLATIVE BILL 1189.** With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Cumulative Supplement, 2004, and sections 77-2701, 77-2701.04, 77-2701.47, and 77-2704.12, Revised Statutes Supplement, 2005; to provide, change, and eliminate sales and use tax exemptions relating to molds and dies and purchases by museums, housing agencies, and certain organizations serving persons with developmental disabilities as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 5, Legislative Bill 968, Ninety-ninth Legislature, Second Session, 2006; and to declare an emergency.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Present and not voting, 2:

Connealy      Jensen

Excused and not voting, 4:

Byars              Cornett              McDonald              Smith

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 1189A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1189, 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, 42:

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

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Chambers	Kruse
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Excused and not voting, 4:

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

### **RESOLUTION ON FINAL READING**

The following resolution was read and put upon final passage:

#### **LEGISLATIVE RESOLUTION 259CA.**

THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2006 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3)(a) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for the following purposes, as directed by the Legislature:

(i) The first ~~five hundred thousand~~ one million dollars after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund;

(ii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act;

(iii) Forty-four and one-half percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be used for education as the Legislature may direct;

(iv) Ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Nebraska State Fair Board if the most populous city within the county in which the fair is located provides matching funds equivalent to ten percent of the funds available for transfer. Such matching funds may be obtained from the city and any other private or public entity, except that no portion of such matching funds shall be provided by the state. If the Nebraska State Fair ceases operations, ten percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the General Fund; and

(v) One percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the Compulsive Gamblers Assistance Fund shall be transferred to the Compulsive Gamblers Assistance Fund.

(b) No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to increase the amount of state lottery proceeds to be distributed to the Compulsive Gamblers Assistance Fund.

For

Against.

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

Voting in the affirmative, 38:

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

Voting in the negative, 2:

Louden            Redfield

Present and not voting, 5:

Bourne            Burling            Janssen            Raikes            Synowiecki

Excused and not voting, 4:

Byars            Cornett            McDonald            Smith

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

**SPEAKER BRASHEAR PRESIDING**

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 808, 819, 856, 856A, 898, 904, 956, 956A, 962, 962A, 994, 994A, 1010, 1038, 1107, 1189, 1189A, and LR 259CA.

**SELECT COMMITTEE REPORT**  
**Enrollment and Review**

**LEGISLATIVE BILL 1105.** Placed on Select File as amended.  
(E & R amendment, AM7222, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Michael Flood, Chairperson

**AMENDMENTS - Print in Journal**

Senator Jensen filed the following amendment to LB 1148:  
AM3085

(Amendments to Final Reading copy)

- 1     1. On page 4, line 3, strike "necessary" and insert  
2     "prescription" and after "anaphylaxis" insert "medication or  
3     related".

Senator Raikes filed the following amendment to LB 1024:  
AM3145

- 1     1. In the Raikes amendment, AM3065:  
2     a. On page 2, line 26, after the last quotation mark  
3     insert "(1)"; and  
4     b. On page 3, line 2, after "adopt" insert "and  
5     implement"; and in line 4 after the underscored period insert  
6     "The integration and diversity plan shall include participation  
7     standards for member school districts. If in any year a member  
8     school district fails to meet the participation standards, the  
9     learning community coordinating council shall inform the district  
10    and advise the district as to the actions necessary for the  
11    district to meet such standards. If a member school district  
12    fails to meet the participation standards for two consecutive  
13    years, the learning community coordinating council shall submit a  
14    plan to dissolve such district pursuant to the Learning Community  
15    Reorganization Act.  
16    (2)".  
17    2. In the Standing Committee amendments, AM2687:  
18    a. On page 43, line 11, after "boards" insert ", except  
19    that approval shall not be required by any school board for  
20    dissolutions required pursuant to section 112 of this act"; and in  
21    line 20 after "district" insert ", if required,".  
22    3. On page 151, line 2, strike "and"; and in line 4 after  
23    "Act" insert "; and  
1     (9) Upon recommendation of the integration task force  
2     for the learning community, adopt and implement an integration and  
3     diversity plan".

Senator Connealy filed the following amendment to LR 272CA:  
AM3147

(Amendments to Standing Committee amendments, AM2184)

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

3 Section 1. At the general election in November 2006 the  
4 following proposed amendment to the Constitution of Nebraska shall  
5 be submitted to the electors of the State of Nebraska for approval  
6 or rejection:

7 To amend Article VIII, section 12:

8 VIII-12 (1) For the purpose of developing,  
9 rehabilitating, acquiring, or redeveloping ~~substandard and blighted~~  
10 ~~property in a redevelopment project as determined by law, property,~~  
11 the Legislature may by general law authorize any city or village  
12 of the state may, notwithstanding any other provision in the  
13 Constitution, and without regard to charter limitations and  
14 restrictions, within its corporate boundaries or within the area in  
15 which it exercises planning, zoning, and code enforcement authority  
16 or any county to incur indebtedness, whether by bond, loans, notes,  
17 advance of money, or otherwise, notwithstanding any other provision  
18 in this Constitution and without regard to charter limitations  
19 and restrictions. Notwithstanding

20 (2) Except as provided in subsection (3) of this section  
21 and notwithstanding any other provision in the this Constitution  
22 or a local charter, such cities, ~~or~~ villages, or counties may  
1 also pledge for and apply to the payment of the principal,  
2 interest, and any premium on such indebtedness all taxes levied  
3 by all taxing bodies, which taxes shall be at such rate for a  
4 period not to exceed fifteen years, on the assessed valuation  
5 of the property ~~in the project area portion of a designated~~  
6 ~~blighted and substandard area~~ that is in excess of the assessed  
7 valuation of such property for the year prior to such development,  
8 rehabilitation, acquisition, or redevelopment.

9 (3) Notwithstanding any other provision in this  
10 Constitution, the Legislature may provide that the limitation  
11 to a period of fifteen years on the collection of all taxes  
12 levied on the excess value of property collected for the payment  
13 of the indebtedness incurred for the purpose of developing,  
14 rehabilitating, acquiring, or redeveloping such property may be  
15 extended to a period not to exceed thirty years if more than  
16 one-half of the property by area within the project area is owned  
17 by the State of Nebraska and if the indebtedness to be incurred for  
18 the development, rehabilitation, acquisition, or redevelopment of  
19 such property cannot be reasonably financed within fifteen years.

20 (4) When such indebtedness and the interest thereon have  
21 been paid in full, such property thereafter shall be taxed as  
22 is other property in the respective taxing jurisdictions and such  
23 taxes applied as all other taxes of the respective taxing bodies.

24 Sec. 2. The proposed amendment shall be submitted to the

25 electors in the manner prescribed by the Constitution of Nebraska,  
 26 Article XVI, section 1, with the following ballot language:

27 A constitutional amendment to remove a requirement that  
 1 property be substandard and blighted for purposes of  
 2 rehabilitating, acquiring, or redeveloping such property  
 3 through use of public debt or special property tax  
 4 treatment, to add development as a purpose for use of  
 5 the constitutional provision authorizing public debt and  
 6 special property tax treatment, to permit counties and  
 7 cities and villages outside their corporate boundaries  
 8 to use such constitutional provision, and to authorize  
 9 the Legislature to extend the term of such special tax  
 10 treatment from fifteen to thirty years.  
 11 For  
 12 Against.

Senator Jensen filed the following amendment to LB 1248:  
 AM3146

(Amendments to Standing Committee amendments, AM2831)

1 1. On page 6, line 17, strike "committee" and insert  
 2 "Legislature"; in line 22 strike "committee or the"; and strike  
 3 beginning with "committee" in line 25 through "the" in line 26.  
 4 2. On page 7, line 4, strike "committee or the"; strike  
 5 beginning with "The" in line 5 through "(5)" in line 14; and in  
 6 line 15 strike "annually" and insert "biennially".  
 7 3. On page 13, line 22, strike ", prioritizing,".  
 8 4. On page 14, after line 11 insert the following new  
 9 subsection:  
 10 "(4) Except as otherwise provided in this subsection,  
 11 proposed rules and regulations under this section relating to the  
 12 establishment of premiums, copayments, or deductibles for eligible  
 13 recipients or limits on the amount, duration, or scope of covered  
 14 services for eligible recipients shall not become effective until  
 15 there has been an opportunity for legislative consideration of such  
 16 rules and regulations during a regular session of the Legislature.  
 17 This subsection does not apply to rules and regulations that are  
 18 required by federal or state law or proposed due to a loss of  
 19 federal matching funds. Legislative consideration includes, but is  
 20 not limited to, the introduction of a legislative bill, legislative  
 21 resolution, or amendment to pending legislation relating to such  
 22 rules and regulations.".

Senator Kruse filed the following amendment to LB 1024:  
 FA674

Amendment to AM2687  
 Strike Sections 44 through Section 115.

**MOTION - Print in Journal**

Senator Raikes filed the following motion to LB 1024:

Suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 1024 without further amendment, motion, or debate.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Thompson asked unanimous consent to add her name as cointroducer to LB 994. No objections. So ordered.

Senator Brashear asked unanimous consent to add his name as cointroducer to LB 1006. No objections. So ordered.

**WITHDRAW - Cointroducers**

Senator Bourne withdrew "Bourne at the request of the Governor" as introducers to LB 1006.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Bourne asked unanimous consent to add his name as cointroducer to LB 1006. No objections. So ordered.

Senator Price asked unanimous consent to add her name as cointroducer to LB 1107. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were FFA students from Bloomfield, Laurel, and Hartington; Ashley King and Ashley Nelson from Newman Grove; Yu Yamamoto from Japan; 51 fourth-grade students and teachers from Sacred Heart School, Norfolk; 7 R.N. students and instructor from Creighton University, Omaha; 17 fourth-grade students and teacher from Humphrey; 25 fifth-grade students and teacher from Christ the King School, Omaha; Jan Quinley, Eleshia Teet, Jessica Bray, Mary Raynovich, Abra Poindexter, and Eliga Ali from Omaha; 37 eighth-grade students and teachers from Lexington; Senator Dwite Pedersen's daughter, son-in-law, and grandchildren, Michaela, Emanuel, Chalie, Cameron, Caleb Dwite, and Clayton Jackson from Omaha; 96 fourth-grade students and teacher from St. Wenceslaus School, Omaha; 29 fourth-grade students and teachers from Arapahoe; 15 fourth-grade students and teacher from Pleasanton; 37 fourth-grade students and teacher from Pierce; and 6 students and sponsors from Winnebago.

The Doctor of the Day was Dr. Jim Van Delden from Hubbard.

**ADJOURNMENT**

At 2:42 p.m., on a motion by Senator Friend, the Legislature adjourned until 10:00 a.m., Monday, April 10, 2006.

Patrick J. O'Donnell  
Clerk of the Legislature

